JOURNAL

OF

THE SEVENTH SESSION

OF

The Assembly of the State of California,

BEGUN ON

THE SEVENTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SIX, AND ENDED ON THE TWENTY-FIRST DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SIX, AT THE CITY OF SACRAMENTO

Published by Authority.

SACRAMENTO:
JAMES ALLEN, STATE PRINTER
.....
1856.

JOURNAL

OF THE

PROCEEDINGS OF THE ASSEMBLY.

JOURNAL OF THE ASSEMBLY.

MONDAY, January 7, 1856.

According to the requirements of the Constitution, the Assembly was called to order at 12 o'clock, M., by the late Chief Clerk.

On motion of Mr. Winston, Mr. Peck was chosen Speaker, *pro tem.*

The roll was called, and the following members appeared, and were qualified:

When the name of Mr. Castro was called, Mr. Walter Murry presented the following protest against Mr. Castro taking his seat as a member from the County of San Luis Obispo:

Walter Murry,
vs
Manuel Antonio Castro.

Whereas, Manuel Antonio Castro has obtained a certificate of election from the County Clerk of San Luis Obispo to the office of Representative from said county, and has appeared to claim a seat in the present session of this Asembly;

And whereas, the said Manuel Antonio Castro was not legally elected to represent said county, not having received a majority of the legal votes polled at the late election held therein, and furthermore is entirely disqualified from holding said office, for the reason that he has never acquired a six-months' residence in said county, as required by law:

And whereas, the undersigned did, at such election, receive such majority of legal votes, and was, therefore, legally elected to fill the office of Representative from the said county of San Luis Obispo:

And whereas, the undersigned has duly filed the necessary statement of the grounds of his contest, notice of which, with a copy thereof, has been duly served upon the said Manuel Antonio Castro, and evidence has been taken therein before a commission of Justices of the Peace of the said County, duly appointed for that purpose; the original documents in the said contested case being now on file in the office of the Secretary of State:

Now, therefore, the undersigned most solemnly protests against the admission of the said Manuel Antonio Castro to take the oath of office, or to fulfil the duties of Representative from said County of San Luis Obispo, until this honorable House

shall ascertain in due course, and in conformity to law, to whom the seat in sai House from said County of right belongs.

(Signed,)

WALTER MURRY.

ASSEMBLY CHAMBER, January 7, 1856.

On motion of Mr. Farley, the protest was laid on the table.

The followiug members then took the oath of office :

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Bowe, Brent, Brunton, Brush, Bynum, Cartter, Castro, Callbreath, Cone, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, Ewalt, Farley, Gage, Gaston, George, Grap, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Hunt, Hunter, Kendrick, Kelly, Lamon, Leihy. Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Taliaferro, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, and Wohler.

Mr. Oxley moved to adjourn until to-morrow, at 10 o'clock, A. M.
Mr. Taliaferro moved to amend, so as to adjourn until the 9th, at 10 o'clock, A.M.
Amendment lost.
The House then adjourned until 10 o'clock, A, M., to-morrow.

IN ASSEMBLY.

TUESDAY, January 8, 1856.

House met pursuant to adjournment.
Mr. Peck in the chair.
Roll was called.
Messrs. Coombs and Covarrubias absent.
Journal of yesterday read and approved.

Mr. Hunt offered the following resolution :

Resolved, That in honor of the ever-glorious battle of New Orleans, fought on the eighth of January. and in honor of the ever-memorable name of ANDREW JACKSON, the hero of that day, this House do now adjourn until 10 o'clock, A. M., to-morrow.

Mr. Upton moved a division of the question.
The Chair decided the motion out of order.

Mr. McFarland moved the previous question.
Sustained.
The question then recurred upon the adoption of the resolution.
Upon which Messrs. George, Hunt, and Hawes, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Boring, Brent, Brush, Bynum, Cartter, Callbreath, Downey, Ewalt, George, Gray, Hawes, Holland, Hunt, Kendrick, Lewis, Lippincott, Meloney, Moulthorp, Pearson, Sherrard, Swan, Taliaferro, and Wohler—24.

NOES.

Messrs. Andrews, Batchelder, Bell, Borland, Bowe, Brunton, Castro, Cone, Curtis, Davis, Dick, Dustin, Gage, Gaston, Haile, Heald, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Stephenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, and Winston,—51.

Messrs. Sharp, Hoover and Dick, appeared, and were qualified.

Mr. Winston moved that the Assembly proceed to election of Speaker.
Adopted.
Mr. Winston nominated J. T. Farley, of Amador.
Mr. Brent nominated T. W. Taliaferro, of Calaveras.
The Assembly proceeded to vote with the following result:

Those who voted for Mr. Farley, were—

Messrs. Andrews, Batchelder, Bell, Borland, Bowe, Brunton, Brush, Cartter, Castro, Cone, Curtis, Davis, Dick, Dustin, Gage, Gaston, Haile, Heald, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, Blackburn —55.

Those who voted for Mr. Taliaferro were—

Messrs. Beatty, Boring, Brent, Bynum, Callbreath, Downey, Ewalt, George, Gray, Hawes, Holland, Hunt, Kendrick, Lewis, Lippincott, Meloney, Moulthorp, Pearson, Sharp, Swan, and Wohler—21.

Mr. Farley voted for Mr. Peck.

Mr. Taliaferro voted for Mr. Hunt.

Mr. Farley was declared elected.

Mr. Taliaferro moved that a committee of two be appointed to wait on Mr. Farley, and conduct him to the chair.

Messrs. Taliaferro and Winston were appointed.

Mr. Farley appeared, was qualified, and took his seat as Speaker of the Assembly.

On motion, the House proceeded to the election of Chief Clerk.

Messrs. J. M. Anderson and Frank Hastings were placed in nomination.

The following vote was taken—

For Anderson,	53
Hastings,	24

The Speaker announced the vote, and declared J. M. Anderson elected.

Messrs. A. M. Hayden and J. Betts were nominated for Assistant Clerk.

The vote was taken, with the following result :

For Hayden,	53
Betts,	22

Mr. Hayden was declared elected.

Messrs. E. Gates and J. Hawkins were put in nomination for Sergeant-at-Arms:
Mr. Gates received 48 votes, and Mr. Hawkins, 22.
Mr. Gates was declared elected.

Messrs. Joseph Powell and William McNair were nominated for Enrolling Clerk:
Mr. Powell received 51 votes, and Mr. McNair, 23.
Mr. Powell was declared elected.

Messrs. T. Moreland and B. D. Hyam were nominated for Engrossing Clerk:
Mr. Moreland received 47 votes, and Mr. Hyam, 21.
Mr. Moreland was declared elected.

Messrs. J. D. G. Quirk and J Stockwell were nominated for Doorkeeper.
Mr. Quirk received 52 votes, and Mr. Stockwell, 20.
Mr. Quirk was declared elected.

Messrs. Anderson, Gates, Powell, Moreland, and Quirk, appeared, and were duly qualified.

The Speaker announced that the Assembly was fully organized.

Mr. Cartter presented the following resolution :

Resolved, As a testimonial of our respect and reverence for the name and deeds of ANDREW JACKSON, and those fearless few who have made for this day a page in our nation's history, that we will, in the future, as we have done in the past, ever preserve in our hearts an altar sacred to their memory, to which we will bring, as our annual offerings, admiration for their bravery, love for their patriotism, and blessings for the inheritance they nobly fought to defend.

Adopted.

Mr. Rhodes moved to adjourn until to-morrow, at 11 o'clock, A. M.
Mr. Lamon moved to adjourn until 10 o'clock.
Carried.

The House adjourned until to-morrow, at 10 o'clock, A. M.

IN ASSEMBLY.

WEDNESDAY, January 9, 1856.

House met pursuant to adjournment.
Speaker in the chair.
Roll called and following members were absent:

Messrs. Andrews, Batchelder, Beatty, Brent, Brunton, Brush, Bynum, Callbreath, Cone, Curtis, Downey, Gaston, Holland, Hoover, Hunter, Leihy, Lippincott, McDonald, McFarland, McGehee, Oliver, Oxley, Pearson, Pugh, Reynolds, Sellick, Sharp, Swan, Taliaferro, Taylor, Turner, Upton, Winsor.

Journal was read and approved.

Mr. McGehee moved that the standing rules of the last session be adopted.
Mr. Stout moved to amend so as to except that portion of the rules relating to the number of officers, &c.
Adopted.
Mr. Stout moved that a committee of three be appointed to draft rules for the government of the House.
Adopted.
The Speaker appointed Messrs. Upton, Peck and Hawes, the committee.
Mr. Welch moved that the House go into election of Chaplain.

A division of the House was called for with the following result:

Ayes 26—Noes 24.

So the motion was carried.

Messrs. Shuck, Webb, J. L. Sanders, Jno Smith, Cummings, Diehl, and Wheeler were put in nomination.

The House then proceeded to vote, with the following result:

Shuck,	16
Webb,	3
Sanders,	10
Smith,	6
Cummings,	12
Deihl,	8
Wheeler,	4
Jno. Doe,	1
Whole number of votes,	60

Necessary to a choice 31.
No election.

Mr. Oliver moved that the two lowest candidates after each vote be dropped.
Mr. Stout moved that only one be dropped after each vote.
Adopted.

The House then proceeded to the 2d ballot, with the following result:

Shuck,	24
Sanders,	4
Smith,	9
Cummings,	14
Diehl,	12
Wheeler,	3
Benton,	1
Whole number of votes,	67

Necessary to a choice 34.
No election.

Mr. Beatty moved the indefinite postponement of the whole subject.
Messrs. Oxley, Taylor and Cartter, demanded the Ayes and Noes on the motion, with the following result:

AYES.

Messrs. Andrews, Beatty, Bell, Boring, Borland, Brent. Brunton, Brush, Castro, Callbreath, Downey, Dustin, Ewalt, Gray, Haile, Hunt, Kendrick, Lewis, Lippincott, Mathews, McDonald, McFarland, Meloney, Moulthorp, Pearson, Rathburn, Sherrard, Stephenson, Sterritt, Wagner, Weir—31.

NOES.

Messrs. Batchelder, Bowe, Cartter, Cone, Curtis, Davis, Dick, Gage, Gaston, George, Hawes, Heald, Heiskell, Holland, Hoover, Kelly, Lamon, Leihy, McGehee, Oliver, Oxley, Peck, Pugh, Read, Rhodes, Ricks, Sellick, Sharp, Shearer, Stout, Taylor, Upton, Van Dusen, Welch, White, Williams, Winsor, Winston, Wohler, and Mr. Speaker—40.

So the motion was lost, 31 to 40.

The House then proceeded to the 3d ballot.

Schenck,	34
Sanders,	1
Cummings,	19
Deihl,	8
Smith,	9
Whole number of votes,	71

Necessary for a choice, 36.
No election.

Mr. McFarland of Nevada moved that the election of Chaplain be made the special order of the day for Monday next, at 10 o'clock, A. M.

Motion was carried.

Mr Hawes gave notice of an act to repeal the several charters of the City of San Francisco, to define the boundaries of the City and County of San Francisco, and to consolidate the government.

The following message from the Senate was read :

Resolved, That the Secretary of the Senate be requested to inform the Assembly that the Senate has organized by the election of permanent officers, and is ready to proceed to Legislative business.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate yesterday adopted the following resolutions :

Resolved, By the Senate, (the Assembly concurring,) that the two houses will meet in Joint Convention to-morrow, at 12 M , January 9, 1856, to canvass the votes for Governor and Lieutenant-Governor.

Resolved, By the Senate, (the Assembly concurring,) that the Senate will meet the Assembly on Wednesday, 9th,1856, at 2 o'clock, to inaugurate the Governor and Lieutenant-Governor elect, and that a committee of three be appointed on the part of the Senate, and a like number on the part of the Assembly, to make necessary arrangements.

Respectfully,

W. BAUSMAN,
Secretary Senate.

Mr. Shearer moved that the House concur with the resolution passed by the Senate

Carried.

Mr. Winston offered the following resolution :

Resolved, by the Assembly, (the Senate concurring,) that a committee of two from each House be appointed to wait upon his Excellency, the Governor, and

inform him that we are now organized and ready to receive any communication that he may wish to present.

Adopted.

The Speaker appointed on the part of the House, Taylor and Lippincott.

Mr. Holland gave notice that on to-morrow he would introduce a bill for an Act to amend an Act entitled an Act to reincorporate the City of San Francisco, passed the 18th day of May, A. D. 1855.

Mr. Curtis introduced the following resolution:

Resolved, That there be a committee of three appointed by the chair, to make inquiry and ascertain what disposition was made of the clock purchased last winter from Hiller and Andrews, of this city, for the use of this Assembly.

Adopted.

Mr. George gave notice, that he would introduce at an early day, an Act entitled An Act, securing to Mechanics and others a lien for work done and materials furnished.

Mr. Curtis introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to make arrangements with the Post Master of Sacramento, and also with one or more Express Companies, on the most advantageous terms, for the carrying of all mail matter for the Assembly.

It was moved and seconded to strike out all that part of the resolution relating to Express Companies.

It was moved and seconded to lay the resolution on the table.

Carried.

The Speaker appointed Mr. Hawes in place of Mr. Lippincott, on Committee to wait on his Excellency, Governor Bigler.

Mr. Coombs, of Alameda, appeared, and was qualified.

On motion, the House took a recess of fifteen minutes.

The Committee appointed to wait on his Excellency, Governor Bigler, reported that the Governor would send in his message in twenty minutes.

Report adopted, and Committee discharged.

The following message from the Senate was read:

Mr. Speaker:

I am directed to inform the Assembly that the following concurrent resolution was adopted:

Resolved, by the Senate, the Assembly concurring, That a committee of two from each House be appointed to wait on his Excellency the Governor, and inform him that both Houses are organized and ready to receive any communication he may be pleased to make.

And the President appointed as said committee on the part of the Senate, Messrs. Mandeville and Day.

Respectfully,

W. BAUSMAN.

The Secretary of State presented the Annual Message of Governor Bigler and accompanying documents.

ANNUAL MESSAGE.

EXECUTIVE DEPARTMENT,
SACRAMENTO, January , 1856.

Fellow-Citizens of the Senate and Assembly:

Having assembled as the immediate representatives of a free people to deliberate upon the varied wants and interests of a great State, the duty again devolves on me as Chief Executive of communicating with you by message, setting forth the "condition of the State" and recommending such measures as I "may deem expedient," and promotive of the prosperity, happiness, and wealth of our common constituents.

The manifold interests committed to your care, and which it will be your duty to foster and protect, are of vast importance to the whole people, and as their representatives, it affords me sincere pleasure at the opening of a new year, to welcome you to the scene of your legislative labors, and to express the confident hope that all your acts will not only accord with the public will, but redound to the increased prosperity of our young State.

You have assembled under circumstances the most auspicious, and at a time, too, when wise counsels and judicious legislation will immeasurably advance the onward progress of California to that high position among the confederacy of sovereign States to which she is so eminently entitled.

For the first five years of our history, it may well be said that California was placed in a peculiar, anomalous, and even perilous condition; when Legislatures were necessarily surrounded by circumstances well calculated to retard her growth and advancement, and to encumber her with indebtedness beyond any former precedent in the history of other States of the confederacy.

Before, however, setting forth the financial condition of the State at the present time, and suggesting such measures of economy and reform as are deemed necessary to reduce the expenditures of Government, it may not be improper briefly to call your attention to a few facts and circumstances connected with the early history of the State, that you may the better understand and appreciate the real causes of the indebtedness incurred For notwithstanding the errors which may have been committed from a lack of correct information and experience as to the wants and requirements of a new State, emerging at one stride from the cradle to the estate of full manhood, we are entitled to the just inferences only to be drawn from a careful examination of the various causes which have, to a very great extent, laid the foundation of our indebtedness.

It will be remembered that California, unlike other new States of the confederacy, never received the fostering care of the General Government, and had no Territorial organization,—that wise provision, aptly termed the period of probation and tutelage, during which the agents of a young community are expected to develop the latent resources of the future State, become acquainted

with the wants and requirements of its people, and learn that experience so necessary to judicious and proper legislation; and that, too, without feeling the blight of onerous taxation to support a cumbersome and perhaps unnecessary State Government. But from the date of its first settlement to its admission into the Union, California had been denied the fostering and protecting care of Congress, and only felt the rigor of its laws in the collection of revenue for the support and maintenance of that Government which had failed to make provision for the wants and necessities of her people.

The failure of Congress to provide a territorial Government for California compelled her people to institute and set in motion all the machinery of an expensive State Government without a dollar in the treasury to pay the expenses attendant upon its inauguration and maintenance.

With an empty treasury, the members of the first Legislature assembled, and upon them devolved not only the onerous duty of providing for the payment of indebtedness already incurred and for the immediate and accruing demands of the government, but at the same time to give form and vitality to the chaotic elements, which it was requisite to mould to the genius of our people and the character of our republican institutions. Thus surrounded by circumstances calculated to dampen the ardor and depress the spirits of a body of men less determined to complete the work of organizing a new State, the members of that Legislature cast about for the means of carrying on the new government. The plan finally adopted, although believed by many to be ruinous in its consequences, and at the time so regarded by myself, was the issuance of bonds known as the three per cent. bonds, bearing an interest at the rate of three per cent. per month. Although the policy of this measure has been doubted by some, and unequivocally condemned by others, it is still true that the peculiar condition of affairs at that time, the urgent necessity for funds, and pressing circumstances with which the representatives of the people were surrounded, would seem to offer an excuse, if not a justification, for its adoption.

However that may be, and it is perhaps unnecessary here further to inquire into the policy or necessity of this measure, certain it is, that it laid the foundation of our present indebtedness, and to it may justly be ascribed much of the debt at present existing. For although the amount of three per cent. bonds issued was comparatively small, they remained outstanding a long time, with interest fast accumulating, and not until 1854 had the whole issue been entirely redeemed by cash payments from the treasury, and not until after the interest had exceeded the whole amount of the principal

The State was consequently compelled to defer *cash* payments for other objects until bonds bearing such a ruinous rate of interest, had been redeemed and cancelled Thus, mainly by this act, was forced upon us the *scrip system*, the results of which, it need hardly be said, after our too long experience, are so fatal to the financial credit of a State, and proper economy in the administration of its affairs.

The State, thus commencing its operations, devoid of funds or the immediate means for assessing and collecting revenue, was compelled, to pay most extraordinary prices for service performed or material furnished. Without necessary public buildings for the Legislature, State officers, and Courts, large appropriations were requisite in payment for office rents. There was no prison for the safe keeping of convicts, and large amounts were expended in the pursuit, detection, conviction, and punishment of offenders against the laws.

The sick and destitute arriving in a strange land, far removed from friends and family, after undergoing the toils, hardships, and privations of a long, tedious, and perilous journey, were to be cared for at the public expense, and in answer to the dictates of common humanity. Large sums (in the aggregate about one

million two hundred thousand dollars,) were appropriated, not only to sustain hospitals for the afflicted already within our borders, but to aid and assist the immigration of two successive years.

Destitute of money at the organization of the Government, and necessary expenditures every day increasing, with little or no revenue coming into the coffers of the State, our bonds and warrants on the treasury greatly depreciated in value, and it was not until a much later period that they commanded over *sixty cents* on the dollar. Thus was the State compelled for every service performed, for salaries of officers, for work done or materials furnished, to add nearly one hundred per cent. to the price for which the same could have been had if the treasury had not been entirely depleted, or rather, empty from the beginning. The Constitution, too, provided for a Government on too grand and expensive a scale to admit of an economical administration of its affairs. Many offices were thus created, unnecessary at the time, and causing a vast outlay of money in their organization and support ; annual instead of biennial sessions of the Legislature were authorized ; in a word, so cumbrous and expensive was the machinery of Government thus provided for, that many and important alterations in that instrument have already been suggested, in view of greater economy in future, and still others are demanded by the condition of the treasury and the requirements of the people.

At that day, too, there was a marked difference in the condition of the country from that presented now. The first immigration, and that of several succeeding years came hither not as settlers, but as adventurers, seeking to better their condition from the rich gold fields of California, and then speedily return to their homes on the other coast. Few, if any, brought with them their families, their farming implements, or their household gods ; but equipped with those modern and novel implements of progress, the pick and rocker, wandered along the golden placers of our rivers, or delved in the rugged mountain side, in search of the glittering ore, which was to take back light, and comfort, and joy, to hearth-sides far away, where expectant fathers, mothers, wives, and children awaited the coming of the wanderer.

The consequence of this was a state of society unparalleled in the history of States, and unsettled in its character. Each one roaming at large in quest of new discoveries, taxes could neither be levied nor collected, and taxable property of course was rare.

Our fertile valleys and boundless plains, now yielding their rich products to the husbandman and contributing so largely to the support of the State, were then desolate—the sod unturned by the plowshare, unadorned by the farm-house. The revenue collected for the first three or four years was for these reasons far inadequate to meet the repeated and necessary demands on the Treasury

Each year, hoping to abolish the *scrip* system and assume *cash* payments, the floating indebtedness of the State was funded, and bonds bearing an interest of seven per cent. per annum issued in its stead,—rendering it necessary to impose additional taxation upon the people in order to meet accruing interest and provide for the gradual redemption of the bonds thus issued.

The foregoing, however, are not the only facts connected with the debt of the State worthy of consideration, in estimating the many and extraordinary causes which have rendered necessary the expenditure of large sums over and above the revenue received into the Treasury.

Of the existing State debt, about one million two hundred thousand dollars were expended in providing for the necessities of the sick, destitute and insane; one hundred and twenty thousand for Census of 1852, taken in accordance with constitutional requirement; three hundred and fifty thousand dollars in the

erection of a Prison and wall for the safe-keeping of convicts; one hundred and fifty thousand dollars for the Insane Asylum Building and furniture; thirty thousand for furniture for the Capitol, last year, and twenty-three thousand seven hundred and eighty-one dollars and eighty-two cents in 1851; Sheriffs for guarding prisoners in 1851, forty-six thousand and thirty-one dollars; ten thousand for rent of State Offices for the year 1855; not less than sixty thousand for previous years;—and other equally important expenditures not necessary here to specifically enumerate, amounting in the agregate to a sum but little less than the entire indebtedness of the State at the present time.

Notwithstanding the difficulties which surrounded and seriously embarrassed the State Government in its incipiency, and which to some extent still exist, the credit of California, abroad and at home, has been well sustained by the promptness with which outstanding bonds have been redeemed, at maturity, in every instance, and the punctuality which has always characterized the payment of interest when due.

A comparison of the financial condition of California with that of other Western States, can be favorably instituted—the States of Missouri, Iowa and Wisconsin alone, having a smaller amount of indebtedness than California; the others much larger. The State debt of Indiana is eleven millions forty-eight thousand dollars; that of Illinois, sixteen millions seven hundred and twenty-four thousand one hundred and seventy-seven dollars; that of Alabama, three millions nine hundred and eighty-three thousand six hundred and ten dollars; that of Michigan, two millions six hundred and sixteen thousand nine hundred and eighty-one dollars and seventy-eight cents; and Texas, six millions eight hundred and twenty-seven thousand two hundred and seventy-eight dollars.

It should moreover be remembered that all of these States, except Texas, were provided for a series of years with a Territorial Government, the expenses of which were paid from the National Treasury, and neither was compelled, as was California, to organize an expensive State Government before the condition of the country fully prepared her people to sustain the same. It is also true that neither of the States named was called upon to interpose and expend from its own coffers in less than three years so large a sum as one million two hundred thousand dollars in support of the unfortunate sick, insane and destitute.

These are a few of the causes which have necessarily contributed to the accumulation of the existing State debt, and their recital thus briefly is deemed sufficient to absolve the Government and its administrators from the charge of undue extravagance or reckless indifference to the interests of the people.

The annual expenditures of the Government, rendered unnecessarily large by a Constitution framed at so early a period in the history of a people assembled on these shores from all the States of the Union and nearly every nation of Europe, have prevented the cancellation of this heavy debt cast upon the State at the very inception of its organization, and in fact before it was fully completed. Though not disposed to cast censure upon the officers of the Federal Government for failing to meet the crying wants of our people on these shores, I cannot refrain from expressing the opinion that to the neglect of the authorities at Washington to provide a territorial organization for California, at a time, too, when they were levying duties upon our citizens for the support of that Government, we may look as the cause of many of the evils our people have suffered and of the excessive burthens they have been compelled to bear.

Having thus briefly touched upon some of the more important of the many causes which laid the foundation of our existing State debt, and which have up to the present time rendered necessary the levying of high rates of taxation, it affords me sincere gratification to be enabled to assure you, that in all the elements of substantial prosperity and real wealth, the State, during the past year,

has progressed to an extent unequalled by that of any former period in our history. The soil has yielded to the labors of the husbandman a most plentiful return, and with a productiveness unparalleled either here or elsewhere. The harvest of 1855 has firmly established the claims of our young State to a high and decided pre-eminence over any other in the Union, in point of extreme fertility and agricultural productiveness. No longer, as of yore, do we look alone to our rich placers and mountain gulches for wealth and the means of sustaining our world-wide commerce and our own prosperity—but the abundant and no less wonderful products of a most prolific soil have excited the admiration and attracted the notice, not only of our sister States, but of all the nations of the civilized world. No longer are our cities the mere receptacles of foreign products and our merchants the agents through whose hands is passed the glittering ore in exchange for articles raised and manufactured abroad.

Our capacious warehouses and well filled granaries, our stores, shops and buildings of every character are teeming with the home products of the agriculturist, the mechanic and the artizan.

While we are no less proud of the unparalleled wealth of the mountain and river side, and still boast of gold as the great staple of California, it is a source of gratification that it is not alone to that we look as the basis of enduring wealth and prosperity, but also to the boundless agricultural resources each day being developed.

From one end of the State to the other—from San Diego to Siskiyou, every valley and plain evidences the gratifying fact that our people are fast turning their attention to agricultural pursuits. The farm-houses dotting our river sides—the ranches of our mountain slopes—the innumerable herds of the southern plains—all evince not only the happiness, contentment, and prosperity of our people, but also the permanent character of our settlements, and progress in industrial and peaceful pursuits. Immigrants hither, come not now to sojourn a brief period and then leave our shores forever, but they come with their wives, children and parents, to remain as permanent citizens: to surround themselves with all the comforts, blessings, and endearments of home, and adding their mite to the general prosperity, to lay the foundation of the future greatness awaiting this young State. These are the elements—the forerunners of enlightened civilization, and to the harmonizing influences of home, of friends, and the fire-side circle, must we look for future wealth and enduring progress in the paths of peace, happiness and prosperity

The past year has given gratifying evidences not only of the unequalled fertility of our soil, and the adaptability of our climate to the culture of the staples and luxuries of commerce, but also of the interest manifested in agricultural pursuits, and the skill, science and learning even now employed in our midst, in the improvement and invention of machinery and farming implements.

The State Fair of the Agricultural Society of California, held in Sacramento during the month of September, while serving to stimulate our farmers to renewed exertions, and affording an opportunity of exhibiting the wonderful and varied products of our soil, was, I am pleased to say, attended with complete success, and such annual exhibitions are eminently conducive to the best interests of the State, and deserving the highest consideration, as well as your fostering care and encouragement.

Nor have we been neglectful of the wants and necessities of the rising and future generations, but with a liberal hand the State has, while providing for present wants, laid the foundation of a vast fund, devoted to the support and maintenance of a system of Common Schools

During the year just closed, institutions of learning have been organized at several points in the State, under the most flattering prospects of future success.

Three Colleges have already been incorporated, and under the conduct of experienced professors give promise of becoming institutions worthy of California.

Our public Schools—the deserving objects of your unceasing and peculiar care and support, are, I am pleased to say, in a most flourishing condition, and daily extending their ramifications throughout the cities, towns, villages and hamlets of every county of the State, placing within the reach of all, irrespective of class or condition, the unequalled blessings of a free and liberal education.

As our population becomes more and more settled and permanent—as families come in daily among us—and homes arise on every side—it is the part of wisdom as well as of duty, to see that ample means are provided for fitting the children of the State to become educated and properly trained citizens, well informed as to their rights, duties and responsibilities, after they shall have been called upon to partake of the privileges and blessings, and to bear the burthens of freemen in this highly favored land.

Intelligence is rightly esteemed as the impregnable bulwark and safeguard of American institutions, without which our liberties can neither be defended against the assaults of ignorance and superstition, nor properly appreciated in the hearts of the people. It is therefore, no less our duty than it should be our endeavor to sustain by every legitimate means, all systems for the education of our youth, and all institutions designed to promote the moral and intellectual well-being of those embryo citizens and statesmen who will soon be called to take part in the busy affairs of life, and assume in our stead the reins of republican government

Thus only can the civil and religious liberty bequeathed to us as a heritage from our fathers, be transmitted pure, unsullied, and undefiled, to our children through all future generations.

It is, in fact, worthy of sincere and heartfelt congratulation that, although as late as January 8th, 1852, the date of my first inauguration, we had no system of common schools, and were not possessed of a dollar of school fund, we can now boast of a system scarcely inferior to that of any of our sister States, and a fund in the treasury of over half a million, inviolably devoted to the maintenance and support of that system and the education of the children of the State.

A detailed statement, containing statistics and important suggestions relating to this highly interesting subject, will soon be transmitted for your consideration by the Superintendent of Public Instruction. From his report, it will be seen that the number of public schools now in actual operation is 221; teachers, 304; the number of children in attendance, 25,398.

Until within the last year, the State has been entirely dependent on the good faith and ability of private citizens for the safe keeping and punishment of criminals sentenced to the State prison, that institution having been placed under the control of a single individual by virtue of a contract made in 1851. It is, perhaps, needless to refer to the numerous escapes of prisoners, and the consequent fears, at times, entertained by our people, or to adduce reasons why that institution should at all times be under the direct control of the State through agents responsible to the people.

The events of the last fifteen months have conclusively settled that point, and it affords me sincere pleasure to be able to inform you that on the —— of June last the lessee relinquished to the State his contract, and turned over to the Directors appointed under the act of May 7th, 1855, the prison buildings, grounds, and prisoners, as will more fully be seen by reference to documents herewith transmitted.

Since the Directors have taken charge of the convicts, they have, in compliance with the provisions of the said act, commenced and completed a good and substantial wall around the prison, averaging twenty feet in height above ground:

quite sufficient to confine and safely keep one thousand convicts, and rendering escapes in the future less frequent than heretofore, if not altogether impossible.

The completion of this wall will not only secure the confinement and punishment of convicts, but materially diminish the number of guards and others heretofore necessarily employed in and about the prison, and of course greatly reduce expenses. The whole number of prisoners now confined in the State Prison is *four hundred and twenty-seven.*

In instituting a comparison between our present condition and that of January 8th, 1852, in regard to works and institutions of public necessity and utility, the asylum for the insane at Stockton is noted as not the least creditable to the State, whose beneficence has thus provided for the wants of those who have been bereft of the light of reason, far from home and friends. This splendid edifice, the work of our own artizans and mechanics, no less beautiful and ornate than useful and necessary, is at once an ornament to the city of Stockton and an enduring monument, attesting the progressive spirit and liberality of the State.

In a few days more, the official relations between the representatives of the people and myself will have ceased, and the cares and responsibilities of the Executive of a great State will have devolved upon another, and, although it will be with him that you will hereafter be called upon to co-operate in maturing such acts as are demanded by the wants and interests of our common constituents, I nevertheless deem it my duty to invite your attention to measures regarded by me as important to the whole people, many of which I have, from time to time, in various annual and special messages, urged upon the consideration of your predecessors.

Heretofore, during the past four years, I have esteemed it my duty, under the Constitution, to urge upon the attention of the people's representatives various measures, constituting in themselves a system for the more economical administration of the Government, and which, in a brief period it was confidently believed, would extinguish the indebtedness already incurred, and extricate the State from present and future financial difficulties.

While some of these recommendations have received from your more immediate predecessors proper consideration, and the measures suggested matured and received legislative sanction, others of equal importance have failed to secure that attention and action essential to give them force, form, and vitality as laws.

In this, my last official communication with your honorable body, and on the eve of retiring from public station to the quietude of private life, I do not consider it necessary to do more than briefly and respectfully refer you to the recommendations heretofore made by me, which have not as yet been acted upon; and while assuring you that my mind has undergone no change as to their policy, propriety and necessity, to express the hope that you will, at an early day, bestow upon them the careful consideration which their great importance to the interests and welfare of the people, whose agents you are, assuredly demands.

I have heretofore, as will be discovered on examination, repeatedly recommended more strict economy in legislative expenses, and beg leave again to invite your attention to this highly important item of State expenditures, that you may, at the outset of your responsible labors, avoid contracting the heavy and unnecessary indebtedness heretofore incurred by your predecessors, more perhaps from carelessness and inattention to what has frequently been regarded as but small matters, than from lack of interest in what concerns the welfare of the State.

The expenses of the late Legislature for clerical services alone, exceeded in the aggregate the enormous amount of one hundred thousand dollars—a sum more than treble the amount actually necessary, and nearly equal to the entire legislative expenses of many of the States of the confederacy.

The recommendations made during the sessions of '52–3–4 and 5, in relation to a reduction of expenditures in the several departments of the State government, are again reiterated, and your attention earnestly invited to the subject as one of much importance to the tax-payers of the State.

In response to recommendations made by me in the annual messages of 1853, '54 and '55, the last legislature matured and passed several amendments to the Constitution of the State. These amendments are all regarded by me with peculiar favor, as eminently proper and necessary, and it is hoped they will, ere your adjournment, receive favorable consideration. The most important of the amendments proposed, is that providing for biennial instead of annual sessions of the legislature.

This alone, if adopted, will save to the State annually, the large sum of one hundred and seventy-five thousand dollars, now needlessly expended under the Constitution.

As a measure therefore, of practical economy, and as one demanded alike by the voice of the people and the interests of the State, it is hoped it will not fail to receive your sanction, and be submitted to a vote of the people for their ratification.

The second, third, and fourth amendments proposed, are necessary in order to harmonize other provisions of the Constitution with that providing for biennial sessions of the legislature.

The fifth amendment, requiring a new Constitution, in case one should hereafter be framed by a convention of delegates assembled for that purpose, to be submitted to the people, and by them adopted before being recognised as the fundamental law of the State, is one of great importance, and it is hoped will, with the others, receive favorable consideration and early action.

This amendment is necessary to supply a most important omission in the present constitution, which instrument, although it makes provision for the calling of a convention to revise the organic law of the State, does not require the Convention to submit the result of their labors to a vote of the people, but makes their action, for weal or for woe, final and binding upon the people of the State.

This radical defect, and one capable of much injury and inconvenience to the people, is remedied by the fifth amendment, which secures to them the right of adopting or rejecting a new Constitution, after having been framed by a convention of delegates of their own choosing.

STATE FINANCES, DECEMBER 31st, 1855.

Amount of 3 per cent. Bonds outstanding,			$2,925 00
"	Interest on same,		3,963 95
"	Seven per cent. Bonds, 1851,		268,500 00
"	" " " 1852,		1,390,300 00
"	" " " 1855,		700,000 00
"	Outstanding Comptroller's Warrants,		568,687 52
"	State Prison Bonds,		9,000 00
			$2,906,376 47
Deduct amount of Cash in Treasury,			112,106 01
Total amount of Civil Indebtedness, December 20th, 1855, exclusive of the School Fund,			2,804,269 46
Balance due from the sales of property made in San Francisco,		$295,000 00	

Balance of the 25 per cent, due to the State from the city of San Francisco, on the sale of property made December 26th, 1853, under the Water Lot Act of March 26th, 1851, - - - - -	165,000 00	
Amount due from Wharves in the city of San Francisco, as reported by the Attorney General in 1854. - - -	20,110 70	
		$480,110 70
Amount of indebtedness *unprovided* for Dec. 31, 1855, -		$2,324,158 76
Amount of indebtedness *unprovided* for, January 1, 1852, (see message of 1854,) - - - - - -		$2,294 830 66

As the civil debt of the State has been considerably increased during the year 1855, I deem it proper, in explanation, to give some of the more important items, and which are *exclusive* of the large amount paid for the erection of the State Prison wall, most of them being made to meet deficiencies.

These several amounts, although apparently constituting expenditures of the year 1855, were, with the exception of $10,000, actually applied in payment for indebtedness incurred before the first day of January of that year, as follows:—

Deficiency, Act of January 17th, 1855, - - -	$134,500 00
" " February 2d, " - - -	100,000 00
" " March 11th, " - - -	98,750 00
" " April 11th, " - - -	17,730 00
Appropriation State Marine Hospital, - - -	100,000 00
" Escheated estates, - - -	30,000 00
" Orphans' Asylum, - - - -	10,000 00
" Extra work on Prison buildings, - -	10,000 00
	$500,980 00

Congress having assumed the *War Debt*, and directed the sum of nine hundred and twenty-four thousand, two hundred and fifty-nine dollars and sixty-five cents, ($924,259 65,) to be paid into the treasury of the State of California, will unquestionably provide for the payment of the balance. Indeed, I have ever regarded the entire war debt as an *apparent* rather than *real* debt of the State: the general government being clearly liable for the payment of every cent of it.

In accordance with the requirements of an act passed at the last session of the Legislature, I transmitted to the Secretary of War a certified statement, setting forth the several amounts paid by the State of California during the years 1850 and 1851, in the suppression of Indian hostilities.

The statements were duly received, but the Secretary of War—as will be seen by reference to his letter, bearing date Washington City, July 18th, 1855, a copy of which is herewith transmitted—declines payment of the amount appropriated, until placed in possession of the several vouchers upon which warrants and bonds were issued by the State of California, claiming, as it appears, the right to question the propriety of such payments, and, should he deem the vouchers unsatisfactory, to refuse to pay over to the State the moneys appropriated by Congress.

By reference to pages 582 and 583 of the United States "Statutes at Large," of 1854, it will be seen that the section numbered three (9) of the act making appropriations for the support of the army, directs the Secretary of War "to ex-

amine into and ascertain the amount of expenses *incurred* and *now actually paid* by the State of California in the suppression of Indian hostilities within the said State, prior to the first day of January, A. D., 1854, and that the amount of such expenses, when so ascertained, be *paid* into the Treasury of the said State."

In compliance with the provision of law above quoted, the act of last session was passed, and statements certified by the proper constitutional officers, duly forwarded by me to Washington City, under the impression that nothing further was necessary or requisite under the law of Congress to authorize the prompt and immediate payment into the State Treasury of the sum appropriated by Congress.

This impression, however, it seems, was incorrect, and the Secretary of War positively refuses to pay to the State the amount due and appropriated, until he shall have examined the accounts and vouchers on which the original warrants or bonds were issued.

These accounts and vouchers, it is proper here to remark, are a part of the Archives of the State, and, as such, are required to be kept at the seat of Government, as constituting not only a complete history and expose of the several Indian wars, but as the basis of the action of the Controller and Board of Commissioners of the War Debt, and, as such, their proper place is among the Records of the State

Under the law no officer of the Government has the right, if he so desired, to remove them, without express legislative authority, either for the satisfaction or information of an officer of the Federal Government, or for any other purpose whatever

The law of Congress, which was intended to govern the action of the Secretary of War, in my opinion, does not require his examination into the *propriety* or *necessity* of any or all of the expenditures of the State, in the suppression of Indian hostilities ; but directs him to "examine into and ascertain the *amount of expenses incurred and actually paid*," and upon such ascertainment, to pay the same into the Treasury of the State of California ; provided such amount should not exceed the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents, ($924,259 65.)

The Secretary of War, however, has deemed it his duty to require the original vouchers and papers, and to refuse payment of the amount appropriated, until they shall have been furnished.

Although fixed in the belief that so far as the State of California is concerned, the requirements of the law of Congress on the subject have been, on her part, fully complied with, and that the Secretary of War, having from statements authenticated by the proper State officers "*ascertained the amount actually paid*," should, without further question or delay, in accordance with the law of Congress, have paid the amount appropriated, "into the treasury of the State of California," it is neither my intention nor desire, in this communication, to call in question or advert to the propriety or justice of the action of the Secretary of War in the premises, further than to dissent from the correctness of his decision, as being, in my opinion, unwarranted by the language of the act of Congress making the appropriation, and also to express sincere regret that months of delay in payment, must, under the circumstances, necessarily ensue, burthening the State with a large sum in the shape of interest on the outstanding War Bonds and Warrants.

Without further comment, the whole subject is commended to your careful consideration, for such action in the premises as, under all the circumstances, may by you be deemed proper and necessary to secure to California the prompt payment of the amount long since ordered by act of Congress into the treasury of the State.

SAN FRANCISCO WATER FRONT.

Although fully satisfied that the rapidly increasing commerce of San Francisco will, in a few years, require for its accommodation an extension of the entire water front of the city, and that it can be consumated without the least injury to the harbor, it would, perhaps, for the present, be desirable to do no more than make it the duty of some agent of the State to watch over it and prevent it from passing into the hands of individuals without the payment of its value to the State. The right of the State to dispose of this character of property, when it can be done without injury to commerce, is clear and unquestionable, and the interest of the State in this rich heritage, if carefully guarded and judiciously disposed of, will, as soon as there is a demand for it, command an amount greatly exceeding the existing indebtedness of the State. With the foregoing recommendation relative to the selection of an agent to guard the interests of the State, in the premises, but vesting no power to transfer or dispose of this immensely valuable property, the subject is commended to your consideration.

AMENDMENTS TO THE CONSTITUTION.

As it is incumbent upon us in the present financial condition of the State to search out every avenue to economy which does not encroach upon principle or true policy, I deem it proper to invite your attention specially to two amendments to the Constitution, recommended in my annual message of 1853.

The first section of the ninth article should be repealed, and the duties of Superintendent of Public Instruction devolved on the Secretary of State. The great States of New York, Pennsylvania, Massachusetts and Illinois, have in this way merged the duties of the two offices.

As a distinct Department, it is of very questionable necessity, and if in the States above named, the duties can be performed by the Secretary, there certainly exists no good reason for incurring the expense of a distinct and separate Department of Instruction in California.

Reasons similar to those which obtain in the case of the Superintendent of Public Instruction, induce me to renew the recommendation to repeal the 15th Section of Article 5th, which provides for the election of a Surveyor General. The duties of this office can, without detriment to the public interest, be devolved on the several county surveyors, with a requirement to report annually to the Governor or State Comptroller, instead of the Surveyor General, as at present.

The duties of the office of Quarter-master General, can, without inconvenience or embarrassment, be assigned to the Deputy Secretary of State, and the amount which is now needlessly expended in support of that office saved to the State.

The Board of State Prison Directors can also be abolished, leaving the Warden, in connection with the Governor, Secretary of State, State Comptroller and State Treasurer, as a Board of Prison Inspectors, to manage all its affairs. Now that the Prison building is securely enclosed with a substantial wall, so that convicts can be safely employed inside of it, the warden with less than one-half of the number of guards heretofore employed, can safely control and direct every thing connected with the prison.

The proposed reduction in the number of the Board of Directors and guards, if carried into effect, will annually save about thirty-two thousand dollars, and in the aggregate, the several constitutional amendments and statutory changes, will each year reduce the expenditures of the Government not less than fifty thousand dollars.

These changes, it is proper here to state, in order to prevent misapprehension, are recommended as measures of practical economy, and not because the duties of

the offices proposed to be abolished have not been efficiently performed by the present incumbents, or from any want of confidence in the capacity of those recently elected to fill them in the future.

THE MINES.

The mines of California, yielding to the hardy and industrious of our people untold and almost fabulous wealth, and extending their healthful influence in every department of trade, commerce, agriculture, and the mechanic arts; penetrating every fibre of our social system, and adding constantly renewed and increased impetus to our progress in peaceful pursuits, have excited the admiration and wonderment of all nations, as year after year the story of California's unbounded mineral resources has gone forth, accompanied by the glittering ore itself, giving to the world wealth and prosperity, and more than realizing the fables of antiquity or the stories of the Eastern Ind.

All other of the vast and manifold resources of this young State, are influenced by the product of our mines, and are dependent to a greater or less extent upon the annual yield of gold. Indeed, although we justly boast of the unequalled fertility of our soil, and the unparalleled productions which each year fill our storehouses and granaries, with less of care and labor than in any other country of the world, gold is, and will for very many years to come continue to be the great staple of California, found as it is in almost every section of the State, from the extreme North to the farthest South.

The quantity of gold obtained by thousands of industrious miners, swells the amount annually abstracted to an enormous sum, and finds its way through a thousand channels to the east and the west, replenishing the coffers of the bankers of Europe and the Atlantic States, and carrying wealth to our cities and comfort and happiness to many a family fireside beyond the mountains.

Through its varied and powerful influence, commerce with its wide-spread wings whitening every sea, is sustained; trade, ploughing our mighty rivers, and coursing the plains, building and enlarging cities, towns, and villages, is encouraged and enlivened; and national energy and enterprise, in all the ramifications of social life, of art, mechanics, and agriculture, aroused and increased.

Thus has the product of our mines, in a few years, revolutionized not alone the commercial world, but every department of life, carrying with it prosperity and wealth, and advancing civilization beyond any former period in the history of our race.

Heretofore, in the American Union, cotton has monopolized the attention of our merchants and capitalists, and exercised a controlling influence upon our exchanges with other nations; but, now, although greatly increased in quantity and aggregate value, is inferior in potency and importance to the product of the gold fields of California.

Cotton, like other crops, is obtained with much labor, and for value is almost wholly dependent upon the wants and necessities of other nations. The gold of California, on the contrary, possessing an intrinsic, not a comparative value, is found throughout the State, forming as it were a part of the soil itself, and the labor which in cotton countries breaks up the ground at seed time, and prepares the soil to receive the germ of future wealth, here brings forth the fruit —the pure gold—ready at once for the refiner's fire or the mint. Here, with regard to this rich product, we know no seed time, but the harvest is ever at hand, from the vernal spring to the snows of winter. Although it is true that mining can at some seasons be prosecuted more successfully than at others, for the reason that water is an indispensable element in mining operations, it has

this marked advantage over all other crops—if so it may be called—that in quality and value, it remains forever the same—resting securely in purity in the recesses where first deposited by nature's hand, unalloyed by exposure, undecayed by time. Industry and well directed efforts are alone necessary to obtain it from its hidden depths. Neither competition in labor nor abundance of gold can depreciate its value in the markets of the world as that value is intrinsic, and the quantity obtained will never be greater than increased population, improvements, extended commerce, and enlarged manufactures, will require. All the products of the world are tributary to it, and with it are bought and sold.

It is gratifying, then, to be able at the close of the year to congratulate you upon the very general prosperity which has during the past season characterized the operation of those of our citizens engaged in mining operations, and richly rewarded them individually, and as a class, for the amount of labor bestowed. Mining, too, has been greatly extended, and the facilities for engaging in and pursuing enlarged operations immensely increased ; vast canals have been constructed, ditches dug, dams built, and water-courses turned to convey that necessary element into rich mineral regions, heretofore deserted and abandoned for the want of it. By these means, since the adjournment of your immediate predecessors, have new and extensive gold fields been discovered, and vast sections of rich mineral lands, until now undeveloped, opened up by the enterprise of our hardy miners, and compelled to render tribute to industry and labor.

Although the shipment of dust and bullion, as exhibited by custom house returns, would seem to indicate a falling off in the product of the mines during the past twelve months, yet there is no doubt that the aggregate amount yielded has largely exceeded that of any former year.

In the past, and until lately, our people were compelled to purchase almost exclusively from the Atlantic States and Europe, every article of necessity, utility, or luxury, for which they paid in dust and bullion taken from our mines, causing a constant drain almost, if not quite equal to the whole amount of gold obtained.

Now, however, it is different. Our own farmers supply us at our doors with provisions and the necessaries and luxuries of life ; our mechanics and artizans furnish us with improvements in machinery and manufactures ; in a word, our wants, to a very great extent, are fully and well supplied by our own people, and the gold of California now finds a home instead of a foreign market. Thus. is a large portion of the rich product of our gold fields retained within the borders of the State, serving to enrich our own people rather than to swell the coffers of transmontane capitalits and European bankers.

Under the healthful influence of this state of facts, we find improvements of every character advancing with a rapidity heretofore unknown ; we behold cities built up with a permanency, durability, and beauty, unsurpassed in any land ; farms enclosed, well stocked, and adorned with villas and cottages, bespeaking prosperity and contentment ; factories, machine shops, warehouses, and depots, increasing in number and extent, evidencing the enlarged wealth and progress of our people in all the elements which constitute the true greatness of a State, and the happiness and general prosperity of her citizens.

During the year I have obtained much statistical information in relation to mining operations within the State, which, without further remark, is appended, and commended to your careful consideration.

MINING OPERATIONS, 1855—CANALS, DITCHES AND BRANCHES

Counties.	*No of Canals, Ditches and Branches.*	*No. of Miles*	*Value*
Amador,	30	355	$446,000 00
Butte,	16	287	347,000 00
Calaveras,	17	325	497,500 00
El Dorado,	20	610	935 000 00
Humboldt,	60	60	100,000 00
Klamath,	6	130	150,000 00
Mariposa,	8	150	180,000 00
Nevada,	44	682	1,123,000 00
Plumas,	2	65	62,000 00
Placer,	29	493	649,400 00
Sacramento,	4	29	54,800 00
Shasta,	5	89	109,000 00
Siskiyou,	1	80	84,000 00
Sierra,	79	310	330,000 00
Trinity,	10	278	228,500 00
Tuolumne,	13	285	447,500 00
Yuba,	18	360	560,000 00
Total,	303	4593	$6,341,700 00
In year 1854,		1164	$2,294,000 00
Increase in one year,		3429	$4,047,700 00

In addition to the above, one hundred and twelve canals and ditches have been commenced, and will probably be completed within the next year. Amongst them is the Sierra Nevada Mountain Canal—an immense work—ten feet at the bottom, fourteen at the top, and designed, with branches, to extend over about one hundred and fifty miles.

QUARTZ MILLS.

Counties.	*No. of Mills.*	*Tons crushed per annum.*	*Av. yield per ton.*	*Amount realized*
Amador,	13	45,000	$20 00	$900,000 00
Butte,	2	30,000	25 00	75,000 00
Calaveras,	1	20,000	20 00	40,000 00
El Dorado,	7	15,600	25 00	390,000 00
Mariposa,	4	10,100	23 00	232,300 00
Nevada,	16	75,000	25 00	1,875,000 00
Placer,	2	4,200	25 00	105,000 00
Plumas,	6	10,000	20 00	200,000 00
Shasta,	2	2,160	30 00	64,800 00
Tuolumne,	3	3,500	25 00	87,500 00
Siskiyou,	1	2,000	25 00	50,000 00
Yuba,	2	2,500	25 00	62,500 00
	59	222,060		$4,082 100 00

Several counties are not included in the above, and from four of the above the

returns are incomplete. The erection of fifteen additional mills has been commenced, all of which, it is believed, will be in active operation within the next year.

Amount of gold dust and bullion exported during the year 1855,	$44,133,838 30
Amount of quicksilver exported, - - - - -	$880,071 00

AGRICULTURE, MANUFACTURES AND COMMERCE.

Among the many evidences of the progress which has characterized the past year, evincing the industry, enterprise and prosperity of our people, none is more worthy of profound gratulation than the advancement made in testing the capacity of our soil and developing the agricultural resources of the State.

The statistics hereto appended, and which have been collected with great care, exhibit the no less interesting than surprising fact, that our soil and climate are peculiarly adapted to the cultivation of all the grains produced in more northern latitudes, as well as nearly all the rich and luxurious fruits common to tropical regions

That astonishing progress has been made in agriculture, is demonstrated by the fact that but a few years ago we were almost, if not entirely, dependent upon the Atlantic States, Chile, Oregon, and the Islands for all the necessaries and luxuries of life. Now, however, by the energy of our people and the unequalled fertility of our soil, we have a superabundance for home consumption, and even for export. In the market reports of the Atlantic cities, are regularly quoted the prices paid for California wheat and flour; of which, exports exceeding *one million of dollars* in the aggregate, have been made during the past year. This is truly a wonderful change to be effected in so brief a period, and has no parallel in the history of any of our most progressive and rapidly developed sister States.

Among the many and varied products of our prolific soil, wheat, barley and oats may be mentioned as the more important. These are produced in California in greater quantities to the acre than in any of the Atlantic States, and of a quality unsurpassed if not unequalled. Rye and corn, although not so reliable as a crop, nor so prolific in growth as in some of the older western States, nevertheless yield remunerative returns.

Vegetables of every kind are produced in great abundance, and of unequalled size and flavor. Grapes are successfully cultivated in almost every part of the State, but have received most attention in the southern counties, where immense quantities of this most delicious fruit are annually raised and shipped to San Francisco and the north.

During the four months ending October 31st, 1855, there were shipped from the single port of San Pedro, no less than 31,095 boxes of grapes, valued at $155,475, as appears from the report of J. F. Stephens, deputy collector.

As evidence of the increase of wealth of the southern counties, I subjoin further extracts from the same report of products shipped from San Pedro, during the four months above mentioned, viz:

Fruit, other than grapes,	1,036 boxes, value - - -		$8,288 00
Salt,	230,000 lbs., value - - - -		5,775 00
Beans,	139,316 " " - - - - -		6,966 00
Wool,	38,006 " " - - - - -		4,750 00
Aggregate,	2,395 " merchandize, value - - -		202,254 00
Other produce,	158 tons, - - - - -		21,000 00

Figs are also produced in greater or less quantities in all the valleys of the State. Apples, peaches, pears, plums, appricots and cherries, are all produced at the present time, and in a very few years will, in quantity, far exceed the wants of our people.

The statistics appended, I doubt not will amaze many of our own citizens, exhibiting as they do, an amount and variety of agricultural products, greatly exceeding the expectations of those who have travelled but little through the State, and who have given this important element in our substantial prosperity but little consideration.

The number of cattle of various kinds—horses, mules, sheep, hogs, &c., forming important items in the agricultural interest, is truly surprising, and gives unmistakeable evidence of a degree of prosperity unequalled in any of the States of the confederacy.

But as the statistics themselves best evidence the agricultural capacity and resources of the State, it is deemed unnecessary to do more than to commend them, as well as this most important interest of our people, to your fostering care and favorable consideration.

In connection with the important question of developing the agricultural resources of California, it is proper to state, that intelligent planters are confident in the belief, and indeed the experience of the past year abundantly proves the correctness of their opinion, that the soil and climate of this State are admirably adapted to the culture of Tobacco, and that lands strongly impregnated with *alkali*—which exists in great quantities throughout the central part of California —would, without the use of neutralizing ingredients, produce immense crops, of a quality equal to that grown on the island of Cuba.

It has also latterly been ascertained that wild hemp, of an excellent quality, abounds in a district of country in the vicinity of Tulare Lake, and the head of the San Joaquin valley. This hemp is indiginous to the soil, and grows most luxuriantly in a state of nature, over a large region of country. A sample, after having been rotted and prepared, was forwarded to experienced rope and cord manufacturers, who, having experimented with it, pronounced it equal to the cultivated article of the western States, and express the opinion that this important product will, in the future, if found in sufficient quantities, add greatly to the wealth of California. Being indiginous to the soil, and found in immense quantities, it can be collected without other labor or expense than is required in gathering it, and will undoubtedly soon form an important item among the agricultural products of the State.

The interesting subject of agriculture having heretofore received but little consideration—the mines, until within the last two years, having been regarded as alone worthy of attention by the people of California, I have deemed it my duty to invite your attention to some of the more important products of the State, with such suggestions as were regarded as best calculated more fully to develope the varied resources with which our people are so bountifully blessed.

AGRICULTURAL PRODUCTS, ETC., 1855.

	Acres.	*Bushels.*	*Price.*	*Value.*
Wheat, - - -	187,000	3,740,000	$1 25	$4,675,000 00
Barley, - - -	101,000	3,181,500	80	2,545,200 00
Oats, - - - -	45,000	914,000	75	685,500 00
Corn, - - -	15,000	450,000	1 00	450,000 00
Buckwheat, - - -	5,000	150,000	1 00	150,000 00
Potatoes, - -	15,000	3,000,000	75	2,250,000 00
Sweet potatoes, - -	400	80,000		120,000 00

Onions,	1,620		138,350	1 50	207,525 00
Hay,	60,000		90,000 T's.	23 00	207,000 00
Wool,	320,000	lbs.	at	50	160,000 00
Butter,	380,000	"	at	65	243,000 00
Cheese,	220,000	"	at	50	110,000 00
Fruit trees, bearing,	95,260		each	50	47,630 00
Young trees,	412,845		each	07	28,899 15
Grapevines,	427 200		each	05	21,360 00
Grapes, (pounds)	1,281,600		at	15	192,400 00
Wine,	85,000	gals.			297,500 00
Horses,	87,127		at	55 00	4,791,875 00
Mules,	31,061		at	55 00	1,708,335 00
Asses,	1,612		at	35 00	56,420 00
Oxen,	39,842		at	45 00	1,792,000 00
Cowes,	38,000		at	25 00	950,000 00
Calves,	45,022		at	4 00	180,088 00
Stock Cattle,	498,749		at	10 00	4,987,490 00
Sheep,	183,841		at	3 00	551,523 00
Hogs,	154,455		at	5 00	722,425 00
Goats,	1,512		at	3 00	4,536 00
Flouring Mills,	84				420,000 00
Saw Mills,	321				802,500 00

RECAPITULATION.

Value of products of 1855,	$12,897,128 00
" Fruit trees and grape vines,	97,889 15
" Live stock,	15,744,692 00
Total value of products and live stock,	$28,639,728 15
Flouring and saw mills,	$1,222,500 00

Number of feet of lumber produced, 304,148,497.

Amount of California agricultural products exported, between the 1st of January, and 27th of November, 1855:

Flour,	$671,384 00
Wheat,	85,776 00
Rye, oats and barley,	131,807 00
Potatoes,	26,622 00
Tallow,	7,771 00
Wool,	2,225 00
Total amount of Exports, 1855,	925,585 00
Gold Dust and Bullion,	$44,133,838 30
Quicksilver, (10 months)	880,071 00
Agricultural products (11 months)	925,585 00
	$45,939,494 30

Among the various discoveries of the past year, which have added so much to the increased wealth and prosperity of California, and given renewed evidences

of her immense and varied resources, the discovery of Coal in different sections of the State, is to be noted as one of the most important.

This useful and highly necessary article, I am pleased to inform you, has been found in great quantities, and of a quality unsurpassed.

Veins are now being opened in several counties, which promise in future to yield more than sufficient to meet the wants of our own people.

In estimating the comparative wealth and productiveness of California, as an evidence of her wonderful progress and prosperity, we may well and proudly institute a comparison with other States of the confederacy.

Among the many interesting facts to be gleaned from official reports and other reliable sources, we learn that the number of horses and mules in California, is only exceeded in *fifteen* States, including the great States of New York, Pennsylvania, Virginia and Ohio. In the number of cattle, but *seven* States exceed California. In wheat, but *nine* States produced more during the year 1855—while *New York alone* exceeds California in the number of bushels of barley raised. Of potatoes, sixteen of the States produce a less quantity than our own. Of all the States of the Union, not one produces so many gallons of wine—and in the aggregate value of live stock, but *fourteen* of the thirty-one States exceed California.

It will thus be seen, that California, though the youngest of the sovereign States, ranks at this day among the first, in all the elements of true wealth; and the rapid progress made in the past, warrants the hope that she will soon outstrip all competitors in the friendly struggle for commercial and agricultural suspremacy in the markets of the world.

WHALE TRADE OF THE PACIFIC.

In a special communication addressed to your immediate predecessors on the 16th of March, 1855, the great importance of securing for San Francisco, and other ports within the State, the benefits of the Whale trade was urged upon their early and favorable consideration, and suggestions made as to the best mode of inducing the Pacific Whalers to seek our ports for supplies, repairs, &c.

The recommendation relative to a reduction of the rates of Pilotage, received prompt attention, and an act regulating the same was, in a few days, passed and approved.

Since the transmission of the communication above referred to, and the passage of the act named, a part of the whaling fleet in the Pacific, has visited ports on our coast, and several vessels were a short time since on the Dry Dock at Mare Island, undergoing repairs. But, it would seem, that further legislation is requisite in order to secure to our people the full benefits to be derived from this highly important branch of commerce.

During the recess, I have given much consideration to this subject, and have ascertained that additional legislation is necessary to secure the advantages of this valuable trade, and that the great, and, perhaps, only remaining obstacle to be overcome, is in relation to the shipping of seamen, and the prevention of desertion, by the unwarrantable interference of parties resident in the large cities.

This branch of the commerce of the Pacific is rapidly on the increase, and some idea of its importance may be formed from the fact that there are now engaged in whaling, on this coast, no less than seven hundred and fifty vessels, manned by twenty thousand seamen.

In view of the great importance of securing for our people the benefits of this large branch of our national commerce, I would respectfully recommend the selection of a joint committee of the two houses, with instructions to correspond with the owners of whaling ships resident at New Bedford, New London, Nan-

tucket, and other cities on the Atlantic, and obtain their views and such information as may be necessary to provide the legislation required for their more perfect security, while in our ports, receiving supplies and making repairs.

Such a committee, if prompt in its action, could, before the close of the session, acquire the information needed as the basis of subsequent legislation, which would doubtless enure greatly to the advantage of our own people, and the convenience and profit of whalers in the Pacific.

Regarding the subject as one of much importance, and worthy of prompt attention, it is commended to your immediate and favorable consideration.

SWAMP AND OVERFLOWED LANDS.

The last Legislature passed an act providing for the sale of a portion of the overflowed lands within the State, upon terms liberal and just to all disposed to purchase and engage in their reclamation and cultivation. This act, however, in justice to a large number of enterprising citizens, requires to be so amended as to authorize the sale of all the overflowed or swamp lands of the State, except such as may be situate within *one* mile of the cities of San Francisco, Sacramento, Stockton, Oakland, and Marysville.

There exists, in my opinion, no good reason why settlers upon the banks of the Sacramento river should be deprived of perfecting or acquiring a title from the State, as they now are by the act of April 28th, 1855. By the provisions of this act a large number of the settlers of Yolo, San Joaquin, Sacramento, and other counties, are debarred from acquiring a title to these lands, and now only remain upon or hold them by the sufferance of the State, although able and willing to pay a reasonable price to the State for the same.

The exemption from the provisions of the act of all lands "within *ten* miles of the city of San Francisco and *five* miles from Sacramento, Marysville and Oakland, and within *one* mile of the Sacramento river," was inserted more especially to prevent speculations in certain water property contiguous to and adjoining those great cities, but would have been as effectual in the accomplishment of that object if *one mile*, instead of *ten* and *five*, had been named, and at the same time would have brought into market and cultivation lands which cannot be obtained until the law, in justice to individuals and interests of the State, shall be so modified as to authorize their sale.

It is no doubt true that the land exempted from sale is of greater value than that more remote from the cities and the river, and that when once reclaimed, will, from close proximity to good markets and water courses, no less than from its wonderful fertility, command a much higher price.

It may also be true that no injustice would be done, and the interests of the State best subserved, by charging a larger sum per acre for lands thus situated, but, I must say, that I doubt the policy of such action, and believe the true course to be pursued by the State is, to offer every inducement to their early reclamation and settlement, imposing as few restrictions or hardships as possible.

The act in question should, therefore, be amended as above suggested, and the necessary measures adopted to secure to the State of California all the lands within her limits subject to overflow.

In my last annual message, your immediate predecessors were urged to action in relation to this important matter, and reminded "that the instructions of the Commissioner of the General Land Office, issued on the 21st of November, 1850, direct the several Surveyors General, to regard as granted by the act above referred to, "all lands, which from being swampy or subject to overflow," are unfit for cultivation, and in which are to be included also "all lands which through any part of the year, are subject to inundation at the *planting*, *growing*, or *har-*

resting season, so as to destroy the crop, and therefore are unfit for cultivation: taking the average seasons for a reasonable number of years as the rule of determination."

In order to secure to the State of California all the lands within her limits *subject to overflow*, and to which she is justly entitled, under the act of September 28th, 1850, it will be necessary to authorize the agents of the State to procure and present to the proper officers of the general government, satisfactory testimony on the subject.

Experiments made during the past year have demonstrated the fact that these lands after reclamation, are of a fertility unequalled in any country, and with comparatively little care or cultivation, produce in unparalleled abundance. Vegetables of every kind and of the richest flavor are produced, and of greater size and quantity to the acre, than has been realized in any other part of the world.

It is believed by many whose opinions are entitled to much weight, that these lands will, after reclamation and careful preparation, produce cotton and rice in sufficient quantities to make their cultivation as profitable as in any of the southern States.

The experiments heretofore made, it is proper, however, to state, have not been upon such a scale as to fairly test the adaptability of our climate and soil to the culture of these important products, or satisfactorily to settle the question, but I have little doubt that a few years hence the overflowed lands of California will, to a great extent, be used in the cultivation of these great Southern staples.

Among the present actual products of these exceedingly rich lands, the most important, perhaps, is the sweet potato, which, during the past season, has been cultivated in the greatest abundance, and of a size and flavor unsurpassed in any other country.

In my last annual message, I informed your immediate predecessors that "several parcels of *Tule*, which is indigenous to the soil, had been forwarded to paper manufacturers in the Atlantic States, for the purpose of testing, by actual experiment, its adaptation to the manufacture of paper."

The quantity of *Tule* sent, I regret to say, was insufficient for the purpose of satisfactory experiment; but it gives me much pleasure to assure you that the experienced manufacturers, who tested the small quantity which reached them safely, entertain no doubt that a good, if not superior quality of paper can be manufactured from the *Tule*, if collected before it fully ripens, and is preserved from exposure to the winter rains. It is believed that the fibers of the Tule thus collected and secured, would be much finer in texture and stronger, and that the cost of bleachingwould not be increased.

It is to be regretted that I was not advised of the failure of the principal packages sent to reach their place of destination before the rainy season commenced, as I was extremely anxious to have reported fully and favorably to the present Legislature.

Under the Act of April 28th, 1855, comparatively but a small quantity of these lands have been disposed of, and but little will be sold until the Act is modified as before suggested, and lands which our people desire and need placed in market.

The reclamation of the swamp and overflowed lands, to which the State is entitled under the act of Congress, amounting in the aggregate, if judiciously and properly selected, to not less than six millions of acres, will add immensely to the substantial wealth of the State, and the prosperity of our people ; and as a source of continuous and never-ceasing revenue, as taxable property, is a subject worthy of grave and careful consideration.

At present, their reclamation, as a whole, is regarded by many as an impos-

sibility; but the experience of a few years, and a more intimate acquaintance with the country, will demonstrate the fallacy of this opinion, and satisfy all that these lands can, by the adoption of some general plan, be reclaimed and subjected to cultivation, and when so reclaimed, will, as a source of wealth, be exceeded only by the rich placers and hill sides of the snow-capped Sierra Nevadas.

The actual settlers on the eastern bank of the river below the city of Sacramento, have in contemplation an improvement which, when completed, will protect against overflow, not only the lands now occupied and improved by them, but thousands of acres belonging to the State.

This improvement, so necessary and important to the projectors of it, as also to the State, will be speedily completed at the expense of private individuals, in case the act of April 28th, 1855, be so amended, by you, as to enable them to obtain title from the State to the overflowed lands now occupied by them.

These enterprising and industrious citizens deserve consideration at your hands, and I trust that, without unnecessary delay, the act above referred to will be amended as suggested, to the end that they may secure homesteads to themselves, and at the same time greatly enhance the value of the property yet remaining to the State.

Whole number of acres of swamp and overflowed land sold by the agents of the State since the first day of June last, under the Act of 1855,	29,718
Surveyed for entry, - - - - - - -	11,440
Total number of acres, - - - - -	41,358

It is confidently believed that if the act of 1855 be modified, as above suggested, the entries of swamp and overflowed lands will exceed one hundred and fifty thousand acres within the year 1856.

PROTECTION TO ACTUAL SETTLERS.

I have heretofore, in annual and special messages, urged upon the Legislature the great importance of providing more perfect security for the homestead, by requiring adequate payment to be made to the actual settler, in case of ejectment, for all necessary and useful improvements. An act for the protection of this enterprising and deserving class of our fellow citizens, I have ever regarded as necessary to inspire confidence among the people that the labor, capital and enterprise expended in preparing the soil for cultivation and developing the agricultural resources of the State have not been bestowed in vain.

In all new States, especially is it the duty of Government to encourage and foster agricultural pursuits, as the enduring basis of substantial prosperity and true wealth By this means not only are wild and uncultivated lands settled upon and improved, and a community formed more stable in character and industrious in habit, but the real wealth of the State augmented, and taxable property increased. Of what avail is it that our soil is the most productive, and our climate admirably adapted to the culture of all the necessaries and luxuries of life, if flowery vales sleep in native beauty and silence, and expansive plains are but the roaming grounds and rich pasture fields for the unchecked herd? The true wealth of a prolific soil is to be found alone in the hardy and industrious hand which brings it into subjection—which turns the rich sod with the plough-share—prepares it for the rains of winter and dews at nightfall, and which, at harvest season, reaps from fields of bending grain the rich recompense of toil.

In California, where, by act of Congress, the settler can make his pre-emption upon *unsurveyed* lands, and where there exists so much uncertainty as to *lines* and *titles*, errors in location must necessarily often occur, and there certainly should, therefore, be provision made for the security of the *bona fide* settler in such cases.

Having given the question careful consideration, and made thorough inquiry, in order to satisfy myself as to the correctness of the position assumed, I can conceive of no good reason why the owner of the soil should object to the payment of the full value of all useful and substantial improvements.

These improvements are generally, if not universally, of such a character as to greatly enhance the value of the land, over and above their *actual* worth, or even *original cost.*

An act providing this salutary and much needed protéction to actual settlers, I am strongly of the opinion, would, in a short period of time, have but few opponents; and, I have no doubt, that brief experience would prove its utility in promoting the general welfare. Such an act, carefully prepared and well guarded, it is confidently believed, would produce a feeling of more perfect security, settle existing disputes, and prevent future difficulties and controversies, relative to lands in California. Nor need it be apprehended, as some seem to fear, that, in the event of the passage of such an act, locations would be made for the sole purpose of exacting from land owners exorbitant prices for improvements. No man, it is maintained, will locate upon land, and expend time, money and labor in improving and beautifying it, with the full knowledge that the title is in another, and that he can, at any time, be ejected from the premises.

The class of men who are engaged in tilling the soil, are usually too much devoted to domestic quiet, and that peaceful retirement, which is attendant alone upon such pursuits—are too much attached to the calm and hallowed enjoyment of home and the fireside circle, to locate upon and improve lands belonging to others, and from which they must, ere long, be driven to seek a new shelter for their families, and to abandon improvements and comforts obtained at the sacrifice of many a weary hour, at the expense of so much toil and money.

Those who come to settle upon and cultivate the public lands are generally the most stable, enterprising and permanent of the population of a new State, and come hither with their families to surround themselves and those they hold most dear, with the manifold blessings and endearments of home. It is for this they abandon the green fields of their earlier days, sever the fond associations of youth and early manhood, endure the trials, afflictions and toils of a long and perilous journey, and when once settled in their new abodes, by the labor of their own hands, adorn and beautify them. It is neither reasonable to believe, nor does experience teach it to be true, that hope of gain in improving the lands of others, has heretofore, or will hereafter, actuate them in making locations. For these reasons I regard this subject as one eminently entitled to your most serious consideration, and respectfully, but earnestly renew the recommendation of last and preceding years, with the hope that it may receive your early and favorable action.

SCHOOL LANDS.

Of the many interesting and highly important subjects, which, as the immediate representatives of a free people, you will be called upon to examine, there is none more deserving of your most serious and careful consideration and judicious action than that connected with the education of the rising generation.

By the wisdom of the framers of our own Constitution, and the proper appreciation by Congress of the great importance of educating the whole people, the

children of the State of California are possessed of not less than *seven millions* of acres of public lands—constituting a rich heritage inviolably devoted to educational purposes.

The lands donated to the State by acts of Congress, passed in the years 1842 and 1853, should, without delay, be selected and set apart so as to prevent their sale by agents of the General Government. Prompt and decisive action alone is required to secure to the children of the State the princely endowment, bestowed by the parent Government to be applied in their education and preparation for the cares and responsibilities soon to devolve upon them as free and enlightened citizens of a sovereign State. It is true that an act designed to provide for the selection of the school lands was passed at the last session of the Legislature, and was approved by me. This act, however, was not such as the necessities of the case demanded, nor did its provisions meet with my entire concurrence, as they were manifestly inadequate to secure the great object desired; but the session was so far advanced ere any action had been taken in the matter, that I was compelled to choose between the alternatives of an imperfect law on the subject, or none at all.

The main objection to the act above referred to, is, that it will require too great a length of time to perfect the selections authorized under its provisions.

The subject is, therefore, commended to your early and careful consideration, as one pre-eminently entitled to the earnest investigation and mature thought of the representatives of an intelligent people, and with the hope that by means of your immediate and judicious action, the school lands may be all selected at an early day, and the foundation thus laid for a vast fund devoted to the education of the youth of the State.

PACIFIC RAILROAD.

The rapid progress which has, during the past year, been made in developing the vast and unequalled resources of the Pacific country, together with the evident fact that additional population alone is required on this coast to give it still greater prominence in the eyes of the world, and immensely to augment the national prosperity and wealth, has called forth from our people a universal demand for the speedy construction of a thoroughfare across the continent, connecting the Atlantic and Pacific Oceans.

The growing importance of California—the wants of her people, and the requirements of her fast augmenting commerce, would seem to demand the consideration of the Federal Government, and that prompt, decisive, and judicious legislation which should ever characterize its action in matters involving the national welfare, or the prosperity of the individual States.

That it is peculiarly the province of Congress, at least to lend a helping hand to this vast undertaking, uniting with bands of iron, and the more indissoluble bonds of a common interest, the extremes of our mighty confederacy, few will deny. Forming a part of the same free republic—having a common interest in the affairs of the nation—partaking of the same blessings, and submitting to the same burthens:—enjoying identical institutions, with similar laws and language, and firmly united in feeling with our sister States, the people of California are yet more widely separated in distance from the parent Government than they are from the Empires of China and Japan. With all their wealth, free institutions, commercial importance and mineral resources, they are, at this time, on a far off coast, beyond the protecting arm of the General Government, and, in case of war, are left almost entirely to their own resources to defend their hearths or repel agression. With our national fleet at a distance of fifteen thousand miles, an army of rescue would be compelled to travel through a foreign country or

traverse an unpeopled waste across a continent, with stores, munitions of war, and artillery, ere we could receive succor in case of invasion. It is a wise maxim and one now especially worthy of consideration, which teaches governments "in time of peace to prepare for war," and it is the part of true wisdom for the General Government to attend to the wants of our people in this respect ere their necessities shall demand it, or the threatened safety of the youngest and brightest star of the confederacy show the fallacy of a procrastination which has already been felt too long, and which, in the end, must redound to the injury of California, if not irreparable loss to the Union.

The time has at length arrived when our people can no longer brook delay, and when renewed and constant exertions on our part are eminently demanded, to press upon Congress the importance and the necessity of an early completion of the Atlantic and Pacific Railroad.

It is true that now, while all Europe is trembling on the verge of an interminable warfare, and while her battle-fields ring with the clang of arms and the roar of artillery, while thrones, principalities and kingdoms rock with internal discord, and the mutterings of popular outbreak are heard on every side, we are calmly enjoying the blessings of continued peace, and in plenty and prosperity reveling in the fruits of abundant harvests and peaceful pursuits.

But we know not how long this happy state may continue; how long we may be exempt from the ravages of foreign war, or how soon a combination of the great powers of the earth may wreak vengeance, or envy, upon our own people. Standing in the vanguard of nations in commerce, civilization and enlightened progress; in agriculture, manufactures, arts, literature and science—in all that elevates the man, dignifies the race, or makes renowned a people it is our duty, which prudence, if not necessity, should dictate, to be prepared for any emergency; to be ready as well to meet an enemy at the threshold, as to give succor to a friend.

While we, with hospitable arms and generous liberality, extend an invitation and kindly greeting to the downcast and oppressed of every land, and offer a home and protection to those who seek our shores to share our privileges and burthens, and enrich the State, we should not, in the days of prosperity forget, that, in the course of events, and from the very necessity of things, we, too, may be called upon to defend our honor and our homes against the aggressions of an invading foe. It is needless for me to say that in such an event, in our present condition, California would be entirely unable to protect herself. With an open and almost unprotected sea-board, of seven hundred miles in extent, her cities, from north to south, would be liable to capture and destruction, ere succor could reach these shores; her people could be harrassed, their property destroyed, their commerce, domestic and foreign, completely annihilated, and a sufficiently powerful armament could, for a time at least, terminate the political existence of this the brightest gem in the galaxy of States.

To avert so dire calamities, and, also, to foster and extend our varied commerce, to advance our prosperity, and to add to the glory and wealth of this young State, as well as to promote the dignity, importance, and welfare of the whole Union, is the province and the duty of the Congress of the nation. In no way can this so well be accomplished,—in no way so many blessings be vouchsafed and insured, or evils untold averted, as by the speedy construction of a great national highway from the Mississippi to the shores of the Pacific.

But the benefits of this enterprise, although immensely important to California, will not be confined solely to her, and it is not alone in her behalf that we urge the measure upon the consideration of Congress. The railroad across the continent is a great national work, eminently worthy of the enterprise, industry, wealth, and energy of this great Confederacy.

Its magnitude and utility to the whole Union, embracing, with its branches, every section of the country, and uniting with iron bands the outermost portions of a mighty empire, render it a proper object for the exhibition of the powers and resources of the United States, and when once completed, will forever remain a monument to the intelligence, progress, wisdom, and energy of the nineteenth century.

As a thoroughfare for the certain and speedy transportation of mails, munitions of war, and emigrants who may desire to find a new home on the Pacific, as well as to increase the facilities required by the commerce of the world, and that frequent and safe intercommunication and friendly interest necessary between the people of the same great confederacy, this road is demanded by every consideration of justice, necessity, and propriety.

In the consideration of this truly important question, it should be borne in mind that this young giant republic, with its three millions of square miles of territory, extending from ocean to ocean, over a space of twenty degrees of latitude, (being nearly one million square miles more than the Russian possessions proper) with its twenty-six millions of inhabitants,—with its unequalled resources of wealth, and all the elements of true greatness, has no national highway, no grand thoroughfare extending across its compact territory; in truth, has no reliable means of transit for its mails, munitions of war or troops, from one portion of the continent to the other.

In order to remedy this great want, now beginning to be felt as a necessity by our people, I regard it as the duty of Congress to provide at an early day for the building of the road, and if necessary, to lend the name, credit, and territory of the nation in assisting in its speedy completion. So far as the construction of the road by Congress is concerned, I deem it proper to state, that I regard the Atlantic and Pacific Railroad as a necessity of the age, as a great national enterprise, and that the constitutional power of Congress to provide for its construction through territory *exclusively under the jurisdiction of the Federal Government*, by the donation of alternate sections of such territory, or, if necessary, by the appropriation of treasure from the coffers of the nation, cannot be questioned. The refined distinction, advanced by some, between the donation of lands, and the appropriation of money derived from the sale of those lands, is, in my opinion, not authorized by any principle of constitutional construction, nor can it be derived, either expressly or impliedly, from the language, context, or tenor of that instrument. With reference to the great question of internal improvements I desire here to state, that the position taken by the framers of the Constitution itself, and by the great lights who followed them, whose names and deeds are now history, as understood by me, has always been that Congress possessed the constitutional power to commence, carry on and complete, with the public funds, if necessary, each and every work, *national* in its character, and which is requisite to advance the prosperity, and provide for the *common defence* and general welfare of the whole people.

In a word, the line of distinction drawn, is between a system of internal improvements for the special benefit of individual States, and those larger, more extended, and important enterprises which embrace in their nature the well being of the whole nation—those national undertakings which are necessary to preserve its unity, defend its outposts, and provide for the protection and fostering of its extended foreign and internal commerce. As such a work, the Pacific and Atlantic Railroad pre-eminently deserves to receive the aid and care as well as the resources of the nation.

In conclusion of this highly important and interesting subject, I would simply remark, that in my opinion the most advisable plan to secure the early comple-

tion of this great work, would, perhaps, be the donation of alternate sections of land on the route selected, and if need be, the lending of the name and credit of the nation, with a lien upon the road itself, as security for payment.

The first would not only be amply sufficient in a short time, to raise funds to complete the road, but would greatly enhance the value of the alternate sections reserved by the government, so that while the country now unpopulated would be opened up to the industry and enterprise of our people, the revenue of the nation derived from the sale of these lands would not be diminished, but actually increased. The latter would perhaps be necessary to begin the work and assist in its speedy completion, and would assuredly secure the government from loss

OVERLAND ROUTE TO CALIFORNIA.

In connection with the subject of the Pacific and Atlantic Railroad, and as the most speedy and practicable plan of rendering facilities to immigrants, in their long and hazardous journey to California, I desire to renew the recommendation contained in my last annual message, relative to the establishment by Congress of a sufficient number of military posts along the entire route between the Western frontier and the Pacific to afford ample protection to immigrants against the aggressions of hostile Indians, and also stations where needful supplies could be obtained.

As the time expended in the discussion of the project of the Railroad, the survey and location of the route, together with necessary explorations, will, in all probability, delay its final completion at least several years, I desire to invite your attention to the recommendation made to your immediate predecessors, and to express the hope that you will, at an early day, in some appropriate form, urge upon Congress the importance of increasing the facilities of overland travel to California, and of affording the protection and aid now so much required by immigrants to our shores.

In my last annual message I remarked: "The establishment and maintenance of a sufficient number of military stations, at intervals of seventy-five or one hundred miles, with fifty men at each post, it is believed, would afford the security required, and incur the expenditure of but a trifling sum, compared with the great and manifold advantages which would certainly result not only to California, but to the whole Union."

This plan, it is believed, would render overland travel secure, and augment immensely the population of California, by the immigration of families, at present so much required to add permanence and stability to our prosperity. Nor would the benefits derived from this plan be confined to California alone, for around each of these stations would gradually be formed a settlement of hardy and adventurous pioneers, and in a few years, from the protection and facilities thus afforded, the entire country lying between the Mississippi and Sacramento rivers would be thoroughly explored, and, I doubt not, discoveries made, not only developing the vast mineral and agricultural resources of that immense tract of land which is now an almost unbroken wilderness, but also clearly and unmistakeably indicate the shortest and most practicable route along which can be constructed the great highway of nations—the Pacific and Atlantic Railroad.

This subject is regarded by me as one of vast importance to California, and as the forerunner of the Railroad, and the precursor of a speedier and safer means of communication, the establishment of military posts by the general government, and completion of a wagon road across the Sierra Nevadas, by our own people, is eminently worthy of your most earnest consideration and immediate action.

ASIATIC IMMIGRATION.

In a special communication transmitted to the Legislature of 1852, as well as in my annual message to your immediate predecessors, views and opinions were expressed in relation to the Asiatics, which it is proper here to state have undergone no change. I still maintain, as then asserted, that the power of determining who are and who are not dangerous or inimical to the interests and well being of the people of a sovereign State, rests entirely with themselves, and that the legislative power of the State of California can under the Constitution not only prevent Asiatics from landing within her limits, but can also remove from among her citizens such as may be regarded as injurious or dangerous to the welfare or safety of the commonwealth.

It is, in truth, a question of policy alone, concerning which the representatives of the people have the right to decide and the power to enforce, the authority of the State in the premises being unquestionable.

In connection with this question, I have uniformly stated that I was opposed to any change in the wise and liberal policy of our Government, inaugurated at the very formation of the Republic, and which should for no light reason be ever departed from, so far as concerns foreigners, who seek our shores to find a home in a free land, and who, under the Constitution and laws, by naturalization, can become citizens of this great confederacy, and with us share our privileges, cares, and responsibilities; but I have ever doubted the policy of encouraging the immigration of Asiatics, for the reason principally that they cannot be naturalized or unite with our people on an equality socially, morally, or physically. Such a population, if encouraged, will deter and take the place of others who are now citizens, or who can soon become such, and as we have abundant evidence, create a prejudice against all persons of foreign birth, without regard to their claims to the privileges granted by our Constitution and laws.

That we need additional population in California to develope our vast mineral and agricultural resources, to promote manufactures and arts, and increase the wealth and importance of the Pacific country, is certainly true; but much as we may require increased numbers, we should not desire a population which, under our constitution and laws, the conventional rules of society, and the still more arbitrary law of nature itself, can neither become citizens, nor mingle socially with our own people.

So far as Europeans are concerned, I have uniformly favored liberal enactments in relation to citizenship, and have ever believed and maintained that the framers of the Constitution, in authorizing a uniform system of naturalization, intended that privilege should be confined to them, and that they certainly did not intend to include those with whom our people could not socially unite.

I have ever entertained this opinion, for the reason that no higher privilege can be extended to man than that inestimable blessing which, while it secures to him the enjoyment of civil and religious liberty, raises him to his proper estate in the eyes of his fellow man, and confers upon him the right and dignity of citizenship in a free land. After having thus granted this greatest of privileges, and stamped upon his brow the title of *freeman* and *fellow-citizen*, as a national idea, others of less importance cannot be denied, and he is then left to his own merits, to his intelligence, uprightness, industry and moral character, to win his way in the affections and esteem of his co-laborers here to the highest social and political positions. Naturalization, conferring as it does citizenship, places the object of it on a level with those who are to the "manor born"—extends the right of suffrage—of holding office—in short, every privilege secured to the people by the liberal constitution under which we so happily live and prosper.

After having granted to individuals of a particular race or nation, all these

great and inestimable privileges, we cannot and do not claim superiority over them in any respect; and in proportion to their individual, moral and intellectual worth unite and mingle with them in every relation of social life.

The conceded fact that Asiatics cannot become citizens, and must on our soil forever remain as the African a distinct and separate race, with marked peculiarities and characteristics, differing essentially from our own people, without the possibility of amalgamating or uniting with us in future, is to my mind a sufficient reason why we should not encourage their migration hither, but by every just and proper means endeavor to relieve our people from the hordes who have already gathered on our shores.

That they interfere seriously with operations in the mines, and that their ignorance of our habits, language, laws, and institutions, produces innumerable difficulties and conflicts between them and others in relation to mining claims, forms another strong ground of objection to them as a portion of the population of the State. This, perhaps, in time might be obviated, but the fact that they cannot become citizens and unite socially with us is an insuperable objection, and one which, in my opinion, will never be removed.

Your attention is at this time invited to the Asiatic question, because I have been induced to believe that an effort will be made during the present session to modify the existing laws on the Statute Book, which were adopted after mature deliberation and earnest inquiry, and in response to the almost unanimous wishes expressed, in the most unmistakable manner, by our common constituents in the various mining localities throughout the State. Although some of the provisions of the statute sought to be modified, did not originally meet with my entire concurrence, I now doubt the policy of any material change. It should be remembered that in legislating upon this intricate and exceedingly delicate subject, we are acting not so much for ourselves, or the present generation, as for all time; and that upon your wisdom and judicious action now may depend to a very great extent the future prosperity of the State, and the happiness and well-being of succeeding generations.

From reliable data it appears there are not less than forty thousand Chinese in our midst, scattered throughout the entire mining sections of the State, and congregated in our cities, villages and towns, forming a distinct class of themselves, separate and apart from the great body of the peopla.

Through the instrumentality of the laws, now in force, this number is being gradually but surely diminished. Should we, however, materially modify these laws, and by so doing, encourage the immigration which is now effectually checked, and which at one time threatened to overrun the State with immense hordes of Chinese, we will, in a very short period of time, find ourselves numerically their inferior, and surrounded by a race in no other respect esteemed as equal, alike ignorant of our language and laws, and regardless of our institutions, habits and customs.

No present pecuniary gain or hope of future profit is, in my opinion, sufficient to outweigh these considerations, or induce us to entail upon those who are to come after us the evils of such a population, or to imperil the well-being of the State by encouraging an immigration which can only result in future difficulty and injury.

In the consideration of this interesting and highly important question, it should be remembered, that Asiatic immigrants can reach California for less than one-sixth of the sum, and in much less time, too, than immigrants from any of the Atlantic States or Europe, and that the departure from China of a population equal in number to that of both the great States of New York and Pennsylvania, would scarcely be missed from a people whose empire, at this time, numbers more than three hundred and eighty millions of souls.

The question of Asiatic immigration to California, involves many considerations which do not affect, and can have no relation to immigrants from Europe. The latter are, as it were, a part of our own people, belonging to the same race, with our own blood flowing in their veins,—capable of the same intellectual, moral and political advancement, susceptible to the same high influences—worshipping the same living and eternal God—and possessed of the same longing after liberty as ourselves. With them we are more or less directly connected in interest and feeling, and remotely or nearly descended from a common ancestry. From them have we received much of our language, literature, laws and free institutions. Above all, they can and do appreciate the inestimable blessings our Constitutions guarantee, and unite with us as citizens of a great Republic in endeavors to sustain its glory and advance its progress—nor need we apprehend that they will arrive and remain amongst us as aliens in such numbers as to seriously interfere with the interests of others, or outnumber the population enjoying and appreciating all the privileges conferred by a free government.

On the contrary the Asiatics, in a moral and political sense, are the very antipodes of our race, and cannot assimilate or unite with our people in any of the relations of civil or social life.

In view, then, of these undeniable facts, what is to be done? This is the great question at this time to be solved. As before remarked, if the existing statutes be materially modified and liberalized, it will be regarded as a new invitation to the Asiatics, and the tide of immigration which for a time has been checked will again roll in upon us, and no estimate can be formed as to the numbers who will flock to our shores in search of gold.

After having relaxed in our opposition and induced increased immigration, we cannot then with justice or propriety pass laws calculated to oppress, or burthen with exorbitant taxation, in order to again drive them from our midst Such a course would be manifestly unjust, improper, and illiberal. It is no part of the character of the American people to entice the stranger far from his native land by fair inducements, and then pluck him of his gains, restrain him of his liberty, or oppress with rigorous laws. The evils of too great an immigration can best be avoided by permitting existing laws te remain in force; but if material modifications be made, injurious effects will certainly be felt as the natural consequence of a mistaken policy of our own, and the remedy, if remedy can be devised, should be as free as possible from hardship and oppression.

Having thus freely and fully expressed my own views, the whole subject is commended to your earnest consideration, with the hope that you will not act without first weighing well the consequences to ensue, and giving to all the questions involved that careful examination which they eminently deserve.

POSTAL ARRANGEMENTS.

Believing that there should be a very considerable reduction in the rates of postage now chargeable for California, as well as greatly increased mail facilities, I would respectfully recommend that the representatives of the people, in some form, invite the attention of Congress to the subject, and give expression to the voice of their constituents, who are at present burthened with exorbitant taxation for the support of the Post Office Department at Washington.

I have given the question some consideration, but can conceive of no good reason why the people resident on this coast should be required to pay on each letter more than treble the amount exacted from the citizens of other States of the Union.

It is true that our people are at a greater distance from the central part of the Confederacy than those of other States, but I cannot regard this as a sufficient reason for so great a discrimination against them in this particular, as they are equally entitled to the consideration of the parent Government. A cheap,

as well as uniform postage system is required by the people of the nation, as well as of California, and the experience of other Governments no less than our own, has proven that such a system, is productive more revenue than higher and irregular rates.

Late official reports exhibit the fact that in England, where the postal system is cheap and uniform, and hasreached a high degree of perfection, the average number of letters written and mailed during the year 1854, was *fifteen* to each inhabitant, and that in the United States, the number to each inhabitant was but *four* during the same time.

It will hardly be contended that the mass of the subjects of Great Britain are more intelligent and well informed than the people of the Union, yet the discrepancy between the number of letters written would seem to argue that such was the fact were we not able to trace it to the real cause.

During the year 1854 the whole number of letters which passed through the various post offices of the United States, was one hundred and nineteen millions; while in England, during the same period, they exceeded four hundred and eighty millions. The difference between the number of letters written and mailed in the two countries is very great, considering that the population of England is but about two millions greater than that of the United States, and can only be accounted for in the fact that our rates of postage are too high, and our mail facilities inadequate to the wants of the people. In the year 1854 the whole amount collected from the people of California, in the shape of postages, was two hundred and fifty-six thousand one hundred and eighty-eight dollars and thirty-four cents; amount paid for mail service within the State, one hundred and sixty-three thousand and seventy-seven dollars and eighty-three cents; excess of receipts over expenditures, ninety-three thousand one hundred and ten dollars and fifty-one cents.

The foregoing facts prove that however it may be in other parts of the Union, it is manifestly true, that so far as the people of California are concerned, important reformation is demanded in our postal system, and a reduction of the excessive rates at present imposed.

Justice requires that I should say that, in my opinion, no blame attaches to the management of the post-office department, but that the intervention of Congress is required to remedy the defects complained of by our people, and I trust you will deem it proper to urge the subject of postal reform upon their immediate consideration.

INSANE ASYLUM.

This most excellent institution, erected and sustained by the liberality of the State, has been well managed during the past year. Those having control of the institution, by their skill, urbanity, kindness and unwearying attention, have given the utmost satisfaction.

The number of patients in the asylum on the 7th day of January, 1855, was one hundred and thirty-four; since that date one hundred and ninety-three new patients have been admitted, making the whole number treated during the year, three hundred and twenty-seven. During the period named, one hundred and fifty-two have been restored to reason, cured and discharged; eleven have died, and one hundred and sixty-four are still in the Asylum under treatment.

The office, wards and rooms are all well and comfortably furnished. The reading-room, which is large and commodious, and contains a library of about two hundred volumes, ten daily newspapers, one weekly, and a number of monthly magazines, is a new and commendable feature in the institution, being a very

great accession to the means employed to render the condition of the unfortunate inmates as comfortable and pleasant as possible.

Since the adjournment of your immediate predecessors, a large and well arranged kitchen, a bakery, store-room, dining and wash-rooms, and separate bathing apartments for the males and females, have been completed and are attached to the main building.

Surrounding the Asylum and under a good fence, is a piece of ground of one hundred and one acres, together with a garden in a fine state of cultivation, which by the labor of the patients alone yielded last year a most abundant crop of vegetables of every variety.

An additional wing for the accommodation of female patients is regarded by the physicians in charge as indispensably necessary, and I hope you will, early in the session, appropriate a sum sufficient to erect the building required, which, together with those heretofore provided, will afford room amply sufficient to meet the wants of the State in this department for the next ten years.

The institution it gives me great pleasure to assure you, has been admirably and economically conducted, and on the first day of December last was entirely free from indebtedness.

PUBLICATION OF AMENDMENTS TO CONSTITUTION.

At the last session of the Legislature, several highly important amendments to the constitution of the State were framed and passed, but your immediate predecessors neglected either to direct their publication, as required by the constitution, or to appropriate means for the payment of the same.

In order to give the publicity required, and enable you to act upon them at the present session, I took the responsibility of directing their publication for the information of the people of the State, and hope that you will, at an early day, make provision for the payment of the several claims for publication, which I have no doubt will all in due time be presented for your consideration.

It is proper in this connection to state, that all who published the amendments were informed that no appropriation had been made, and that they must look to the Legislature, and rely upon them for payment.

STATE LAND SALES.

During the recess of the Legislature, but one sale of land within the city of San Francisco, in which the State possessed an interest, has been held. Of the property sold, but a few parcels were of much value, the greater portion of it consisting of lots resold, on account of purchasers at sales made by the late Board of State Land Commissioners.

All the information necessary to a full understanding of the subject, together with the proceedings of the Board, will be found in the report of the agent appointed under the law.

A full report of the proceedings and sales of the late Board of State Land Commissioners, will be also transmitted for your information.

ANNUAL REPORTS.

Copies of the Annual Reports of the State Controller, State Treasurer, Surveyor General, and Quartermaster General, are herewith transmitted. These reports contain highly important and interesting information, all of which is commended to your careful consideration.

In compliance with constitutional requirement, I herewith transmit a statement exhibiting the number and names of persons pardoned during the year ending December 1, 1855. Also a list of appointments made to supply vacancies which have occurred in office during the year.

I have also, in accordance with the provisions of an act approved April 27, 1855, filed in the State Controller's office a statement, verified by oath, exhibiting the several payments made during the year from the contingent funds placed subject to the order of the Governor.

The Directors of the State Prison, I have been assured, will, in a few days, transmit for your information a full and satisfactory report in relation to the management of the Prison, and the erection of the wall.

Believing that the law did not require it, I was not consulted by the Directors in relation to the terms of the contract, nor was I called upon to examine and approve the accounts rendered under the contract. This being the case, I am unable in this communication to do more than to state that the Directors will, in a few days, present an elaborate report of their acts and proceedings since the —— day of June, 1855, and that I have their assurance that it will be entirely satisfactory.

The recommendations heretofore made, and in this communication again commended to your serious consideration, in relation to economy and reform in the administration of the affairs of the State Government, and in the abolishment of offices regarded as unnecessary, together with the adoption of the amendment to the Constitution providing for biennial sessions of the Legislature, will so far lessen public expenditures as to authorize a very considerable reduction in the present rates of taxation, and should the property of the State in the city of San Francisco be properly husbanded, as herein suggested, and hereafter judiciously disposed of, the State is possessed of ample means for the redemption of the entire existing debt, without imposing additional burthens on the people.

This is a consummation ardently desired by every well wisher of the State, and to you alone can they look for that aid and fostering care which only the representatives of the people can bestow.

The Governor, under the Constitution, can only suggest and recommend in general terms, measures of utility and necessity, and mark out a course of economy and retrenchment; but with you, in your legislative capacity, remains the power to mature and give force and vitality to those recommendations, and in detail, provide means for the liquidation of the State debt, and the prevention of extravagant expenditures in the several departments of the Government.

Having thus fully and unreservedly, though as succinctly as possible, suggested such measures as are believed to be necessary to relieve our people from onerous taxation and promote the prosperity of the State, it only remains for me, in conclusion of this, my last Executive official communication, to assure you, and through you, our common constituents, that hereafter while engaged in the more retired pursuits and quietude of private life, I shall continue to exert my humble energies for the well-being of my fellow-citizens, and shall ever remember with feelings of deepest gratitude past evidences of partiality and confidence.

During the past four years I have labored assiduously and unintermittingly to discharge in strict compliance with the letter and spirit of the Constitution and laws, and in accordance with the interests and wishes of the whole people, the various responsibilities devolved upon me as chief Executive. If in the review of the various acts performed and recommendations made by me, aught is to be found to militate against the well being of the people, or the welfare of the State, I trust it will be attributed to the fallibility of human judgment, rather than to an intent to shrink from the performance of duty, or to do that which was not authorized and enjoined by law or required by the wants of the people.

To the many and oft repeated charges and aspesions which have in times of political excitement been so freely circulated, it is neither the time nor place here to advert, further than to solemnly assure you that all my official acts and deeds have been performed with an eye single to the interests of the people to whom I owe so much, and with an intense and never-failing desire to promote by every legimate means the onward progress of California in all the paths of peace, increased wealth, and enduring fame.

By the record which will forever remain, let the administration of the Government be tested, and by the legitimate results of the action of the Executive, whether for good or evil, should he be held accountable; but to make him responsible for the acts of others, or for matters over which he could exercise no direct control, is the part of prejudice or malice, and is condemned by the dictates alike of justice, reason, and honor.

For a vindication against aspersions, whether made in the heat of political contests, or suggested by the more ignoble rankling of disappointment and revenge, I appeal to the record and to the calm judgment and sense of justice of my fellow-citizens, knowing full well that before such a tribunal and with such an examination, the truth in every case will not only appear but receive the credence and support of honest and upright minds.

Under the guidance of the Great Disposer of human events, to whom all should render tribute of grateful acknowledgment, enter upon the performance of the important duties assigned you by a free and intelligent people.

JOHN BIGLER.

APPENDIX.

CORRESPONDENCE IN REGARD TO STATE PRISON.

MEMORIAL FROM STATE PRISON GUARDS.

POINT SAN QUENTIN, May 14, 1855.

To his Excellency, JOHN BIGLER,
Governor of the State of California:

SIR—

We, the undersigned Memorialists, would respectfully represent to your Excellency, that the majority of us have been employed as Guards at the State Prison for the last eight months, and some even for a longer period, at the inadequate salary of $50 per month;—that none of us have received even the half of our wages during our employment, and quite a number have never obtained the least compensation. This fact is at present adverted to, simply to convince your Excellency that we have religiously discharged our painful and onerous duties, under circumstances of personal inconvenience and unrewarded peril, which would have fully justified us at any time of resigning in a body, and thus from the embarrassed pecuniary situation of the Lessee, rendered it utterly impossible on his part to supply our place. For months anterior to the assembling of the Legislature, we were induced to continue in our present position, by the frequent and reiterated promises on the part of the Lessee, that our past arrears should be paid; and under this delusion we have lingered, or rather have been forced to remain, until January last, when believing that by the transfer of the Penitentiary to the State, the Lessee would be able to compensate us for past services, we have continued in his employment up to the present moment.

None of these promises have been realized, and some of us now find ourselves at the expiration of from three-fourths to a year's laborious service, without a dollar in compensation, or the remotest hope of procuring it.

We have introduced these purely personal facts to your Excellency's attention

as a sufficient reason for our long and perilous service for such a paltry and inadequate consideration.

The Lessee being indebted to us for one month's service, we labored the second for him in hopes of procuring the first, and toiled the third, eighth and twelfth, in the expectation of obtaining our wages for the preceding That the service rendered by a Guard at the State Prison is laborious, and eminently dangerous, and that the compensation heretofore given is inadequate and incommensurate with the labor performed, is obvious from the following circumstanecs: The average time of a Guard employed on active duty, the month round, is eighteen hours out of the twenty-four. Every Guard is employed in active duty during the day, from four o'clock in the morning until sunset, and four out of this number are then detailed for service during the night; hence it follows that none of us average more than four nights in a month of uninterrupted rest.

It is unnecessary to call the attention of your Excellency to the daily peril of our position. The most casual inspection of the numerical strength of the Prisoners, and the inefficiency of our present means of defense, is sufficient to satisfy the most superficial observer that every hour of the day we literally carry our lives in our hands, and that at any moment it is liable to be wrested from us.

In view of these facts, we would respectfully invite the attention of your Excellency to the expediency, and even justice, of augmenting our present salary to an amount in some measure commensurate with its importance, toil, and ever-threatening danger

Yours, respectfully,

GEO W. WOODS,
JOHN McKENZIE,
HENRY BRISTOL,
C. W. ROBINSON,
F. W. RUSSELL,
JAS. A. HOPKINS,
A. ANDREWS,
JNO. F. BARSTOW,
JOHN M. SMITH,
JOHN. M. GRAY,
ALEX. REED,
GEORGE W. WELLS,
J. W. GROG,
T. J. SISK,
H. E. YOUNG,
ROBERT PERRY,
GEORGE WILLGEROTT,
HENRY Y. CABELL.

COPY OF A LETTER TO MR. JAMES M. ESTELL, IN RELATION TO GOVERNMENT OF THE STATE PRISON, &c.

SAN FRANCISCO, May 15, 1855.

GEN. J. M. ESTELL,
Lessee of State Prison:

SIR—

I am extremely anxious for the safe keeping of the convicts now in the State Prison, under your control as Lessee of the same, and, therefore, take the liberty of communicating with you on the subject.

I am aware that under the existing contract between yourself and the State, the Lessee is bound to "preserve the State from every expense for the clothing, feeding, and safe keeping of the convicts," and that the Lessee has full control of the same, under the law.

The circumstances of the case, however, and the rumors freely circulated, seem to demand that I should communicate with you and ascertain whether you intend to retain or abandon the contract. I desire to be notified of your decision, so that I can, should you determine to abandon the contract, secure, in compliance with constitutional requirement, the faithful execution of the laws, by making provision for the safe keeping of the convicts.

If, however, you determine to retain the contract and comply with its provisions, and will, in writing, so inform me, I shall take great pleasure in immediately directing the State Prison Inspectors to render you all the assistance in the premises, authorized by law.

As I can remain in this city but a short time, and as I am extremely desirous that there should be no longer question or doubt in relation to the perfect security of the convicts now in your charge, I hope that you will give the subject immediate consideration and with as little delay as practicable inform me of your determination, in order that such measures as may be deemed proper, should any be necessary, may be taken without delay.

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

JOHN BIGLER.

REPLY OF J. M. ESTELL.

San Francisco, May 16, 1855.

Governor Bigler:

Sir—

I am in receipt of yours of yesterday, and in reply, have to say, that, ruined as I am pecuniarily, by a failure as I believe, on the part of the State, to carry out in good faith her obligations executed April 25, 1851, I shall offer no resistance to the enforcement of the law approved May 7, 1855, entitled "An Act to provide for the Government of the State Prison."

Yet having an abiding faith in the honor and integrity of the people and the institutions of my adopted State, I shall, at some future day, apply for reasonable remuneration.

With the understanding that I yield no rights to which I am entitled under the law, and believing the peace and quiet of community requires that something should be done, and that quickly, I am compelled, as a good citizen, to yield to the pressure of public necessity, and rely on the future for remuneration.

I am, very respectfully,

J. M. ESTELL,
Lessee State Prison.

GOV. BIGLER TO J. M. ESTELL.

San Francisco, May 17, 1855.

Gen. J. M. Estell:

Sir—

Your letter of the 16th inst., relinquishing the State Prison and State Prisoners, together with the contract entered into by you with the State of California in the year 1851, has just been received, and in reply, have the honor to inform you, that, in compliance with the provisions of an Act approved May 7, 1855, and the constitutional requirement to see the laws faithfully executed, I will, on behalf of the State, take passession of the State Prison, State Prisoners, and State Prison grounds owned by the State, on the first day of June, A. D. 1855.

I beg leave further to remark, in reply to your note, that although I differ with you in opinion, and maintain that the State has in good faith and in every respect performed her part of the contract, I do not conceive that I have the power to do more in the premises than take possession of the Prison, Prisoners, and Prison grounds, and manage the same in accordance with law, leaving you entirely free to act as you may hereafter determine in relation to the remuneration which you claim, and which you, in your letter, express a determination at some future day to demand from the State.

In short, so far as any just claim you may have against the State is concerned, it is proper to say that I do not regard the relinquishment of the State Prison contract on your part, or the assumption of the control of the Prison and Prisoners on the part of the State, as interfering in any manner with your right hereafter to ask for remuneration, or the right of the State to refuse to recognize and pay such claim when by you presented.

On the first day of June, being the day designated in the Act of May 7th, 1855, I will be in attendance at the State Prison, prepared on behalf of the State to take control of the Prisoners, Prison and the Prison Grounds, owned by the State.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN BIGLER.

COPY OF AN ARTICLE OF AGREEMENT MADE BETWEEN THE STATE PRISON DIRECTORS AND GEN. J. M. ESTELL, LESSEE OF STATE PRISON

WHEREAS, by virtue of an Act of the Legislature of the State of California, passed April 25, A. D. 1851, the said State entered into a contract with James M. Estell, whereby the said Estell was and is bound to receive and safely keep the State convicts for the period of ten years from the date of said contract, and in consideration thereof, was and is entitled to the labor of said convicts for ten years And, whereas, it is believed that that the interests of the State and the execution of the laws would be best subserved by a relinquishment on the part of said Lessee, of the convicts now in his charge, and the remaining portion of the unexpired contract, from and after the date hereof,

Now, therefore, be it known, That the said James M. Estell, as Lessee of the State Prison, and R. N. Snowden, J. S. Love and Wm. H. Palmer, Directors, appointed under and by virtue of a law passed May 7, 1855, have this day entered into and executed the following agreement, viz:

The said James M. Estell agrees and hereby relinquishes to the said Directors,

acting on the part of of the State of California, the State convicts, buildings, lands, and appurtenances thereunto belonging, and the property of the State, together with the unexpired portion of his contract, and all right to the labor and service of said convicts from and after the date of these presents, and in so doing, re inquishes to the said Directors, in compliance with the provisions of the Act of May 7, 1855, all control over the convicts, grounds and buildings; and furthermore agrees and stipulates, that he will in no manner interfere with the Directors in the assumption of the contract and the full control of the convicts, or in the performance of their duties under the Act of May 7, 1855, from and after the signing and ensealing hereof, and that he will not hereafter seek to disturb the State in the custody of the convicts and prison grounds and buildings, obtained by said Lessee under the Act of April 25, 1851.

And it is furthermore agreed and understood, that in relinquishing the unexpired portion of the contract and the convicts, as above mentioned, the said Lessee relinquishes no legal or equitable claim he may have, or claim to have, against the State, for damages or relief in consequence of alleged failure or neglect on the part of the State to perform or fulfil the provisions of the contract of 1851, prior to the first day of June, 1855, or for any damages to which he may be justly entitled for injuries sustained or claimed to have been sustained in consequence of the Act of May 7, 1855; *provided, however*, that, as the said Directors have no authority other than to take possession of said convicts, prison grounds and prison, under the law, and disclaim all right or intention to take into consideration, or interfere in any manner with the claims of the said Lessee against the State, it is distinctly understood that nothing in this agreement shall be so construed as to admit, recognize, deny or prejudice the validity of any such claim or claims.

[Signed by the Lessee and State Prison Directors.]

NAMES OF PRISONERS WHO HAVE ESCAPED.

No of Commitment.	
9	William Watkins.
24	Thomas Hodges, (same man as Thos. Derden, No. 170.)
31	Joseph Wilson.
45	James Moore, (killed in San Francisco.)
50	William T. Edwards.
51	Richard Hale, *alias* David McHowe.
58	William Tabor.
60	Edward Bugby.
79	Joseph Francis.
84	William Hawkins.
76	Ysidro Redundro.
89	Asa Carrico.
92	John Gordon.
99	William Harris.
112	William C. Reeves.
116	James Hoover.
117	Mateo Andrade.
119	Charles Alwin.
134	John W. Kelly.
163	Mariana Gregalia
170	Thomas Derden, (same as above)
177	John Hartley.
178	Isaac Levy.
179	Thomas Henry
185	John George Elverson.
188	George W. Hise.
189	William Smith.
204	Jesus Romeo.
208	Abner Bishop.
213	Ah Lum.
217	William White.
223	Samuel McClintic.
245	C. W. Valentine.
252	Samuel Cohen.
259	William Powers.
263	John Maguire
273	Daniel McMillen
283	James Pool.
285	James Wallman.
303	Jesse Bennett.
305	William Nicholson.
327	John Schmidt.
328	James Herbert.
329	Robert Harris.

NAMES OF ESCAPED PRISONERS—Continued.

No of Commitment	
333	Philippi Goharo.
335	John J. Ivey.
340	John R Hammond.
342	John Wright.
348	William Peters.
352	Mook.
354	Cherokee Bob.
358	William Bowen.
359	Francis Paddle.
365	Fritz West.
367	Henry Wilson.
369	John Berge.r
373	John Brown.
376	Patrick Cosgrove.
377	John R. Weldon.
382	John Cary.
383	Pedro Madria.
386	Pedro Riez.
387	John Henderson.
388	Juan Maria, (killed on the San Joaquin.)
391	Cyrus Peters.
395	John Johnson.
401	Thos. McFarland Foley.
404	John Gardner.
409	John Lincoln.
410	Richard Berry.
413	John Smith.
425	William Lecount.
438	James Low.
454	John McKenna.
457	Antonio Tuad.
465	C. G. Smith.
466	James R. Atkins.
467	Henry A. Stevens,
488	Barney C. Smith.
588	L. W. Dray.

STATISTICAL RETURN OF PRISONERS CONFINED IN THE STATE PRISON OF CALIFORNIA.

Number of Prisoners in prison June 1, 1855,		323
Received since that date,		164
		487
Discharged since June 1,	88	
Escaped,		
Died,	1	93
Remaining in prison December 24, 1855,		394

Places of Nativity of Prisoners.

NATIVE BORN.

New York,	56
Maryland,	8
Virginia,	11
Massachusetts,	18
Pennsylvania,	26
Alabama,	2
Kentucky,	12
Ohio,	16
Illinois,	7
Louisiana,	4
New Jersey,	3
Missouri,	9
Indiana,	5
District of Columbia,	3
New Hampshire,	3
Vermont,	6
South Carolina,	2
Tennessee,	3
Georgia,	2
Maine,	2
Texas,	3
Wisconsin,	4
Rhode Island, North Carolina, Connecticut, Arkansas. and Delaware, 1 each,	5
Total,	210

FOREIGN BORN.

England,	24
Ireland,	41
Scotland,	6
Germany,	25
Italy,	5
Hungary,	2
France,	20
Malta,	2
Spain,	3
Sweden,	2
Manilla,	3
Brazil,	4
Mexico,	62
California,	22
Chili,	30
China	25
New Mexico,	2
Portugal, Cuba, Hanover, Argentine Republic, Bavaria, Belgium, Westphalia, Heliogoland, East Indies, Norway, and Canada, 1 each,	11
Total foreign,	289
" native,	210
Grand total,	499

N B. In the above statement, twelve convicts are included twice—they having escaped, and been returned again on new charges and under new names. This will account for the discrepancy between the two totals of Prisoners confined since June 1, 1855.

AGES OF CONVICTS.

20 and under	84
20 to 30	285
30 to 40	85
40 to 50	22
50 to 60	9
60 and upwards	2
Total	487

CRIMES.

Grand Larceny,	312
Manslaughter,	29
Assault with intent to murder,	37

Assault with bodily injury	19
Burglary,	18
Robbery,	21
Murder,	10
Arson,	2
Rape,	3
Embezzlement,	2
Sodomy,	1
Counterfeiting,	5
Mayhem,	4
Perjury,	4
Receiving stolen goods,	4
Kidnapping,	1
Forgery,	6
Assault with intent to commit rape,	9
Total,	487

PRISONERS DISCHARGED.

In month of June,	12
" July,	11
" August,	17
" September	11
" October,	12
" November,	9
" December	16
Total,	88

Died, Sept. 30,	1
Escaped, Sept. 30,	1
" Oct. 5,	1
" Dec. 11,	2
Total,	93

Of the above discharges there were—

Discharged by expiration of term,	67
" Pardon,	16
" Habeas Corpus,	5
Total,	88

Since the foregoing statement was written, six prisoners have been received, one pardoned, two discharged, and two escaped.

Prisoners in Prison, Dec. 31, 1855,	395

OCCUPATIONS OF PRISONERS, AS DESCRIBED IN THE REGISTER.

Sailors,	37
Tailors,	11
Moulders,	2
Bakers,	6
Engineers,	3
Clerks,	14
Rancheros,	3
Shoemakers,	9
Lawyers,	2
Carpenters,	29
Ship Carpenters,	3
Cooks,	12
Vaqueros,	7
Saddlers,	3
Barbers,	3
Wheelwrights,	2
Merchants,	5
Blacksmiths,	11
Packers,	2
Tinners,	3
Farmers,	20
Butchers,	4
Painters,	3
Coopers,	2
Stewards,	6
Printers,	2
Cigar makers,	2
Bricklayers,	2
Teamsters,	4
Washmen,	3
Plasterers,	2
Physicians,	2
Upholsterers,	2
Traders,	2
Joiner,	1
Farrier,	1
Tavern keepers,	2
Stone cutters,	3
Caulker,	1
Candle maker,	1
Gambler,	1
Dealer in Grain,	1
Plumber,	1
Jeweler,	1
Coppersmith,	1
Newsboy,	1
Nailor,	1
Locksmith,	1
Gardener,	1
Tobacconist,	1
Saw repairer,	1

Pianoforte maker,	1
Shipmaster,	1
Chairmaker,	1
Surveyor,	1
Confectioner,	1
Gold beater,	1
Pedlar,	1
Ox driver,	1

The remainder are described as Laborers.

STATEMENT OF THE COUNTIES PRISONERS WERE CONVICTED IN.

San Francisco,	132
Yuba,	27
Tuolumne,	23
San Joaquin,	20
El Dorado,	30
Mariposa,	27
Santa Clara,	15
Sacramento,	68
Calaveras,	45
Contra Costa,	10
Marin,	4
Napa,	3
Los Angeles,	9
Nevada,	14
Sierra,	7
Placer,	9
San Luis Obispo,	2
Monterey,	14
Santa Barbara,	2
Butte,	4
Solano,	4
Siskiyou,	8
Alameda,	4
Amador,	6
Trinity,	3
Sutter,	3
Shasta,	5
Yolo,	2
Santa Cruz,	3
Stanislaus,	1
San Bernardino,	2
Klamath,	1

GUARDS AND OVERSEERS, DECEMBER 31, 1855.

Captain of the Guard,	1
Overseers,	5
Guards,	32

Eight of the above guards are at Marin Island, where there are sixty-five prisoners, who are included in the grand total.

DATE OF DISCHARGE OF CONVICTS SINCE JUNE 1, 1855.

BY EXPIRATION OF SENTENCE.

June 3	John Anderson.
14	Jose C. Barelas.
	A. E. Johnson.
15	Andreas Rambes.
19	Damasio Perez.
	Miguel Costa.
24	M. T. White.
29	Manuel Antonio.
30	John Francis.
July 8	John Hawkins.
18	Feliciano Guerrero.
22	Juan Chapo.
26	John Eckle.
	Frederick Eckle.
	William Curran.
	Pedro Gomez,
31	H. B. Simmons.
Aug. 1	Obadiah Paxlin.
7	William Welch.
	Edward Farrell.
	Anastacio Laforge.
	William Herbert.
	J. W. Potts.
11	Charles Carson.
12	Colin Douglass.
19	A. E. Edwards.
21	Gregorie Sequeranda.
25	Thomas O'Connor.
	William McCann,
	Peter Miller.
	Clark Curry.
26	Robert Williams.
Sep. 2	John Arrison.
	Valentine Ebbetts.
	H. B. Mullen.
	Lafont Raymond.
15	Thomas Fuller.
16	Francis Montoya.
18	Thomas Sullivan.
Oct. 4	Louis Donnallen.
9	James Newland.
19	Juan Moran.
	Ai Yai.
	Ah Ti.

DATES OF DISCHARGES—Continued.

	Ah Ching.
Oct. 19	Ah King
21	George Sullivan.
25	William Ferry.
31	Francis Medina.
Nov 7	Jose Garcia.
22	Henry Smith.
24	William Thompson.
25	Francis Campbell.
29	James Smith.
Dec. 2	John Turner.
	Benjamin Parker.
9	John Jackson.
	T. M. Rouse.
12	John Knipply.
13	A. Foy.
16	Juan Rodriguez.
18	Richard Baxter.
	John Lake.
20	Robert Livingstone.
21	John Miller.
25	William Martin.
31	John Gustavus.

BY PARDON.

July 11	John Porter.
28	George Crawford.
Aug. 5	J. McClelland.
10	Notley T. Patrick.
16	James Hadden.
Sept. 1	William Knox.
11	David Dunn.
Oct. 4	Thomas Hern.
31	John Blake.
Nov. 6	William Taylor.
7	James Smith.
16	C. P. Vries.
	Thomas Millgate.
Dec. 5	P. W. Farren.
6	J. H Harper.
9	Ah Ouong.
11	Luke M. Patrick.
22	James Newman.
24	David Owens.

DATES OF DISCHARGES.—Continued.

BY WRIT OF HABEAS CORPUS.

June 12.	Juan Montane.
	Antoline Labre
	Joaquin Arrietla.
July 29.	Rafael Martinez.
Oct. 23.	James McClane.

ESCAPED AND NOT RETAKEN.

Sep. 30.	John Robinson.
Oct. 5.	John Welsh.
Dec. 4.	James Lating.
	Isaac Lord
23.	Henry Dobbins.
	Yade Feinaspin.

DIED.

Sep. 30	Manuel Bojorques.

PARDONS.

December 2d, 1854—Commuted punishment of Thomas Crooks, convicted in Tuolumne County, District Court, of murder, and sentenced to death on the 8th day of April, 1854—to ten years in State Prison.

December 11th—Commuted punishment of James Stewart, convicted at April Term, District Court of Trinity County, 1854, of the crime of murder, and sentenced to death—to ten years in State Prison.

December 12th—Pardoned John Ashton, convicted in El Dorado Court of Sessions, Dec 31st, 1853, of assault with intent to murder, and sentended to one year in State Prison.

January 17th, 1855—Pardoned Wm. H. Winters, John Morrisey, and C G, Duffy, convicted in Placer County of assault and battery, at November term, 1854, and sentenced to Couty Jail for one hundred days.

January 24th—Pardoned Richard Marble, convicted in District Court of Nevada County, November Term, 1854, of manslaughter, and sentenced to imprisonment in County Jail.

January 26th—Pardoned Rowland Hughes, convicted in El Dorado County, of manslaughter, and sentenced at January term, 1854, to one year's imprisonment in State Prison ; convicted in District Court.

February 10th—Commuted punishment of James Brown, convicted at November term, District Court of Siskiyou County, of murder, and sentenced to death, on the second of March, 1855 ; commuted to twenty years imprisonment in the State Prison.

March 10th—Pardoned John Tabor, convicted at the October term of the District Court of San Joaquin County, A. D. 1854, of the crime of murder, and sentenced to death on the 16th day of March, A. D. 1855.

March 15th—Pardoned David B Akey, convicted in the Court of Sessions of San Francisco County, February 2, 1855, of "assault with intent to commit bodily harm," and sentenced to State Prison for one year.

Maach 17th—Pardoned Henry M. Knox, convicted in Court of Sessions, of San Joaquin County, of grand larceny, August term, A. D. 1854, and sentenced to State Prison for two years.

April 20th—Pardoned Wm. O. Ogley, confined in State Prison.

May 7th—Pardoned Juan Valdez, convicted at November term, 1854, of Court of Sessions of Contra Costa County, of grand larceny, and sentenced to twenty year's imprisonment in State Prison ; Pardoned on condition of leaving the State.

May 11th--Commuted punishment of Thomas Milgate, convicted in Sacramento District Court, 1855, of the crime of murder, from death to imprisonment in State Prison for two years.

May 11th—Commuted punishment of John Blake, convicted in San Francisco of murder, and sentenced to death ; commuted to two years in State Prison.

May 11th—Pardoned E. W. Walton, convicted at April term Sacramento District Court, 1855, of manslaughter, and sentenced to three months in State Prison.

May 12th—Pardoned John F. Leonard, convicted in El Dorado Court of Sessions, February term, 1855, and sentenced to imprisonment in State Prison for one year.

May 12th—Pardoned John Bogert, convicted in San Francisco Court of Sessions in February, 1855, of grand larceny, and sentenced to imprisonment in State Prison for one year.

May 6th—Pardoned Henry Ayres, convicted at February term of Court of Sessions of Nevada County, 1855, of assault with intent to commit bodily injury, and sentenced to State Prison for one year.

July 9th—Pardoned George Crawford, convicted October term of Court of Sessions of San Francisco County, 1854, of grand larceny, to one year in State Prison.

July 10th—Pardoned John McLellen, convicted in Sacramento County, November term, 1854, in Court of Sessions, of rape, and sentenced to ten years in State Prison ; Pardon to take effect August 15th, 1855.

July 16th—Pardoned Notley T. Patrick, convicted in Alameda Court of Sessions of assault with deadly weapons, and sentenced to State Prison for six months ; Pardon to take effect August 10th, 1855.

July 28th—Reprieved Edward Bugbee, convicted in Amador County of Grand Larceny, and sentenced to be hung on the 7th August; Reprieved until August 24th, 1855.

August 13th.—Pardoned James Hadden, sentenced to two years in State Prison for Grand Larceny.

August 22d—Pardoned Wm. Knox, Tuolumne County, for "Assault with intent to kill."

September 8th.—Pardoned David D. Dunn, convicted in Court of Sessions of San Francisco County, November term, 1854, of Grand Larceny, and sentenced to State Prison for one year.

September 21st.—Commuted punishment of William Gregory, convicted in District Court of Stanislaus County, August term, 1855, for Murder; sentenced to Death; punishment commuted to imprisonment in State Prison for five years.

September 28th.—Pardoned Thomas Hern, convicted in Court of Sessions of San Francisco County in March, 1855, and sentenced to State Prison for four years.

October.—Pardoned John Blake, convicted of murder in San Francisco Co sentence commuted to imprisonment for two years in State Prison.

November 6.—Pardoned Wm. Taylor, convicted in Sierra County, 6th November A. D. 1852, and sentenced to three years imprisonment in State Prison on crime of manslaughter.

November 7.—Pardoned James Smith, convicted of manslaughter at October term, 1854, of Fourth District Court, San Francisco, sentenced to three years imprisonment in State Prison.

November 13—Pardoned Thomas Milgate, convicted of murder in the District Court, Sixth Judicial District, Sacramento County, punishment commuted on 5th May, 1855, and sentenced to imprisonment in State Prison for two years.

November 13—Pardoned Joseph E. Littlefield, convicted of grand larceny in the Court of Sessions of Santa Clara County, and sentenced to one year imprisonment in State Prison.

November 13.—Pardoned C. P. Vose, convicted of grand larceny on the 5th of May, 1855, in the Court of Sessions of Sonoma County, and sentenced to twenty-three months in State Prison.

COMMUNICATION FROM THE SECRETARY OF WAR.

WAR DEPARTMENT,
Washington, July 18, 1855.

SIR—

I have to acknowledge the receipt of your letter of the 12th of May, transmitting certain statements intended to show the amount of expenses incurred and paid by the State of California, in the suppression of Indian hostilities, for the repayment of which, provision has been made by the ninth section of the army appropriation Act, approved August 5, 1854.

The Act directs the Secretary of War "to examine into, and ascertain the amount of expenses incurred, and now actually paid by the State of California" This requirement cannot, in my opinion be fulfilled, upon evidence showing nothing more than that the State has made certain bonds and warrants, for the purpose of satisfying claims of the description specified in the Act, and that these bonds have been issued to certain persons. Under similar circumstances other States have produced the original bills paid by them, and the Department has thus been enabled at once to see that the charge was one which Congress intended to assume, and that it had been paid. I cannot so far depart from a practice ,which I believe has been invariably observed, as to authorize payment to be made to the State of California, upon the evidence now tendered.

Very respectfully,

Your obedient serv't,

JEFFERSON DAVIS,
Secretary of War.

HON JOHN BIGLER,
Governor of California.

REPORT OF THE CALIFORNIA LAND COMMISSIONERS.

OFFICE OF THE BOARD OF CALIFORNIA LAND COMMISSIONERS,
San Francisco, May 24, 1855.

To His Excellency JOHN BIGLER,
Governor of California:

SIR,

The time for which the Board of Commissioners, appointed under an Act of the Legislature, approved May 18, 1853, having expired this day, I am directed by the Board to report to you the condition of and amount of each sale of Water Lot Property made by them, the amount of money received by the State Treasurer, the amount due the State, and from whom due.

In compliance with the above order, I herewith annex the following state ment.

JNO. S. LOVE,
By order of the Board of California Land Commissioners.

STATEMENT OF SALES.

Sale of October 20, 1853.

Amount of sale, October 20, 1853,		$143,700 00
Received by State Treasurer,	$103,710 88	
Amount due by Wm. Arrington,	7,364 12	
do do H. F. Dana,	3,025 00	
do do W. H. White,	7,750 00	
do do resale of Lot 75,	12,250 00	
do do do do 73,	3,600 00	
do do do do 74,	6,600 00	
		$143,700 00

Sale of December 28th, 1853.

Amount of sale December 28th, 1853,				$350,475 00
do	received by State Treasurer,		91,835 00	
do	due by H Joseph,		23,590 00	
do	re-sale of lots 19, 21, 35, 36,		11,600 00	
do	due by James M. Ray,		5,900 00	
do	do	re-sale of lot 30,	1,000 00	
do	do	John Rochford,	350 00	
do	do	re-sale of lot 7,	1,250 00	
do	do	W. H. Talmedge.	8,250 00	
do	do	re-sale of lots 8, 9, 15, 16, 17, 18,	9,100 00	
do	do	H. Casement, jr.,	4,125 00	
do	do	re-sale of lots 10, 11, 12, 19,	4,975 00	
do	do	Chas H. Stanten,	13,000 00	
do	do	re-sale of lots 3 and 4,	4,250 00	
do	do	Chas. Wood,	16,850 00	
do	do	re-sale of lots 1 and 7,	10.100 00	
do	do	T. Place,	20,000 00	
do	do	re-sale of lots 5, 6, 9,	13,000 00	
do	do	Geo. Reed,	6,600 00	
do	do	re-sale of lot 2,	2,000 00	
do	do	Chas. H Swain,	18,700 00	
do	do	re-sale of lots 25 and 27,	10,300 00	
do	do	H. C. Worth,	15,300 00	
do	do	re-sale of lots 2, 6, and 8,	5,950 00	
do	do	H. C. Perry,	24,600 00	
do	do	re-sale of lots 10, 11 and 12,	6,600 00	
do	do	C. C. Bowman,	10,100 00	
do	do	re-sale of lots 2, 6, 14 and 20,	4,950 00	
do	do	M. R. Roberts,	2,000 00	
do	do	re-sale lot 13,	1,500 00	
do	do	S C Hastings,	1,675 00	
do	do	re-sale of lot 21,	1,025 00	
				$350,475 00

Sale of March 9 and 10, 1854.

Amount of sale of March 9 and 10,			$235,900 00
do	received by State Treasurer,	$161,068 20	
do	due by Wm H. Talmage,	6,823 50	
do	do H Casement,	2,564 95	
do	do J. Carothers,	2,600 00	
do	do J. S. Pollock,	3,055 00	
do	do J. L. Higgins,	1,316 25	
do	do Jno. Saterlee,	2,272 25	
do	do George Rider,	675 00	
do	do resale of Lot 10,	825 00	
do	do Charles Wheeler,	5,750 00	
do	do resale of Lots 15 and 16,	3,750 00	
do	do R. Buck,	3,300 00	
do	do resale of Lots 18, 21, and 26,	3,950 00	
do	do Hays & Monson,	1,524 00	
do	do T. R. Johnson,	11,375 00	
do	do resale of Lots 12, 13, and 14,	7,150 00	
do	do George Stein,	4,000 00	
do	do resale of Lots 21 and 22,	6,100 00	
do	do C. C. Bowman,	2,259 93	
do	do S. C. Hastings,	5,540 92	
			$235,900 00

Sale of June 6th, 1854.

Amount of sale, June 6th, 1854,			$103.975 00
do	received by State Treasurer,	$82,732 00	
do	due J. Carothers,	5,490 00	
do	do A. J. Delatour,	5,025 00	
do	do S M Bowman,	9,765 00	
do	do Geo. Brown,	963 00	
			$103,975 00

Sale of August 17, 1854.

Amount of sale August 17, 1854,			$77,564 00
do	received by State Treasurer,	$70,173 00	
do	due by Geo. Kelsey,	1,460 00	
do	do William Ely,	625 00	
do	do P. H Saywood,	100 00	
do	do Thomas Wakeman,	3,700 00	
do	do Mrs S Moulton,	200 00	
do	do R. C. Eldredge,	290 00	
do	do H S. Fitch,	100 00	
do	do H F. Williams,	100 00	
do	do Jno Swords,	65 00	
do	do S. C. Hastings,	751 00	
			$77,564 00

Sale of October 26, 1854.

Amount of sale of October 26, 1854,			$101,645 50
do	received by State Treasurer,	$60,044 08	
do	due by G. H. Butler,	3,935 00	
do	do R. E. Woods,	5,640 00	
do	do Thos. Tennant,	110 00	
do	do Harkness,	3,905 00	
do	do Levi Parsons,	660 00	
do	do W. B. Swain,	108 00	
do	do L. White,	105 00	
do	do S C. Hastings,	159 00	
do	do A C. Wakeman,	20 00	
do	do Hart & Wolf,	1,226 00	
do	do Troebuck,	275 00	
do	do J. R. Lowry,	5,251 50	
do	do J. N. Olney,	48 75	
de	do T. C. Hambly,	81 00	
do	do J. Williams,	1,080 00	
do	do Pollock,	973 00	
do	do B. Richardson,	2,368 00	
do	do F. Phillips,	67 50	
do	do W. E Dennis,	2,402 67	
do	do J. D. Carr,	596 00	
do	do T. S. Miller,	15 00	
do	do C. C. Bowman,	100 00	
do	do G. M. Smith,	45 00	
do	do J. S. Williams,	330 00	
do	do A. B. Scott,	5,100 00	
do	do J M. Read,	7,000 00	
			$101,645 50

Sale of January 18th, 1855.

Amount of sale, January 18, 1855.			$22,234 00
do	received by State Treasurer,	$17,845 80	
do	due by F. Lanson,	2,795 00	
do	do J. S Polock,	1,571 20	
do	do B. J Evans,	55 00	
do	do A. Guthery,	57 00	
			$22,234 00

RECAPITULATION.

Total amount of sales by the Board of California Land Commissioners,		$1,035,493 50
Less re-sales as per foregoing statements.		131,225 00
		904,268 50
Total amount received by State Treasurer,	$587,408 96	
Total amount due by sundry parties.	316,859 54	
		$904,268 50

REPORT OF THE NEW BOARD OF STATE LAND COMMISSIONERS.

To the Senate and Assembly of California:

The undersigned, State officers, officiating as a Board of State Land Commissioners, have the honor herewith to transmit the report of Jacob S Cohen, Esq, agent of the said Board, appointed in accordance with the third section of an Act, passed by a two-third vote, on the 1st day of May, 1855, entitled, an Act supplementary to an Act, approved May 18, 1855, entitled, an Act to provide for the sale of the interest of the State of California in the property within the water-line front of the City of San Francisco, as defined in and by an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851.

Before entering upon the performance of the duties of his office, the agent above named, was required by the Board to execute a bond to the State of California, in the sum of one hundred thousand dollars, for the faithful performance of the duties of the same.

The bond was required not only because authorized by law, but, because other official duties rendered it impossible for the members of the Board, or any one member of it, to attend in person By the third section of the Act, the title of which is above recited, it is made the duty of the agent to make all collections, receive payments in cash, or the civil warrants of the Controller of State, and pay the same over to the Treasurer of State, on the warrants of the Controller, and discharge such other duties as may be assigned him by the said Board.

In addition to the duties assigned the agent by the third section, the Board authorized him to adjust all unsettled accounts against the old as well as the new Board, but in no case to allow a claim originating under the old Board, until attested by the oath of the claimant. In all cases before issuing deeds, purchasers were required to present to the Board a statement from the agent, setting forth that payment in full had been made in accordance with law, and that the person or persons named were entitled to receive a deed or deeds for the property described. These statements, as received, were placed on file in the office of the Board at San Francisco

In accordance with the third section of the Act of May 1, 1855, the agent of the Board, on the 31st day of December last, filed a full statement with the Controller of State, and on his warrant, paid over to the State Treasurer all the funds remaining in his possession, and received for State property sold.

It is, perhaps, necessary, in this connexion, to state, that of the property sold since the organization of the present Board, but few parcels were of much value; the greater portion of it consisting of lots resold on account of purchasers at sales made by the late Board of State Land Commissioners.

The proceedings, and records of the Board are on file in the office of the Boad at San Francisco

In conclusion, we deem it proper to invite your attention to the fact, that the agent states, as will be seen by reference to his report, that all the property of the State authorized to be disposed of by existing laws, has been sold, and that it is now only necessary to make it the duty of some officer of State to collect

the several sums due by reason of forfeiture, amounting in the aggregate to $294,856 72.

JOHN BIGLER,
Governor.

SAM. BELL,
Controller of State.

CHAS. H. HEMPSTEAD,
Secretary of State.

January 2, 1856.

REPORT OF THE AGENT OF THE STATE LAND COMMISSIONERS.

OFFICE OF THE BOARD OF CALIFORNIA LAND COMMISSIONERS.

To the Hon. Board of California Land Commissioners:

GENTLEMEN—

I have the honor herewith to hand you the annual Report of the transactions of the Board in this office.

The receipts in this office from January 1, 1855, to date, as will be seen in exhibits A and B, amount to $59,306 05, of which amount, $30,343 50, was derived from sales of October 10, 1855, and $28,962 55, from collections made from purchasers at sales made by the former Board.

The expenditures, as per exhibit marked C, have been $59,252 93, leaving a balance in my hands to the credit of the State of $53 12.

I submit a list of audited bills, which have not been paid for want of means, amounting to $14,211 38, and of unaudited bills amounting to $4,185 00.

Out of the expenditures, as per exhibit marked C, $53,516 38, were incurred by the formed Board, and $5,736 68, by the present Board.

From a careful examination of the books and papers in this office, I find that $500,634 91 has been received and paid into the State Treasury for property purchased by sundry persons at sales made by former Board, and that there is due the State by sundry persons, $294,856 72, for amounts arising from differences in sales made by the Board.

I have also to report, that all of the property, as embraced in the several bills of the Legislature, under which the Board have power to sell, has been disposed of and deeded, leaving no other business for the Board except the collecting of the several accounts, as per exhibit marked D.

Very respectfully,
Your obdt. servt.

J. S. COHEN,
Agent California Land Commissioner.

Exhibit A.

Statement of Amounts due from State Sale of 10th October, 1855.

PURCHASERS.		AMOUNT RECEIVED.	
J. Brown,	$1,320 00	J. Brown,	$1,320 00
A. J. Butler,	830 00	A. J. Butler,	830 00
D. Calloway,	6,100 00	D. Calloway,	6,100 00
J. Brown,	715 50	J. Brown,	715 50
D. C. Brown,	390 00	D. C. Brown,	390 00
P. W. Van Winkle,	1,350 00	P. W. Van Winkle,	1,350 00
S. C. Hastings,	6,292 00	S. C. Hastings,	6,292 00
J. R. Coryell,	7,775 00	J. R Coryell,	7,775 00
J. T. McDougal,	25 00	J. T. McDougal,	25 00
M. Crooks,	48 00	M. Crooks,	48 00
H. O. Gaylord,	75 00	H. O. Gaylord,	75 00
J. H Spring,	1,600 00	J. H. Spring,	1,600 00
R. W. Allen,	88 00	R. W Allen,	88 00
H. B. Wheeler,	96 00	H. B. Wheeler,	96 00
Mr. Drake,	105 00	Mr. Drake,	105 00
Isaac Friedman,	66 00	Isaac Freidman,	66 00
Mr. Gilman,	180 00	Mr. Gilman,	180 00
Mr Johnson,	40 00	Mr. Johnson,	40 00
Margaret Darcy,	3 00	Margaret Darcy,	3 00
David Calloway,	3,050 00	David Calloway,	3,050 00
L. S. Pollard.	195 00	L. S. Pollard,	195 00
	$30,343 50		$30,343 50

Exhibit B.

Statement of Receipts from Purchasers at Sales made by the former Board

From	Henry S. Dana,	$300 25
do	William Arrington,	7,364 12
do	H. Casement, by J. H. Spring,	2,565 00
do	S M. Bowman,	1,125 00
do	George Brown,	963 00
do	W. H. Talmage,	12,113 00
do	John Satterlee,	2,272 25
do	C. C. Bowman,	2,259 03
	Total,	$28,962 55

Exhibit C.

Statement of Expenditures.

Paid	A. Rummelsberg,		$261 00
do	S. Webb,		69 75
do	do		28 75
do	Frank Baker,		178 88
do	Samuel Bell,		200 00
do	John Bigler,		200 00
do	Richards & Bros.		18 00
do	Whitton, Town & Co.,	$150 00	
do	do do	200 00	
			350 00
do	J. S. Cohen,		2,100 00
do	W. F. Williamson,		2,100 00
do	D. Calloway,		2,400 00
do	do		23,958 00
do	J. R. Coryell,		4,124 00
do	do		2,949 00
do	do		2,272 25
do	do		12,113 00
do	do		2,500 00
do	do		3,200 00
do	J. S. Cohen,		190 00
do	Ruhl & Co.,		30 00
Printing Bill,			10 00
			$59,252 93

Exhibit D.

J. S. Cohen, Agent, in account with State of California.

DR.

To amount received from proceeds of Sales of Property in San Francisco, October 10, 1855. (See Exhibit A.)	$30,343 50	
To amount received from purchasers at sale made by the former Board. (See Exhibit B.)	28,962 55	
		$59,306 05

CR.

By amount paid "Expenditures." (See Exhibit C.)	$59,252 93	
By amount on hand to credit of the State,	53 12	
		$59,306 05
Dr. to amount on hand,	$53 12	

SAN FRANCISCO, December 26, 1855.

Exhibit E.

Amount due the State from Purchasers at Sales made by the former Board

C. C. Bowman,	$10,300 00
W. H. Talmadge,	3,260 50
Jesse Caruthers,	6,490 00
H. Casement,	4,314 95
N. R. Scott,	4,800 00
G. M. Read,	6,950 00
M. R. Roberts,	2,050 00
W. H. White,	7,800 00
Geo. Stein,	4,100 00
Amount carried forward,	$50,065 45

Amount brought forward,	$50,065 45
T. R Johnson,	11,525 00
R. Buck,	3,450 00
Chas. Wheeler,	59,000 00
Mr Rider,	1,725 00
H. C. Perry, Jr.	24,750 00
H. C Worth,	15,400 00
Chas H Swain,	18,800 00
Geo Read,	6,650 00
T. Place,	20,150 00
Chas. Wood,	16,950 00
Chas. H. Stanton,	13,100 00
John Rochford,	400 00
J M. Ray,	5,950 00
B. Richardson,	3,828 00
Levi Parsons,	594 00
F. Phillips,	102 00
W. E. Dennis,	2,794 00
G. M. Smith,	63 00
George Kelsey,	1,526 00
George Wakeman,	3,709 00
H S Fitch,	109 00
J Williams,	1,296 00
J. D. Carr,	1,064 00
B J Evans,	1,026 00
Thos Miller,	31 00
Jno Swords,	109 00
W B Saybrook,	109 00
M. S. Moulton,	218 00
H. C. Eldridge,	509 00
John S. Harkness,	4,067 00
J. R Lowry,	5,880 00
E. M. Hart,	87 00
J. N. Olney,	79 00
T. C. Huntly,	109 50
Wm. Ely,	634 00
Michael Wolfe,	1,427 00
Thos. Tennant,	119 00
A. Traebuck,	409 00
F. Lawson,	5,336 00
Mr. Williams,	109 00
W. B Swain,	144 00
L. White,	136 00
J S Higgins,	1,325 25
Hayes & Munson,	443 00
S. C Hastings,	4,812 92
J. S. Pollock,	4,735 50
	$294,856 72

Exhibit F.

Audited Bills not paid, for want of funds.

PRINTING BILLS.

State Journal,	$2,265 75
Do.	35 62
San Joaquin Republican,	2,265 75
San Francisco Evening News,	2,227 50
San Francisco Herald,	2,308 51
San Francisco Times and Transcript,	3,108 25
San Francisco Eco du Pacifico,	2,000 00
	$14,211 38

Unaudited Accounts.

PRINTING BILLS.

California Express,	$2,065 00
San Francisco Sun,	2,120 00
	$4,185 00

COMMUNICATION FROM THE SURVEYOR GENERAL.

SURVEYOR GENERAL'S OFFICE,
Sacramento, Jan. 7, 1856.

To his Excellency, JOHN BIGLER,
Governor of California:

SIR—

I regret the necessity of informing your Excellency that circumstances beyond my power to control have hitherto prevented the completion of my report.

It will be completed as soon as possible, (in a few days), when, if not objected to on the part of the Assembly, I will transmit a copy to the Clerk of that honorable body.

I have the honor to be,

Very respectfully,

Your obedient servant,

S. H. MARLETTE,
Surveyor General.

LIST OF APPOINTMENTS.

OFFICE OF SECRETARY OF STATE,
January 7, 1856.

To his Excellency Governor JOHN BIGLER:

I have the honor herewith to transmit a list of appointments to fill vacancies during the year ending December 1, 1855, as desired by you, transcribed from the records of this office.

Very respectfully,

CHAS. H. HEMPSTEAD,
Secretary of State.

January 17, 1855.—R. H. Dimmick, County Judge Los Angeles, vice Myron Norton.

January 22, 1855.—John E. McNair, County Judge Sonoma county, vice F. W. Shattuck.

February 3, 1855.—J. H. Caswell, County Judge Nevada county

March 2, 1855.—J. R. Dickey, as County Treasurer, Sutter county.

March 6, 1855.—John Youtz, Public Administrator, Santa Clara county.

April 16, 1855.—James S. Griffith, as Assessor of Placer county, vice William McCarthy.

May 7, 1855.—Daniel Taylor, as Clerk of Marin county, vice James F. Poindexter, deceased.

May 9, 1855.—Jeremiah Urie, as Pilot of Benicia, vice C. H. Harrison, removed.

May 20, 1855.—William S. Oliver, as Pilot of San Diego.

May 20, 1855.—David C. Lewis, as County Judge of Klamath county, to fill vacancy.

June 7, 1855.—John S. Hager, as County Judge of Fourth Judicial District, vice Delos Lake, resigned.

September 21, 1855.—C. H. Harrison, as Pilot at Benicia.

November 5, 1855.—Charles H. Hempstead, as Secretary of State, vice J. W. Denver, resigned.

Moved and seconded that the reading of the Governor's Message be dispensed with, and that 1,000 copies of the same be printed.
Carried.

Mr. Gray moved a reconsideration of the vote in regard to printing the Message.
Carried.

Mr. Rhodes moved 5,000 copies be printed.

Mr. Taylor offered as an amendment that 2,000 copies be printed.

Mr. Upton moved to amend by inserting 3,000 copies.

Mr. Gray moved to amend by inserting 10,000 copies.

Mr. Oxley moved to lay the subject on the table.

Messrs. Gray and Hawes demanded the ayes and noes.
Carried.

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Boring, Borland, Bowe, Brunton, Brush, Bynum, Cartter, Callbreath, Cone, Coombs, Curtis, Davis, Dick, Dustin, Gage, Gaston, Haile, Heald, Heiskell, Hoover, Kelly, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Stout, Taylor, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, and Mr. Speaker—57.

NOES.

Messrs. Downey, Ewalt, George, Gray, Hawes, Holland, Hunt, Kendrick, Meloney, Moulthrop, Rhodes, Sharp, Swan, Taliaferro, Upton, and Wohlər—16.

Carried.

It was moved and seconded, that the Clerk inform the Senate that the House is ready to meet iu

JOINT CONVENTION.

The Sergeant-at-Arms announced the President and Senate.

The Senate roll being called, the following members were absent:

Messrs. De la Guerra, McGee, and Rust.

The following communication was received from the Secretary of State:

OFFICE OF SECRETARY OF STATE,
January 8, 1856.

Hon. J. T. FAULEY, *Speaker of Assembly:*

I have the honor herewith to transmit Election Returns from the several Counties of the State, for Governor and Lieutenant Governor, sent, sealed to this Office, and directed to the Speaker of Assembly, in accordance with constitutional requirement.

CHAS. H. HEMPSTEAD,
Secretary of State.

Mr. Hook, on the part of the Senate, and Mr. Upton, on the part of the Assembly, were appointed tellers, to act in conjunction with the Secretary of the Senate and Clerk of the Assembly, in canvassing the returns of the last General Election for Governor and Lieutenant Governor. During the canvass, the President announced that no returns had been received from the counties of Yolo, Calaveras, Plumas, Santa Barbara, and Tulare.

Mr. Mandeville moved that a committee of two from each House be appointed to make inquiries concerning the same.

Messrs. Mandeville and Lippincott were appointed on the part of the Senate, and Messrs. Sterritt and Winston on the part of the Assembly.

After a brief absence, the Committee, through Mr. Mandeville, reported that they were unable to obtain any satisfactory information concerning the same.

Mr. French moved that the committee be discharged.

Carried.

Mr. Shaw moved that the Convention adjourn until to-morrow, at 12 o'clock, M.

Upon which the ayes and noes were demanded by Messrs. Hawks, Scellen and Taylor, with the following result:

AYES.

Messrs. Crandall, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, and Wilson, of the Senate—12.

Messrs. Beatty, Brent, Brunton, Brush, Bynum, Cone, Coombs, Downey, Ewalt, George, Gray, Hawes, Heald, Holland, Hunt, Kendrick, Lewis, Lippincott, McGehee, Moulthrop. Oliver, Pearson, Sharp, Tuliaferro, and Wohler, of the Assembly—25.

NOES.

Messrs. Ashley, Burnett, Burton, Bynum, Coffroth, Cosby, Ferguson, Fiske, Flint, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Tilford, and Waite, of the Senate—17.

Messrs. Andrews, Batchelder, Bell, Boring, Borland, Bowe, Cartter, Castro, Callbreath, Curtis, Davis, Dick, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, Oxley, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Sharp, Shearer, Sherrard, Stephenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Welch, White, Williams, Winsor, Winston, and Mr. Speaker, of the Assembly —50.

The missing returns were then received from the Secretary of the State.

No returns for Lieut. Governor having been received from the County of Mariposa, an informal return was made by the Secretary of State, and,

On motion of Mr. Mandeville, was adopted.

The following returns were then reported by the Tellers, as the result of their canvass.

	FOR GOVERNOR.		FOR LIEUT. GOVERNOR.	
County.	*Bigler.*	*Johnson.*	*Purdy.*	*Anderson.*
Contra Costa,	407	360	419	349
Sierra,	2148	3070	2178	3055
Klamath,	482	545	478	551
Yuba,	2283	2728	2346	2674
Humboldt,	77	282	99	261
Sonoma and Mendocino,	933	892	916	894
Trinity,	517	1132	534	1123
Santa Clara,	994	1135	1062	1091
Colusi,	283	359	314	333
Solano,	591	753	653	717
Placer,	2312	3128	2387	3081
Merced	85	102	88	102
Siskiyou,	1368	2045	1411	2022
Alameda,	1088	409	1145	571
Santa Cruz,	255	625	265	338
Napa,	230	247	243	401
San Joaquin,	1026	1447	1084	1404
Tuolumne,	2391	2805	2460	2761
Monterey,	180	485	189	476
El Dorado,	3948	4929	4016	4852
Sacramento,	2912	3544	3008	3457
Marin,	333	173	368	137
Amador,	1719	2035	1759	2011
San Luis Obispo,	118	45	119	34
Butte,	1411	1451	1694	1662
San Bernardino,	332	14	326	20
San Diego,	204	17	213	12
Los Angles,	923	556	928	531
San Francisco,	7138	5213	7503	4818
Sutter,	381	340	387	341
Plumas,	728	1111	805	1072
Yolo,	560	603	515	595
Nevada,	2502	2861	2624	2775
Tulare,	204	140	213	134
Calaveras,	2220	2186	2352	2106
Santa Barbara,	333	39	368	3
	754	929	1020	1228
	44370	49078	46206	47996

FORMAL VOTE FOR GOVERNOR.

J. Neely Johnson,	49,078
John Bigler,	44,370
	4,708

LIEUTENANT GOVERNOR.

Robert M. Anderson,	47,996
Samuel Purdy,	46,206
	1,790

INFORMAL VOTE FOR LIEUTENANT GOVERNOR.

Robert M. Anderson,	1,228
Samuel Purdy,	1,020
	208

COMBINED RETURNS FOR LIEUTENANT GOVERNOR.

Robert M. Anderson,	47,996
Samuel Purdy,	46 206
	1,790

On motion the Convention took a recess of a half-hour.

IN CONVENTION.

On motion of Mr. Mandeville a committee of two was appointed to wait upon the Governor elect and inform him that both Houses were in waiting to receive him.

Mr. Mandeville was appointed on the part of the Senate and Mr. McFarland on the part of the Assembly.

The Governor and Lieutenant Governor elect appearing at the bar of the Assembly, the oath of office was administered by Chief Justice Murray.

Whereupon, the President declared that J. Neely Johnson, having received a majority of the votes, was duly elected Governor of California, for the ensuing two years, and Robert M. Anderson, having received a majority of the votes, was duly elected Lieutenant Governor for the same period.

Governor Johnson then delivered the following Inaugural Address.

About to assume the duties which have been assigned me by the free suffrages of the people of this State, under the solemnity of the oath I have just subscribed in the presence of this Convention of delegated representatives and vast concourse of citizens, here assembled, I find much to impress me with a sense of the onerous responsibilities attached to the gubernatorial office—the most exalted position a State can bestow—whilst at the same time a preference thus manifested, cannot fail to inspire me with the most profound sentiments of gratitude toward those from whom I have received this distinguished mark of confidence.

Universal custom demands of the incoming Executive an indication of the general course of policy by which he will be guided in the administration of public

affairs. A compliance with this well-recognised usage, is mainly my present design, deferring to another and early occasion, the specific recommendations which I may deem essential for legislative consideration.

With due deference to such counsels as have been potent in incorporating into our legislation a practical exposition of certain distinctive features of the State Constitution—so opposite to the views entertained by myself—I cannot refrain, even at this early day, from enumerating some of the more prominent provisions of that instrument, and venturing to suggest my individual opinion of the proper construction to be given them, whereby the future action of the Executive may be facilitated, and official intercourse with the Legislative department of the Government most happily promoted.

In the first place, the subject of State indebtedness is one affecting the most vital interests of our population, involving, as it does, the reputation of the State, both at home and abroad; and probably at the present time enlists more general interest and inquiry, than all other matters connected with the administration of the public business. That our depreciated credit may be restored, and our obligations honorably redeemed, finds in all a universal response. To the certain and speedy accomplishment of this desire, radical reforms must be resorted to, and a more willing and close obedience observed towards our constitutional obligations.

In the study and investigation which I have given the State Constitution, I find nought that can reconcile, with a proper sense of duty, a disregard of any of its provisions, under the specious pretext that necessity requires this or that feature should be treated as a "dead letter," but in all its parts it manifestly displays a complete adaptation to the purposes for which it was enacted—in no respect more happily illustrated than in those checks and restrictions which secure the people against prodigal and wasteful expenditure of the public money by legislative sanction. Most prominent of the class referred to is the eighth article of that instrument, and that I may the more readily be understood, I quote the article entire:

"ARTICLE VIII., STATE DEBTS.—The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein; which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable, until the principal and interest thereon shall be paid and discharged. But no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specified object therein stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each Judicial District (if any be published therein), throughout the State, for three months next preceding the election at which it is submitted to the people."

Has this article been faithfully observed, these requirements pursued in the millions of money appropriated, now aggregating our public debt, and hereafter to be discharged by means of onerous exactions from the people? Truly not. No inconsiderable amount of appropriations, since the State indebtedness reached the sum mentioned, has been for "specific purposes," and not embraced within the exceptions named. In these, each successive Legislature has borne its part, and generally, it is believed, without duly considering the effect of such restrictions.

With the established fact that our existing indebtedness far transcends the sum of three hundred thousand dollars, a literal construction of this article might seem to embrace, among the interdicted appropriations, such even as are absolutely necessary to the support of the State Government. In this view, however, I cannot concur. All governments must inherently possess, to a practicable extent, the

power of providing means for their own maintenance, so far even as to pledge their credit and revenue; else every movement might be at once arrested, and each department fail utterly to perform the functions for which it was ordained. The exclusion of such authority in our own State Government, without the observance of the formula prescribed in the article just quoted, would wholly destroy its utility, and render its action entirely abortive; thus making it what it was never designed to be by the framers of the Constitution—a Government in name, indeed, but destitute of the power to impart vitality to any of its movements. Hence, in my view, no Constitutional objection can arise, in making all needful appropriations for supporting the various departments of the State Government. But here the authority ceases; and *each* and *every* appropriation for purposes not absolutely and necessarily embraced within the class of expenditures required to *support the State Government*, or such as fall within the exception—"in case of war, to repel invasion, or suppress insurrection,"—the Constitution utierly forbids and prohibits, unless previously submitted to the people for their sanction and ratification in the prescribed manner.

In this same connection, I would call attention to Sec. 23, Art. IV., of the Constitution: "No money shall be drawn from the treasury, but in consequence of appropriations made by law." How far this requirement has been complied with, it is only necessary to refer to past action, and it will be seen that a considerable amount of State indebtedness has been created by at least a most latitudinous construction of what constitutes an "appropriation made by law," and often by an utter disregard of his positive mandate of the Constitution.

Another restrictive feature of this instrument is found in the article relating to Corporations, and which, I fear, has not been so closely observed as its importance demands. Sec. 31 of Art. IV., provides, that "Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes." And the sense in which the word "Corporations" is there employed, is defined in Sec. 33 of the same article, as follows: "The term corporations, as used in this article, shall be construed to include all associations and joint stock companies, having any of the powers or privileges of corporations not possessed by individuals or partnerships." The experience of all legislation has demonstrated the pernicious consequences attendant on conferring authority upon the legislative department to grant special privileges to corporate companies, in which the public have but little or no interest. To mention no greater objection, the frequency of such applications oftentimes absorbs much valuable time, and greatly retards the course of general business. The framers of our Constitution have, therefore, "except for municipal purposes," wisely forbidden the Legislature to pass other than general laws on this subject. Entertaining the opinion that those provisions *mean* what, in words readily understood, they *declare*, if, upon examination, it shall be found that the general laws hitherto enacted require amendment so as to promote their greater usefulness, my sanction will be most cheerfully given; but. "except for municipal purposes," it will be withheld from any special act of incorporation.

The only remaining subject, especially connected with this branch of my remarks, to which I will now allude, is the veto power conferred on the Executive. In this respect the Constitution of California is not singular, but finds a precedent in that of the Federal Union, and, with various modifications, in those of all the States composing that Union. At this remote period, it is unnecessary to investigate the motives which, in a system like our own, prompted the adoption of a feature so positively in derogation of the popular will, as manifested through their chosen representatives; but we may rationally infer that the prerogative thus bestowed was never designed to be rashly or inconsiderately exercised, nor its uses prostituted to the accomplishment of selfish ends, but

rather to preserve intact the Constitution, to guard from intrusion and violation its sacred mandates, and to restrain the improvident exercise of legislative power. If, unhappily, the necessity shall arise during my official term—which I confidently hope and believe will not—in my opinion calling for the interposition of this prerogative, it will only be exercised in consonance with the views I have here expressed.

An observance of the foregoing maxims may contribute much to relieve the embarrassments under which our beloved State has so long labored, but they constitute only in part these reformatory measures the people ask, yea, demand, at the hands of the administration. The most rigid economy in all its departments, scrupulous fidelity in the discharge of public trusts, and an earnest zeal in promoting the present and future well-being of the State, are confidently expected from those in power. To this end, the abolition of all sinecures and needless offices—especially refusing to create more of like kind—a just and discriminating reduction of the fees and emoluments of office, and withal (if such detestable heresy has ever in our State found its votaries, that there can honestly exist such things as constructive perquisites in salaried offices,) teaching the official incumbent of every degree, that he must look solely to the legitimate salary or fees, as defined by law, for compensation; the adoption of such needful amendments to our code, criminal and civil, as will tend to promote the impartial and speedy administration of justice, simplify legal proceedings, and give force and efficacy to laws framed for beneficent purposes, but which have proven so defective as to render them absolutely nugatory; that the blessings of a Republican Government may be successfully enjoyed, and the noblest boon of the American citizen not ruthlessly overridden by perjury and fraud, the enactment of election laws and regulations, such as will tend to secure the legal voter, whether native or naturalized, the right of voting in security and safety; the exercise of such constitutional legislation as will be calculated to adjust, on equitable terms, controversies in relation to lands, in adverse possesion to those claiming under Mexican grants, that stability and certainty of title may tend to augment population and improvement, and enhance the public revenue; the adoption of biennial sessions of the Legislature, and by assiduity and laborious industry in the work of legislation, bring the sessions within the shortest possible limit, these, gentlemen of the Legislature, constitute some of the undertakings now before us; and, entertaining as I do, the most exalted confidence in the purity of your motives, wisdom of your counsels, and regard for the public weal, I doubt not we will be found alike coworkers in the noble task of reform now to be begun, and prosecuted with a zeal and ardor that knows no abatement, that the sincerity of our declarations may be vindicated, and public expectation realized.

But let us not forget that we have other duties and obligations than those entailed in the management of our domestic affairs. As one of the American Confederacy, whilst California would evince a due spirit of resistance toward any encroachment on her well-recognised rights as a sovereign State, she yields to none in the alacrity displayed in the performance of her duties toward the General Government, the history of her people constitutes the noblest vindication of their fealty to the Union, and their desire for its perpetuation. When, years ago, she was struggling with a self-constituted government, during months of anxious entreaty, refused recognition as a State; paying tribute in countless thousands to the Federal Treasury; her people sorely perplexed with the apparent indifference with which their appeals were received—no murmur of discontent was heard, or threat of secession indulged in; and when at length came the gladsome news of admission to the rights of a State, the universal joy of the people demonstrated their loyal attachment and devotion to the Union. Such is now the universal sentiment which the lapse of time has but strengthened; and the fond hope may be confidently cherished, that if

ever disorganizers shall plot the destruction of this noblest fabric of human government, the people will be found arrayed in its defense and preservation.

In conclusion, though fully sensible of the fact, that the present condition of the State invokes the aid of administrative capacity, having its foundation in eminent ability and the most comprehensive experience, and conscious that those attributes of character are denied me, yet in the discharge of the difficult duties which I am called upon to perform, with a hopeful dependence on the watchful and protecting care of that Ruler who is supreme over all, I hesitate not to give the assurance that so far as I have at this time avowed my course of policy, its observance shall be strictly regarded, and that in all matters of public duty, an impartial, honest, and conscientious course shall illustrate my own action; and if the fond wishes for the public good in which I have indulged be not realized, it will not result from the want of determined and constant effort on the part of your Executive.

J. NEELY JOHNSON.

The President then declared, that having performed the duties for which the Convention had assembled, it was adjourned *sine die*.

The Senate then withdrew.

IN ASSEMBLY.

The following resolution was offered by Mr. Bell:

Resolved, That the Speaker be, and is hereby authorized to appoint three pages and two porters for the use of the Assembly.

Resolved, That the Chief and Assistant Clerks be, and they are hereby empowered to appoint, not to exceed three Assistant Copying Clerks, for this body.

Under the rules of the House, the resolution was laid over one day.

On motion, the House adjourned until to-morrow at 11 A. M.

IN ASSEMBLY.

THURSDAY, January 10, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and the following members were absent:

Messrs. Brent, Covarrubias, Sharp, and Taliaferro.

Journal of yesterday was read, amended, and approved.

The following communication was received from the Secretary of State:

OFFICE OF SECRETARY OF STATE,
Jauuary 7, 1856.

To the Senate and Assembly of California:

In compliance with the eleventh section of the Act of May 15, 1854, relative to the office of Secretary of State, I have the honor herewith to transmit copies of the several contracts made by me for stationery, fuel, &c., for the use of the Legislature, which were severally awarded to the lowest bidder, in accordance with the requirements of law.

The vouchers and accounts for the articles already furnished are now on file in the office of the Controller of State.

It is also my duty to inform you that I have caused gas fixtures, chandeliers, and burners to be fitted in the capitol building; the accounts and vouchers for which are now on file in the office of the Controller of State.

The articles furnished and work performed, it is proper to state, have all been in strict conformity to the bids and contracts, and it is hoped that you will, early in the session, make provision in payment therefor As required by the Act of last session, I have filed with the Controller of State statements of the several amounts expended by me from the Contingent Fund of this office since the fifth day of November, A. D. 1855.

I have, also, in obedience to law, caused the Capitol to be cleaned and painted, and the furniture to be repaired; the certified accounts for which have been filed with the Controller.

I have, also, renewed the contract entered into by my predecessor, with Wells, Fargo & Co., for the distribution of Laws and Journals, and the transmission of all packages, documents, and letters, to and from the office of Secretary of State during the year 1856, for the sum of one thousand five hundred dollars ($1,500).

(Signed.)

CHAS. H. HEMPSTEAD,
Secretary of State.

Mr. Taylor moved to lay the communication on the table.

Carried.

Mr. Winston offered the following resolution:

Resolved, (The Senate concurring,) that the Senate and Assembly meet in Joint Convention in the Assembly Hall, on Monday the 14th day of January, inst., at 12 o'clock M., for the purpose of electing a United States Senator in the place of the Hon. William M. Gwin, whose term of office expired on the 4th of March, 1855.

Objection being made, the resolution was laid over, under the rules, for one day.

Mr. Winston offered the following resolution:

Resolved, That the Speaker be authorized to appoint four Pages and four Porters for the convenience of the Assembly, and to remove them at pleasure: Also, that the Chief Clerk be authorized to procure, from time to time, such further assistance as may be necessary.

Mr. Andrews moved that the resolution be referred to a committee.

A division of the House was called for with the following result:

Ayes 26—Noes 36.

So the motion was lost.

Mr. Stout moved to amend the resolution, by striking out all that portion relative to Assistant Clerks, and insert in the other portion of the resolution two Porters instead of four.

Mr. Lewis offered the following resolution as a substitute for the original resolution:

Resolved, That the Speaker appoint as many Porters and Pages as may be necessary for the use of the House.

The substitute was adopted.

Mr. Gray offered the following resolution:

Resolved, That the Chief Clerk be authorized to procure, from time to time, such further assistance as may be necessary, not to exceed four Clerks at any one time.

A division of the House was called for, and the resolution was adopted.

Mr. Oxley having voted in the affirmative, gave notice that on to-morrow he would move a reconsideration of the vote just taken.

Mr. Dustin offered the following resolution:

Resolved, That the *per diem* of the Pages and Porters of the House, during the present session, be fixed at five dollars.

Mr. Haile moved to amend by inserting four instead of five.

It was then moved to lay the resolution on the table.

Carried.

The following communication was received from the Governor :

EXECUTIVE DEPARTMENT,
January 9th, 1856.

To the Honorable
The Senate and Assembly of California:

I have this day appointed William H. Rhodes, Esq., the Governor's Private Secretary.

J. NEELY JOHNSON,
Governor of California

The Resolution in regard to Mail and Express matter for the Assembly was taken from the table.

Mr. Beatty offered as an amendment to the Resolution, to strike out Express companies and insert the names of Wells, Fargo & Co., and Pacific Express Company.

Mr. Curtis moved to insert, as an amendment to the amendment, "And that he shall report to this House the terms for which such mail matter shall be carried."

It was moved and seconded that the whole matter be indefinitely postponed.

Lost.

Mr. Upton offered the following as a substitute to the resolution :

Resolved, That the Sergeant-at-Arms be instructed to make arrangements with the Post Office Department for the carriage of Mail matter, and that he be instructed to ascertain and report to this House upon what terms similar arrangements can be made with the Express offices in this State.

Adopted.

It was then moved and seconded that the Resolution with substitute, as offered by Mr. Upton, be adopted.

Carried.

Mr. Hunt introduced the following—

Resolved, That the Sergeant-at-Arms be authorized to procure for each member of this House, during the session, six daily newspapers, or their equivlent in weeklies.

Under the rule, laid over for one day.

Mr. Stout moved the adjournment of the House until 10 o'clock, A. M., to-morrow.

Lost.

Upon motion of Mr. Beatty, the House adjourned until 11 o'clock to-morrow.

IN ASSEMBLY.

FRIDAY, January 11, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and the following members absent:

Messrs. Covarrubias, Dick, Hunter, Mathews, Moulthrop, Oliver, Ricks, Swan, and Wohler.

The Journal of yesterday was read and approved.

Mr. Upton, from Special Committee on Rules, made the following report, which, on motion, was received, read, and adopted.

STANDING RULES AND ORDERS.

I.

MEETING.

The House shall meet each day of sitting, at 10 o'clock, A. M., unless the House shall adjourn to some other hour.

II.

ORDER OF BUSINESS.

After the reading and approval of the Journal, the order of business shall be as follows:

1.—Presentation of Petitions.
2.—Second reading and reference of Bills.
3.—Introduction of Bills.
4.—Notices.
5.—Reports of Standing Committees.
6.—Reports of Select Committees.
7.—Messages from the Governor.
8.—Messages from the Senate.
9.—Motions and Resolutions.
10.—The third reading of Bills.
11.—Unfinished business of the preceding day.
12.—Special Orders of the Day.

III.

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

IV.

Messages from the Governor, State Officers, and from the Senate, may be considered at any time by vote of the House.

V.

PETITIONS.

Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table or be referred, as the House shall determine.

VI.

BILLS.

Every Bill shall be introduced by giving at least one day's notice, or by leave of two-thirds of the House; except such Bill shall be introduced by a Committee in accordance with a rule of the House.

VII.

Every Bill shall receive three readings previously to its being passed. The Speaker shall give notice, at each reading, whether it be the first, second or third; which readings shall be on different days, unless the House unanimously

direct otherwise. No Bill shall be amended or committed until twice read. 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 then take the usual course.

VIII.

General Appropriation Bills shall be in order in preference to any other bills unless otherwise ordered by a majority of the House.

IX.

All proceedings touching appropriations of money shall be first considered in a Committee of the Whole House; and no addition to any appropriation shall be made out of Committee of the Whole.

X.

A bill or resolution may be committed with special instructions at any time before the final vote is taken.

XI.

DUTIES OF SPEAKER.

He shall take the chair precisely at the hour appointed for meeting; 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.

XII.

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.

XIII.

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.

XIV.

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, attested by the Clerk.

XV.

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.

XVI.

SERGEANT-AT-ARMS AND DOORKEEPERS.

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the House; and all process issued by authority thereof, directed to him by the Speaker. He shall be sworn to keep the secrets of the House.

XVII.

The Doorkeeper shall be sworn to keep the secrets of the House.

XVIII.

The Standing Committees shall be as follows:

1	A Committee on	Elections.
2	Do	Corporations.
3	Do	Public Printing.
4	Do	Claims.
5	Do	Ways and Means.
6	Do	Judiciary.
7	Do	Military Affairs
8	Do	Indian Affairs.
9	Do	Counties and County Boundaries.
10	Do	Commerce and Navigation.
11	Do	Education.
12	Do	Agriculture
13	Do	Roads and Highways.
14	Do	Public Buildings and Grounds.
15	Do	Public Expenditures and Accounts.
16	Do	Mines and Mining Interests.
17	Do	Public Lands.
18	Do	Federal Relations.
19	Do	Engrossment.
20	Do	Enrollment.
21	Do	State Prisons.
22	Do	Mileage.
23	Do	Escheated Estates.
24	Do	State Hospitals.
25	Do	Internal Improvements.
26	Do	Vice and Immorality, (to consist of five.)

XIX.

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

XX.

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

XXI.

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.

XXII.

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 Hoase, and to report their opinion thereon.

XXIII

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.

XXIV.

It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things, respecting the lands of the State, as shall or may come in question, and be referred to them by the House, and to report their opinion thereon.

XXV

It shall be the duty of the Committee on Public Expenditures and Accounts, 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 conformable 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,

XXVI.

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.

XXVII.

It shall be the duty of the Committee on Roads and Highways to take into consideration all such petitions and matters and things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question and be referred to them by the House, and to report thereon.

XXVIII.

It shall be the duty of the Committee on Public Buildings and Grounds, to consider all subjects relating to the public edifices and grounds within the Seat of Government, which may be referred to them, and report their opinion thereon.

XXIX.

It shall be the duty of the Committee on Mileage to ascertain and report the distance for which each member shall receive pay.

XXX.

No Committee shall be permitted to employ a Clerk at the expense of the State, without first obtaining leave of two-thirds of the House for that purpose.

XXXI.

When a motion is made to refer any subject, and different Committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House,
A Standing Committee.
A Select Committee.

XXXII.

In forming a Committee of the Whole House, a Chairman, to be named by the Speaker, shall preside; bills committed to a Committee of the Whole House, shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the House by the Chairman. After report, the bill shall again be subject to amendment before the question is taken.

XXXIII.

The Rules of the House shall be observed in Committee of the Whole, so far as may be applicable, except limiting the times of speaking, and except that the ayes and noes shall not be taken.

XXXIV.

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

XXXV.

DECORUM AND DEBATE.

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed, but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House; but no discussion of a question of order shall be allowed unless an appeal be taken from the decision of the Chair.

XXXVI.

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

XXXVII.

Every member when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished, he shall sit down. No member shall speak more than once to 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.

XXXVIII.

If a question pending 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 of the House.

XXXIX.

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

XL.

Any member may rise to explain a matter, personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

XLI.

MOTIONS, ETC.

No motion shall be debated, until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn at any time before amendment or decision.

XLII.

A motion to adjourn, or to fix the time to which the House will adjourn, shall always be in order, and be decided without debate The Clerk shall enter on the Journals the name of any member moving an adjournment, and also the hour at which the motion was made.

XLIII.

When a question is under debate or before the House, 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 named, but the first three shall be decided without debate. And no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of proceedings A motion to strike out the enacting clause of a bill or resolution, if carried, shall be considered equivalent to its rejection.

XLIV.

The previous question shall be in this form: "Shall the main question be now put?" and its effect, when sustained by a majority of the members present, shall be, to put an end to all debate, and bring the House to a vote on the question or questions before it.

XLV.

All incidental questions of order, arising after a motion is made for the previous question, and pending such, shall be decided (whether on appeal or otherwise) without debate.

XLVI.

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

XLVII.

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

XLVIII.

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that one being taken away, a

substantive proposition shall remain for the decision of the House. A motion to strike out, being lost, shall preclude neither amendment, nor a motion to strike out and insert.

XLIX.

No motion or proposition on a subject different from that under consideration shall be admitted as an 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

L.

A proposition to print an extra number of any document, or other matter, shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House.

LI.

No bill or other matter shall be printed without first being specially ordered by the House, and the Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter and the quantity, before payment shall be made, or bills audited.

LII.

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

LIII.

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

LIV.

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

LV.

When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the House without debate.

LVI.

When a question on a motion, or on the final reading or passage of a bill or resolution, shall have been decided in the affirmative or in the negative, it shall be in order for any member of the majority to move for a re-consideration thereof on the same day, or by giving notice of such intention, on the succeeding day; and after such notice being given, it shall not be in order for any member to move a re-consideration on the day on which such motion or question shall have

been decided; and such motion shall take precedence of all other questions, except a motion to adjourn.

LVII.

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

LVIII.

The ayes and noes shall be taken when called for by three members present, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly and without debate his vote. In taking the ayes snd noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journals the names of those demanding the ayes and noes.

LIX.

No member or other person shall remain by the Clerk's table while the ayes and noes are being called, or while the votes are being counted.

LX.

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

LXI.

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

LXII.

No member shall be allowed to explain his vote, or discuss the question, while the ayes and noes are being called; and no member shall be allowed to change his vote, after the vote is announced from the Chair.

LXIII.

CALL OF HOUSE.

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

LXIV.

MISCELLANEOUS.

No standing rule or order of the House shall be rescinded or changed without

a vote of two-thirds, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily, by a vote of two-thirds of the members present.

LXV

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness; and if any member or officer of the House absent himself without leave, his per diem shall not be allowed him; but no member shall obtain leave of absence or be excused, without a vote of two-thirds of the House.

LXVI.

No persons except Senators, State Officers and ladies, shall be admitted within the Bar of the House, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the House cleared of all such persons.

LXVII.

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

LXVIII.

The rules of parliamentary practice contained 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.

LXIX.

The Assembly Room shall not be used for any public or private business other than legislative, except by permission of the House.

LXX.

Witnesses summoned to appear before the House, or any of its committees shall be paid as follows: For each day a witness shall attend, the sum of two dollars. For each mile he shall travel in coming to and going from the place of examination, the sum of twenty-five cents; but nothing shall be paid for traveling home, when the witness has been summoned at the place of trial. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

LXXI.

It shall be in order for any member or members to protest against the action of the House, and have such protest entered upon the minutes.

Mr. Taylor moved to lay the report upon the table, and that two hundred copies be ordered printed.

Lost.

Mr. Rhodes moved a reconsideration of the vote by which the report of the Committee on Rules was adopted.

Carried.

Mr. Rhodes moved that the Rules be read and adopted separately.

Lost.

Mr. George moved that the Clerk proceed to read the Rules, and that where no objection was made, they should be considered as adopted.

Agreed to.

Mr. Beatty moved to strike out the third Rule.

The Speaker decided the motion out of order.

Mr. Taliaferro moved that the House resolve itself into Committee of the Whole.

Carried.

House in Committee of the Whole, Mr. Taylor in the chair.

The Committee considered the report, made some amendments, reported the same back to the House and asked to be discharged.

Speaker in the chair.

On motion of Mr. Rhodes the report was adopted as a whole.

On motion of Mr. Van Dusen, two hundred and forty copies were ordered printed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Board of Examiners of War Claims have submitted a duplicate report, which is deposited, by the order of the Senate, with the Secretary of the Senate, subject to the examination of the Assembly at pleasure.

Respectfully,

W. BAUSMAN,
Secretary of Senate.

Jan. 11, 1856.

Mr. Winston offered the following resolution:

Resolved, That a committee of five be appointed to report to the House as speedily as possible, the mileage due each member.

Upon motion of Mr. Stout, the resolution was laid on the table.

Mr. Bell offered the following resolution:

Resolved, That a special committee of five be appointed to report to the Assembly as speedily as possible, a per diem compensation for its officers.

Upon motion of Mr. Gray, the resolution was laid on the table.

Mr. Rhodes offered the following resolution:

Resolved, That when bills are ordered printed for the House, two hundred and forty copies be the number printed, unless expressly ordered otherwise by the House.

Adopted.

Mr. Oxley, in accordance with his notice given yesterday, moved to reconsider the vote by which the resolution was passed, authorizing the Chief Clerk to appoint assistants.

The motion was carried, and the vote of yesterday was reconsidered.

Mr. Curtis introduced the following resolution as a substitute:

Resolved, That there be a special committee of three appointed by the Chair to examine and ascertain the number of Clerks absolutely required by the Chief Clerk, and report the same to this House, at as early a period as possible.

Upon motion, the substitute was adopted.

The question then recurred on the passage of the resolution proposed as a substitute.

The resolution was adopted.

The following report from the Board of Examiners of War Claims, was received and read:

To the Honorable Senate and Assembly of California:

In accordance with the provisions of an Act to discharge the Board of Examiners of War Claims from further duties, and to abolish the same, approved April 23, 1855, we have the honor to report:

The aggregate amount of unaudited claims in the office of the Board of Examiners, was $24,936 46, as reported to the Senate by the Hons. Chas. A. Leake and G. W. Hook, Special Committee appointed to examine into the condition of the papers and vouchers relative to the war debt. The sum of $4,965 25

has been audited by the Board up to the first day of August, 1855, the time when, by the provisions of the aforesaid Act, the Board was dissolved. Owing to the informal nature of the transfers of the claims, and conflicting interest of parties, as well as the want of testimony to substantiate the legality of claims, the Board could not in justice to the interests of the State, audit more than the above amount.

The war debt, without interest, amounts to the sum of $849,549 73.

The sum of $900 was appropriated by the Legislature to pay a Clerk to the Board, and also to make a duplicate statement of the transactions of the Board of Examiners, from its organization to its dissolution, this sum was found inadequate for the purpose, and the Board deeming it important to have the work executed, advised the Controller to issue his warrant on the War Loan Fund for $1,100, as a further compensation. The duplicate statement is herewith transmitted and made a part of this report. The Board of Examiners would most respectfully call the attention of the Legislature to the printed report and statement of the Senate special committee, Hon Messrs Leake and Hook, for ample information relative to the condition of the vouchers and papers that are in any way connected with the war debt.

The Board of Examiners deeming the knowledge possessed by their Clerk, Mr. A. J. F. Phelan, of the complicated and intricate transactions relative to the war indebtedness, have requested him to remain until the meeting of the Legislature, for the purpose of communicating any information that may be required on the subject, trusting that he will be remunerated for the same.

Signed,

SAM. BELL,
Controller of State.

S. A. McMEANS,
State Treasurer.

Board of Examiners of War Claims

December 31, 1855.

On motion, the report was laid on the table.

Mr. Moulthrop moved an adjournment of the House until 11 o'clock, A. M., to-morrow.

Mr. Curtis moved to amend so as to adjourn until Monday next, at 11 o'clock A. M.

Mr. Oliver, of El Dorado, moved to amend the amendment so as to adjourn until 10 o'clock to-morrow.

A division of the House was called—Ayes 32, Noes 34.

Lost.

The vote was then taken on the motion to adjourn until to-morrow at 11 o'clock, A. M.

A division of the House was called—Ayes 26, Noes 38.
Lost.

The question then recurred on the amendment to adjourn until Monday next, at 11 o'clock, A. M.

The ayes and noes were demanded by the requisite number of members, with the following result:

AYES.

Messrs. Beatty, Brent, Covarrubias, Downey, Ewalt, Gray, Hoover, Hunt, Kendrick, Lewis, Lippincott, Moulthrop, Sharp, Sherrard, Taliaferro, Winsor, and Wohler—17.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Borland, Bowe, Brunton, Bynum, Cartter, Castro, Callbreath, Cone, Coombs, Davis, Dick, Dustin, Gage, Gaston, Haile, Hawes, Heald, Heiskell, Holland, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Meloney, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Stephenson, Sterritt, Stout, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winston, and Mr. Speaker—57.

Mr. Beatty moved an adjournment until 7 o'clock, this evening.

Lost.

Mr. Taliaferro gave notice of a bill for an Act to amend an Act entitled an Act to fix the Time of holding the Terms of the District Court, passed May 18, 1853.

Mr. Wagner moved that the resolution offered yesterday by Mr. Winston, in regard to a Joint Convention for the purpose of electing a United States Senator, be taken from the table.

Carried.

Mr. Oxley moved to strike out the word "Monday," and insert Tuesday, the 15th, instead.

Mr. Lippincott moved the indefinite postponement of the question.

Mr. Downey moved to amend the amendment by inserting to-morrow, at 11 o'clock.

Lost.

Mr. Oxley's amendment was then adopted.

The question then recurred upon the passage of the resolution as amended.

Messrs. Hawes, Wohler, and Gray, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Borland, Bowe, Brunton, Bynum, Carter, Castro, Cone, Coombs, Curtis, Davis, Dick, Dustin, Gage, Gaston, Haile, Heald, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, and Mr. Speaker—57.

NOES.

Messrs, Beatty, Boring, Brent, Callbreath, Downey, Ewalt, Gray, Hawes, Holland, Hunt, Kendrick, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Sharp, Taliaferro, and Wohler—19.

So the motion was carried.

Mr Lewis moved an adjournment of the House until 11, A. M., to-morrow.

Mr. Curtis moved to adjourn to Monday, at 10 o'clock, A. M.

On motion of Mr. Hawes, the House adjourned until 10 o'clock, A. M., to-morrow.

IN ASSEMBLY.

SATURDAY, January 12, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, following members absent:

Messrs. Blackburn, Boring, Ewalt, Sellick, and Sharp.

Journal of yesterday read and approved.

Mr. Stout gave notice of a bill to amend an Act concerning Courts of Justice.

Mr. Moulthrop gave notice of a bill for an Act to provide for the election of Judges and Inspectors of Elections, to prevent fraud in, and preserve the purity of elections.

Mr. Oliver gave notice of a bill for the amendment of Section sixth of an Act entitled. an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, approved April 30, 1855.

Also, a bill to amend section sixth and eleventh of an Act entitled, an Act concerning roads and highways, approved April 28, 1855.

Mr. Reynolds introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to furnish the members with three daily newspapers, or their equivalent in weekly newspapers, not to exceed the cost of three dailies.

Mr. George moved to amend, by inserting five in place of three.

The requisite number of members having called for the ayes and noes, they were taken with the following result:

AYES.

Messrs. Beatty, Brush, Bynum, Callbreath, Curtis, Downey, Ewalt, George, Gray, Heald, Holland, Kendrick, Lamon, Lewis, Lippincott, McDonald, Meloney, Moulthrop, Oliver, Oxley, Pearson, Ricks, Stephenson, Sterritt, Swan, Taliaferro, Upton, Winsor, Winston, Wohler, and Mr. Speaker—31.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Borland, Bowe, Brunton, Cartter, Castro, Cone, Coombs, Davis, Dustin, Gage, Gaston, Haile, Hawes, Heiskell, Hoover, Hunter, Kelly, Leihy, Mathews, McFarland, McGehee, Peck, Pugh, Rathburn, Read, Reynolds, Shearer, Sherrard, Stout, Turner, Van Dusen, Wagner, Weir, Welch, White, and Williams—40.

Mr. Rhodes moved to amend by inserting four in place of three.

Mr. Lewis moved to amend the amendment by inserting one in place of four.

Lost.

The question was then on the amendment offered by Mr. Rhodes.

Amendment adopted.

The vote was then taken on the passage of the resolution as amended.

Adopted.

The following resolutions were introduced by Mr. Castro.

Resolved, That the Inaugural Address of His Excellency, Governor J. Neely Johnson, be translated into the Spanish language, and five hundred copies be printed.

Resolved, That a committee of three, to be concurred in by the Senate, be

appointed to select a competent translator, for translating laws and resolutions into the Spanish language.

Mr George moved to amend the resoluiion so as to print the same number of Governor Bigler's Message in the Spanish language.

It was moved and seconded that the rule on printing be temporarily suspended.

Lost.

The resolution laid over, under the rules, for one day.

Mr. Oliver offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to procure a suitable clock, (a new one or the old,) and place the same in a suitable position in the Assembly Room.

Adopted.

Mr. Hunter offered the following resolution:

Resolved, (by the Assembly, the Senate concurring,) That S. H. Brooks, County Treasurer of San Joaquin county, is hereby granted leave to absent himself from the State for the period of five months, from and after the 20th day of January, A. D. 1856.

Adopted.

Mr. Curtis offered the following resolution:

Resolved, That the use of this Hall be tendered to Miss Pellet, to deliver a lecture, to-morrow evening.

Upon a division of the House, adopted—ayes 32, noes 31.

Mr. Sherrard presented a bill for an Act appointing a Commissioner to receive from the government of the United States, the moneys heretofore appropriated in payment of the War debt of this State, and to provide for the disposition of the same.

Read first and second time, and referred to a special committee of three, Messrs. Sherrard, Ricks and Swan.

At 11 o'clock, A. M., on motion of Mr. Curtis, the House adjourned until Monday, 14th inst., at 10 o'clock, A. M.

IN ASSEMBLY.

MONDAY, January 14, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and the following members were absent:

Messrs. Brent, Coombs, Curtis, Holland, Lewis, Sharp, Stout, Welch and Wohler.

Journal was read and approved.

Mr. Covarrubias, member from Santa Barbara, appeared and qualified.

On motion, leave of absence was granted to Mr. Lewis for one day.

The Speaker announced the following Standing Committees:

Judiciary.—Messrs. Sherrard, Cartter, Sharp, Upton, Brent, McFarland and Hawes.

Claims.—Messrs. Rhodes, Andrews, Winsor, Davis and Bowe.

Ways and Means.—Messrs. Upton, Lippincott, Stout, Ricks and Downey.

Elections.—Messrs. Brunton, Dick, Coombs, Gage and Reed.

Accounts and Expenditures.—Messrs. Stephenson, Sterritt, Van Dusen, Boring and McDonald.

Education.—Messrs. Taylor, Leihy, Brent, Sharp and Swan.

Public Lands.—Messrs. Peck, Turner, Weir, George and Cone.

Roads and Highways.—Messrs. Winston, Shearer, Pearson, Borland, Wagner and Curtis.

Counties and County Boundaries.—Messrs. Williams, Wagner, Beatty, Heiskell and Gaston.

Public Printing.—Messrs. Oliver, Lippincott, Lamon, Lewis, Sherrard, Winsor and McGehee.

Internal Improvements.—Messrs. Cartter, Williams, Kendrick, Blackburn and Ricks.

Federal Relations.—Messrs. Lamon, Gray, Covarrubias, Hawes, Gage and Gaston.

Indian Affairs.—Messrs. Ricks, Welch, Holland, Castro, Sterritt and McDonald.

Military Affairs.—Messrs. Hunt, Blackburn, Reynolds, Heiskell, Ewalt, Batchelder and Covarrubias.

Public Buildings and Grounds.—Messrs. Leihy, George, Andrews, Turner and Oxley.

Commerce and Navigation.—Messrs. Hawes, Coombs, Stephenson, Mathews, McDonald and Wohler.

Vice and Immorality.—Messrs. Covarrubias, Cone, Blackburn, Bell and Rathburn.

Mileage.—Messrs. Dustin, Winston, Lewis, Lamon and Kendrick.

Mines and Mining Interests.—Messrs. Bowe, Hoover, Dick, Batchelder, Kelly, White, Beatty.

Engrossments.—Messrs. Stout, Downey, Callbreath, Holland, Mathews.

Enrollments.—Messrs. Sellick, Welch, Meloney.

Corporations.—Messrs. Taliaferro, Pugh, Gray, Oliver, Sellick, Wohler.

Agriculture.—Messrs. Bynum, Davis, Rathburn, Heald, Blackburn, Brush, Shearer.

Hospitals.—Messrs. Oxley, Taylor, Dustin, Hunter, Van Dusen.

State Prison.—Messrs. Curtis, Weir, Peck, Lippincott, Rhodes, Winston, George.

Escheated Estates.—Messrs. Cartter, Swan, Moulthrop, Coombs, Wohler.

Mr. Hawes introduced a bill for an Act to repeal the several charters of the the city of San Francisco; to establish the boundaries of the city and county of San Francisco, and to consolidate the government thereof.

Read first and second times.

On motion of Mr. Hawes, the bill was ordered to be printed, and referred to the delegation from San Francisco.

Mr. Stout introduced a bill for an Act to amend an Act entitled an Act,

concerning the Courts of Justice of this State, and Judicial officers; passed May 19, 1853.

Read first and second times, and referred to Judiciary Committee.

Mr. Taliaferro introduced a bill for an Act to amend an Act entitled, an Act to fix the times of holding the terms of the District Courts throughout the State, passed May 18, 1853.

Read first and second times, and referred to the delegations from Calaveras, Amador, Tuolumne, San Joaquin, and Stanislaus.

Mr. Holland introduced a bill for an Act amendatory of an Act entitled, an Act to re-incorporate the city of San Francisco, passed May 5, 1855.

Read first and second times, ordered printed, and referred to delegation from San Francisco.

Mr. Dick introduced a bill for an Act to provide for taking the census in the year 1856.

Read first and second times, and referred to Judiciary Committee.

Mr. Haile gave notice of a bill to regulate the *per diem* allowance of the officers of the Senate and Assembly, and to repeal the existing law regulating the same.

Mr. Sherrard gave notice of a bill to fund the unfunded and outstanding debt of the county of Sutter, and provide for the payment of the same.

Mr. Bowe gave notice for a bill to provide for the better observance of the Christian Sabbath in this State.

Mr. Oliver gave notice of a bill for an Act to amend an Act, concerning Notary Publics, passed April 30, 1853.

The following message from the Senate was read:

Mr. Speaker:

I am directed to inform the Assembly, that on Saturday the Senate passed a concurrent resolution creating a committee of two to act in conjunction with a committee of the Assembly, to prepare Joint Rules for the government of the two Houses, and, that the President has appointed Messrs. Coffroth and Hook said committee.

W. BAUSMAN,
Secretary of Senate.

Jan. 14, 1856,

Upon motion, the House concurred with the resolution, and the Speaker appointed Messrs. Upton and Hawes committee, on the part of the Assembly.

Upon motion the names of the members of Standing Committees were ordered printed.

The following communication from Wells, Fargo & Co., was read :

To the Honorable the Assembly of California :

As it is extremely difficult for us to arrive at any thing definite with regard to the transmission of Express matter to and from the Assembly for the entire session by contract, we propose to furnish the Assembly with our franked or prepaid envelopes, and forward the same, under Government stamps, over our Express routes, throughout the State of California, at each, which is the lowest cash price now established in this State by all the Express companies. And all letters forwarded to the House from any point in this State, to be delivered at the same rate, unless prepaid or covered by our franked envelopes; in which case, such letters to be delivered free of charge.

We will furnish the House with Government one cent stamps, if required, at cost.

We then propose to convey all documents, packages, communications, &c., relative to the business of the House, over our routes throughout the State, or any portion thereof, which the House may see fit to entrust to our care, for and during the present session, rendering to the House, at our lowest cash rates, semi-monthly, if required, a full and detailed statement of all matter forwarded by us; submitting the same for examination and approval to the Committee on Accounts, or to any committee appointed for that purpose by the House, the same to be duly audited and paid to us in cash, or its equivalent in California State Warrants. All of our franked envelopes, if any, remaining on hand at the expiration of the session, will be received at the same rate as furnished, if so required by the House,

WELLS, FARGO & CO.

Sacramento, January, 1856.

Upon motion the House then went into the election of Chaplain.

Messrs. Shuck, Deihl, Cummings, and Crouch were placed in nomination.

On first ballot:

Mr Shuck,	21
Deihl,	21
Cummings,	15
Crouch,	17
Smith,	1
Dow, Jr.,	1
Whole number of votes cast,	76

Necessary to a choice—39.

No election.

Mr. Van Dusen moved that the names of gentlemen receiving the lowest number of votes be dropped.

Lost.

Mr. Rhodes moved the postponement of the election until the 25th instant.

Lost.

Mr. George moved the indefinite postponement of the election.

Messrs. Sellick, Oxley and Williams called for the ayes and noes, and they were taken with the following result:

AYES.

Messrs. Beatty, Bell, Boring, Brent, Brunton, Brush, Coombs, Covarrubias, Downey, Dustin, Ewalt, George, Gray, Haile, Hunt, Kendrick, Lippincott, Mathews, McFarland, Meloney, Pearson, Pugh, Rathburn, Reed, Reynolds, Rhodes, Sherrard, Stephenson, Sterritt, Taliaferro, Wagner, and Winston—32.

NOES.

Messrs. Andrews, Batchelder, Borland, Bowe, Bynum, Cartter, Castro, Calbreath, Cone, Curtis, Davis, Dick, Gage, Gaston, Hawes, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lamon, Leihy, McDonald, McGehee, Moulthorp, Oliver, Oxley, Peck, Ricks, Sellick, Shearer, Stout, Swan, Taylor, Turner, Upton, Van Dusen, Weir, Welch, White, Williams, Wmsor and Mr. Speaker—44.

So the motion was lost, and the House proceeded with the second ballot:

Mr. Shuck,	17
Deihl,	24
Cummings,	13
Crouch,	20
Smith,	1
Whole number of votes cast,	75

Necessary to a choice—38.

No election.

Third ballot:

Mr. Shuck,	17
Deihl,	23
Cummings,	11
Crouch,	24
Smith,	1
Whole number of votes cast,	76

Necessary to a choice—39.

No election.

Mr. McFarland moved to lay the subject on the table.

Lost.

Mr. Van Dusen moved that the name of the gentleman receiving the lowest number of votes on the next ballot be dropped.

Carried.

Fourth ballot, the name of Mr. Cummings was withdrawn:

Mr. Shuck,	9
Deihl,	16
Crouch,	45
Smith,	3
Whole number of votes cast,	73

Necessary to a choice—37.

The Speaker announced Rev. Mr. Crouch, having received a majority of all the votes, duly elected Chaplain for the Assembly during this session.

Upon motion of Mr. Peck, the Clerk was requested to inform the Rev. Mr. Crouch of his election.

Upon motion, Mr. Curtis's resolution was taken from the table.

Resolved, That the Inaugural Address of his Excellency, J. Neely Johnson, be translated into the Spanish language, and five hundred copies printed.

Resolved, That a committee of three, (to be concurred in by the Senate,) be appointed to select a competent Translator for translating laws and resolutions into the Spanish language.

Mr. George moved to amend so as to have the same number of Governor Bigler's message translated and printed in the Spanish language.

Mr. Downey offered the following as a substitute:

Resolved, That one thousand copies of the Governor's message, and accompanying documents, be printed in the Spanish language, for the use of the Assembly, and, that the State Spanish Translator be authorized to translate the same, and the Secretary of State audit his account therefore.

Mr. Gray moved to amend, so as to have the same number of the message translated and printed in the German language.

Mr. Gray called for a division of the question.

Carried.

The question was then taken upon printing one thousand copies of the Governor's message and accompanying documents.

Carried.

The question was then taken upon the translation of the message—pending which,

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

Carried.

The following resolution was taken from the table:

Resolved, That a special committee of five be appointed to report to the Assembly as speedily as possible, a *per diem* compensation for its officers.

Adopted.

The following resolution was taken from the table, and referred to the Committee on Mileage:

Resolved, That a committee of five be appointed to report to the House as speedily as possible, the mileage due each member.

Mr. Bell offered the following resolution:

Resolved, By the Assembly, (the Senate concurring,) that a committee of four from the House and three from the Senate, be appointed a special committee to visit the State Prison, to inquire into, and report at as early a period as possible, the condition and general management of the same, and that they be empowered to send for persons and papers, to facilitate the object.

Laid on the table.

Mr. Rathburn offered the following resolution:

Resolved, That in order to give more general satisfaction, and promote harmonious action among members from the same county, the members do now proceed to draw by counties for the preference of seats.

Mr. Lamon moved the indefinite postponement of the resolution.

Upon which, the ayes and noes were called for by Messrs. Bell, Haile, and McFarland, with the following result:

AYES.

Messrs. Borland, Bowe, Brush, Gray, Heiskell, Kendrick, Lamon, Winston—9.

NOES.

Messrs. Andrews, Batchelder, Beatty, Bell, Boring, Brent, Brunton, Bynum Cartter, Castro, Calbreath, Cone, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, Ewalt, Gage, Gaston, George, Hawes, Heald, Holland, Hoover, Hunt, Hunter, Kelly, Lippincott, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthorp, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Reed, Reynolds, Rhodes, Shlick, Shearer, Sherrard, Stephenson, Sterritt, Stout, Swan, Tahaferro, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor and Mr. Speaker—63.

The question then recurred upon the adoption of the resolution.

Adopted.

Mr. Beatty moved to reconsider the vote.

Lost.

Mr. Oxley offered the following resolution:

Resolved, That from this date to the 10th day of February next, the hour of meeting of this House shall be 11 o'clock, A. M., unless otherwise especially ordered.

Laid over.

Mr. Rhodes moved to adjourn until to-morrow at 11 o'clock, A. M.

Lost.

The names of the Counties were then placed in a hat, and drawn by the Sergeant-at-Arms, with the following result:

Nevada,	1
Solano,	2
Plumas,	3
San Diego,	4
Santa Clara,	5
Placer,	6
San Francisco,	7
Los Angeles,	8
Sierra,	9
Humboldt,	10
Siskiyou,	11
San Luis Obispo,	12
Amador,	13

Monterey,	14
Colusi,	15
San Joaquin,	16
Napa,	17
Marin,	18
Stanislaus,	19
Tuolumne,	20
Mariposa,	21
Santa Cruz,	22
Yuba,	23
Butte,	24
Contra Costa,	25
Alameda,	26
Klamath,	27
E. Dorado,	28
San Bernardino,	29
Calaveras,	30
Sacramento,	31
Tulare,	32
Santa Barbara,	33
Sutter,	34
Shasta,	35
Yolo,	36
Trinity,	37
Sonoma,	38

Mr. George moved that the selection of seats be indefinitely postponed.

Messrs. Rathburn, Dustin and Bell, demanded the ayes and noes, with the following result:

AYES.

Messrs Andrews, Batchelder, Beatty, Borland, Bowe, Brunton, Brush, Bynum, Carter, Callbreath, Cone, Coombs, Gage, Gray, Hawes, Heiskell, Leihy, Mathews, McGehee, Meloney, Oliver, Oxley, Pugh, Reed, Rhodes, Sellick, Shearer, Stephenson, Taliaferro, Upton, Van Dusen, Welch, White, Williams, Winsor and Winston—36.

NOES.

Messrs. Bell, Boring, Brent, Castro, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, Ewalt, Gaston, George, Haile, Heald, Holland, Hoover, Hunt, Hunter, Kelly, Kendrick, Lamon, Lewis, McDonald, McFarland, Moulthrop, Pearson, Peck, Rathburn, Reynolds, Ricks, Sherrard, Sterritt, Stout, Swan, Taylor, Wagner, Weir and Mr. Speaker—40.

Mr. Haile moved that members now proceed to select seats in accordance with the resolution as adopted.

It was moved to adjourn until to-morrow at 10 o'clock, A. M.

Upon which Messrs. McFarland, Brent and George demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Bowe, Dick, George, Kelly, Kendrick, Lamon, Mathews, McGehee, Meloney, Pugh, Reed, Sellick, Shearer, Stout, Welch, Winston, Wohler—18.

NOES.

Messrs. Batchelder, Beatty, Bell, Boring, Borland, Brent, Brunton, Brush, Bynum, Carter, Castro, Callbreath, Cone, Coombs, Covarrubias, Curtis, Davis, Downey, Dustin, Ewalt, Gage, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Hunt, Hunter, Leihy, McDonald, McFarland, Moulthorp, Oliver, Oxley, Pearson, Peck, Rathburn, Reynolds, Rhodes, Ricks, Sherrard, Stephenson, Sterritt, Swan, Taliaferro, Turner, Upton, Van Dusen, Wagner, Weir, White, Williams, Winsor and Mr. Speaker—57.

On motion of Mr. Rhodes, at 1 o'clock, P. M., the House adjourned until to-morrow at 11 o'clock, A. M.

IN ASSEMBLY.

TUESDAY, January 15, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, following members absent:

Messrs. Hunter, Ricks, Sherrard, and Swan.

Journal of yesterday was read, amended, and approved.

Mr. Haile introduced A bill to regulate the per diem allowance of Officers of the Senate and Assembly, and to repeal the existing laws relating thereto.

Read first and second time, and referred to Committee on Accounts and Expenditures.

Mr. Sharp gave notice of a bill for an Act to be entitled An Act to repeal an Act entitled an Act for the Relief of Insolvent Debtors and Protection of Creditors, passed May 4, 1852.

Mr. Lippincott gave notice of a bill for an Act amendatory of an Act entitled an Act for the Sale of the Swamp and Overflowed Lands belonging to this State, approved April 28, 1855.

Mr. Meloney gave notice of a bill concerning Lawful Fences, and Animals trespassing on premises lawfully inclosed.

Mr. Wohler gave notice of a bill entitled an Act to require the Supreme Court to hold alternate sessions in the city of San Francisco.

Also an Act to ascertain the amount of the just Claims against the County of San Francisco, and to provide for Funding the same.

Mr McFarland gave notice of a bill to amend an Act entitled an Act in relation to Personal Mortgages in certain cases, passed May 11, 1853.

Mr. Holland gave notice of a bill for an Act to establish a Board of Commissioners for the investigation of Claims outstanding against the City of San Francisco, and accruing prior to the first day of July, 1855, for funding the same, and to provide for the final redemption thereof.

Mr. Davis gave notice of a bill in relation to Estray Animals, and to repeal all laws heretofore passed on that subject.

Mr. Sharp gave notice of a bill for an Act to fix the time Acts of the Legislature of the State of California shall take effect after passage.

Mr. Sherrard made the following report:

Mr. Speaker:

The select Committee, to whom was referred a bill for an Act to appointa Commissioner to receive from the Government of the United States the moneys heretofore appropriated in payment of the War Debt of this State, and to provide for the disposition of the same, beg leave to report the same to the House, with the following amendments, and recommend its passage:

First: Fill up blank in section first with the words, "Samuel B. Smith, of Yuba county."

Second: Insert in second section, after the word "possession," in line second, the following words:—"And the officers of this State are hereby required to deliver to him," &c.

Third: Strike out section fourth, and insert the following—"Nothing in this Act shall be construed to authorize the said Commissioner to receive or receipt for, at any one time to the General Government, for a larger sum than five hundred thousand dollars, which amounts, so soon as received by him, or as soon thereafter as possible, shall be forwarded to the Treasurer of this State, and upon the payment of said sum to the said Treasurer, and upon the production of his receipt therefor, he shall be, and is hereby, authorized to receipt in full in

the name of the State of California for the entire amounts of money appropriated by the Government of the United States in payment of said War Debt."

Fourth: Strike out in section five all between the word "Governor," in fifth line, and the word "conditioned," in sixth line, and insert the words—"in the sum of five hundred thousand dollars."

Fifth: Fill up blank in section sixth with the word "one."

R. B. SHERRARD,
Chairman.

C. S RICKS,
ROBT. SWAN.

Mr Dick moved that the report, with amendments, as made by the committee, be adopted.

Mr George offered as an amendment, that the report be received, and made the special order of the day for Monday next.

Mr. Oxley moved to amend the amendment, by inserting Thursday, at 12 M., instead of Monday.

Carried.

Upon motion of Mr. Curtis, it was ordered that the bill, as amended by the committee, be printed.

The following communication from the State Treasurer was read:

TREASURY DEPARTMENT,
Sacramento, Jan. 11, 1856.

To the Hon. the Legislature of California:

Gentlemen—

In view of the settlement of the War Loan claims at Washington, the undersigned proposes to your honorable body, that if leave of absence will be granted him for the period of four months, (at such time as you may deem most expedient and proper,) he will finally adjust said claims as agent on behalf of the State of California, free of all expense to the State.

The undersigned will also guaranty, and enter into good and sufficient bonds for the faithful performance of said trust, final adjudication, the safe and speedy return of said funds to this State.

I have the honor, Gentlemen,
To be your obedient servant,

HENRY BATES,
State Treasurer.

The following report was received:

Mr. Speaker:

Your Committee, comprising the delegations from Calaveras, San Joaquin, Tuolumne, Amador, and Stanislaus, to whom was referred Assembly bill No 1, concerning the time of holding the Terms of the District Courts throughout this State, have had the same under consideration, and beg leave to report it back to the House without amendment, and recommend its passage.

T. W. TALIAFERRO,
Chairman.

Mr. Talieferro moved to amend the bill by striking out "next," and inserting "instant," in the last line of the bill.

Carried.

On motion of Mr Oxley, the bill was considered engrossed, read a third time, and passed.

Title read and approved.

Mr. Peck made the following report:

Mr. Speaker:

The Select Committee, to whom was referred the subject matter of the resolution concerning the number of assistant Clerks to be employed by the Chief Clerk of the Assembly, have had the same under consideration, and beg leave to report:

That in their opinion, there has been a great useless expenditure in the clerical department of both branches of the Legislature, and that by a careful examination by your Committee of the business of that department now on the Clerk's desk, as well as by an examination of the business which will accumulate from time to time on his hands, a great reduction in the expenses of that department may be made without inconvenience.

Past Legislatures have always allowed to that office the aid of not less than sixteen assistants; and the pay of Clerks last session alone amounted to the sum of $28,000, exclusive of the pay of Committee Clerks.

While your Committee believe that the interest of the State will be promoted by a liberal allowance of aid to the Chief Clerk in the discharge of the onerous duties devolving upon him, they are also of opinion that the number heretofore allowed have more retarded than expedited the business of that department; your Committee, therefore, recommend that five assistants be allowed the Chief Clerk, to be appointed immediately, and an additional number, as the gradual but certain increase of business, as the session progresses, may from time to time require, and that they be required to perform the labor of the entire clerical department of this branch of the Legislature, including the assistance which it may sometimes but rarely be necessary to render to the standing Committees,

while it will afford liberal and ample aid to the Clerk, will bring with it a reduction of several thousand dollars in the annual expenses in that department.

Your committee have carefully examined the amount of business at present on the Clerk's desk, and are of opinion that it demands immediate assistance.

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

All of which is respectfully submitted,

GEORGE PECK,
Chairman.

Resolved, That the Chief Clerk of this House be, and is hereby authorized and empowered to appoint five Assistant Clerks, to aid him in the discharge of the clerical department of this House.

On motion of Mr. Stout, the report was received and committee discharged.

On motion of Mr. George, the resolution reported by the committee was adopted.

The following message from the Senate was read:

Mr. Speaker:

I am directed to inform the Assembly, that Assembly concurrent resolution granting five months leave of absence to S. H. Brooks, County Treasurer of San Joaquin county, was yesterday indefinitely postponed

Respectfully submitted,

W. BAUSMAN,
Secretary Senate.

Mr. George offered the following Joint Resolutions:

Whereas, From the isolated condition of California upon the Pacific coast, her people are entirely unprotected from foreign aggression, and her cities, towns and villages, upon an extended and open seaboard, liable at any moment to be destroyed by an invading foe; more certain and easy access to the Pacific country is demanded by every consideration of safety: and

Whereas, The rapidly augmenting commerce, foreign and domestic, of our people, absolutely raquires more perfect and reliable intercommunication with the other States of the confederacy: and

Whereas, The present and future prosperity and happiness, increased wealth and safety of the people of California, absolutely requires the immediate establishment and early completion of the great highway of nations across the American Continent: and

Whereas, The people of this State, regard the building of the Atlantic and

Pacific Railway, as not only conducive, but absolutely essential to the integrity, perpetuity, and well-being of the Union: and

Whereas, The powers of Congress made the limitations of the Constitution, as understood by the members of this Legislature and their respective constituencies, not only authorize, but actually require the exercise on the part of Congress, of such power as may be necessary to aid in the construction of works, national in their character, and which tend to advance the prosperity, and promote the welfare of the whole Union: Therefore, be it

Resolved, By the Senate and Assembly of California, that our Senators in Congress be instructed and our Representatives requested to urge upon Congress the necessity of establishing a Railroad from the Mississippi river to some point in the State of California, and they are furthermore specifically instructed and requested to use their utmost endeavors to procure from Congress, without delay, the passage of a law providing for the construction of the Atlantic and Pacific Railroad by the donation of alternate sections or divisions of public lands, or by the direct appropriation of money from the coffers of the nation, and such other measures as may be deemed necessary to secure, at an early day. the completion of this great national work.

Resolved, That the right of way be, and is hereby granted to the general Government, for the location and construction of said Road through any portion of the territory of this State, where the location of such Road may be deemed necessary for the protection of our citizens, and the interests of commerce.

Resolved, That the Governor is hereby authorized and requested to appoint forthwith, six Commissioners, two of whom shall be from the North, two from the West, and two from the South, and to report the said appointees to the Senate for confirmation.

Resolved, That the said Commissioners be, and are hereby instructed immediately after their appointment and confirmation, to visit the Legislatures of the several States which may be in session, and request their co-operation and aid—and afterwards to proceed to Washington City, and use their best endeavors, in accordance with the tenor and spirit of these joint resolutions.

Laid over one day.

The following resolution was offered by Mr. Taliaferro.

Resolved, That the Sergeant-at-Arms be authorized and instructed to cause to be purchased a flag of our country and placed over the Capitol.

Adopted.

Mr. Boring offered the following resolution.

Resolved. That the Sergeant-at-Arms be directed to procure from the Postmaster of this city five thousand three cent envelopes and ten thousand newspaper stamps, to be distributed among the members of the Assembly.

Laid on the table.

The Sergeant-at-Arms, in accordance with the directions of the House, made the following report:

To the Honorable Members of the Assembly of the State of California:

The undersigned Sergeant-at-Arms in accordance with a resolution passed by this honorable body, has received from the Postmaster, Wells, Fargo & Co. and Pacific Express companies, the following propositions for carrying the legislative documents for the House.

The Postmaster will agree to carry all the legislative documents, packages, papers and letters at rates in accordance with the U. S. Post Office laws, keeping the account himself and receiving his pay in March next, in cash or its equivalent in State Warrants at cash value.

The Express companies will agree to carry all documents, letters and packages sent by members of the Legislature, at eight cents each, receiving their pay in State Warrants at par—furnishing government envelopes if required: an account to be kept of the number of packages, &c. thus forwarded by any one this House may designate.

I would further report that I am unable to ascertain the number or kind of packages to be forwarded by this House. But, as far as I can understand, the government postage on most of the packages would be very heavy, and paying government postage on such packages was one means of swelling the large bills paid by the last Legislature for transportation, and taking into consideration the facilities offered by the Expresses, for transportation to points where there are no Post Offices, or where there are only semi-weekly mails, and also the difference which is to be made in the payment of the Postmaster and the Express, which is the difference between the *par* and cash value of the State Warrants, amounting to over forty per cent. I recommend giving the contract to the Express.

E. GATES,
Sergeant-at-Arms.

Mr. Taliaferro moved that the report and whole subject in regard to Express and Mail matter, be referred to a select committee of three.

Mr. Stout moved to amend, so as to refer to the standing Committee on Accounts and Expenditures.

Adopted.

Mr. Oliver offerred the following resolution:

Resolved, That the State Printer be directed to print two hundred and forty copies of each day's proceedings, for the use of the House, and furnish the same to the Sergeant-at-Arms, to be laid on the desks of the members.

Adopted.

Mr. Brent offered the following Concurrent Resolutions:

Whereas, The admission of this State into the union of the United States of America, manifested a practical illustration and recognition of the right of the

people of the Territories, to decide for themselves whether slavery or involuntary servitude should or should not exist amongst them: and

Whereas, Previous to our admission as a sovereign member of the Union, we enjoyed and exercised that right, by declaring that neither slavery nor involuntary servitude should exist within our limits: and

Whereas, We are unwilling to deprive our fellow-citizens of the Territories, of the noble privilege which we enjoyed and exercised, in determining for ourselves that important question of domestic policy; and

Whereas, Furthermore, we regard the Act of Congress organizing the Territories of Nebraska and Kansas, as embodying and enunciating, as far as the people of those Territories are concerned, the recognition of the same right accorded to us, and by the operation of which, we are now in the enjoyment of our present political position. Therefore, be it

Resolved, By the Assembly, (the Senate concurring,) that our Senators and Representatives in Congress, be requested to vote against any proposition made therein, denying to the people of any of the Territories, the right of deciding for themselves all questions of a domestic nature, subject only to the provisions of the federal Constitution.

Resolved, By the Assembly, (the Senate concurring,) that copies of this preamble and of these resolutions, be transmitted to our Senators and Representatives in Congress.

Laid over one day.

Mr. Oliver offered the following resolution:

Resolved, That no clerks shall be allowed to any of the committees belonging to or appointed by this House.

On motion of Mr. McFarland, indefinitely postponed.

Mr. Weir introduced the following resolution:

Resolved, the Senate concurring, That the joint State Prison Committee have full power to send for persons and papers.

Under the rules, laid over one day.

Upon motion of Mr. Dick the following resolution was taken from the table

Resolved, That one thousand copies of the Governor's Message and accompanying documents be printed in the Spanish language, for the use of the Assembly, and that the State Spanish translator be authorized to translate the same, and the Secretary and Controller of State audit his account therefor.

Mr. Wohler offered as an amendment that five hundred copies be printed in

the German language, provided, no additional charge be made for translating the same.

The resolution, as amended, was adopted.

Mr. Wagner offered the following resolution:

Resolved, That two thousand copies of the Governor's Message, with the accompanying documents, be printed in the English language, for the use of the Assembly.

Mr. Rhodes moved to strike out two and insert five.

A division of the House was called—Ayes 33, Noes 24.

Carried.

Upon motion of Mr. George it was ordered that the same number of copies of Governor Johnson's Inaugural Address be printed, as had been ordered of Governor Bigler's Message.

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

Mr. Hawes offered as an amendment, to adjourn until 10 o'clock to-morrow.

Lost.

The question being upon the motion of Mr. Lewis, the ayes and noes were demanded by Messrs. Read, Gage, and Stout, with the following result:

AYES.

Messrs. Beatty, Blackburn, Brent, Brush, Bynum, Castro, Coombs, Covarrubias, Curtis, Downey, Ewalt, George, Gray, Holland, Hunt, Kendrick, Lamon, Lewis, Lippincott, McDonald, Meloney, Moulthrop, Pearson, Peck, Reynolds, Rhodes, Sherrard, Stephenson, Sterritt, Swan, Taliaferro, Winser, Wohler—33.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Borland, Bowe, Brunton, Carter, Callbreath, Cone, Dick, Dustin, Gage, Gaston, Haile, Hawes, Heald, Heiskell, Hoover, Kelly, Mathews, McFarland, McGehee, Oliver, Pugh, Rathburn, Reed, Sellick, Shearer, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams and Mr. Speaker—40.

Leave of absence was granted Mr. Hunter for one day.

On motion of Mr. McFarland the House adjourned at 1½ o'clock, P. M.

IN ASSEMBLY.

WEDNESDAY, January 16, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Roll called and the following members were absent:

Messrs. George and Oxley.

Journal was read and approved.

Mr. Oliver introduced a bill for an Act amending an Act entitled an Act concerning Notaries Public, passed April 30, 1853.

Read first and second time, and referred to Judiciary Committee.

Mr. Castro gave notice of a bill amending an Act concerning Crimes and Punishments, passed April 16, 1850.

Mr. Sharp gave notice of a bill for an Act amendatory of an Act entitled an Act to exempt the Homestead and other Property from forced sale in certain cases, passed April 21, 1851, providing for the registry of homesteads.

Mr. Dustin gave notice of a bill for an Act proposing an amendment to the Constitution of the State of California, relative to the Jurisdiction of Justices of the Peace in civil cases.

Mr. Stout gave notice of a bill to change the name of Abijah Washburn Hough to Andrew Watson Hough.

Also, a bill for an Act to amend an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March 20, 1855.

Also a bill to amend an Act entitled an Act in relation to Personal Mortgages in certain cases, passed May 11, 1853.

Mr. Weir gave notice of a bill for the protection of Settlers and Miners.

Mr. Taliaferro gave notice of a bill for an Act to provide for separating the Overflowed or Swamp Lands of this State from the Lands of the General Government.

Mr. White gave notice of a bill for an Act to amend section 17 of an Act en-

titled an Act defining the time for commencing Civil Actions, passed April 22, 1850.

Mr. Brunton gave notice of a bill to amend the present law concerning the collection of Licenses of Merchants and business men, so that the Sheriff of Tuolumne county shall be Collector of such license tax therein.

Mr. Hunter gave notice of a bill for an Act entitled an Act for the Protection of Settlers on Mexican grants.

Mr. Lamon gave notice of a bill to authorize the Board of Supervisors of Mariposa County to levy a special tax for certain purposes.

Mr. Gaston gave notice of a bill to except Mining Claims from execution in certain instances.

Mr. Curtis gave notice of a bill to provide against and repeal the Act permitting Married Women to do business under the pretext of an individual capital of five thousand dollars.

Mr. Bowe gave notice of a bill for an Act to amend an Act to discourage the Immigration to this State of Persons who cannot become Citizens thereof, approved April 28, 1855.

Mr. McFarland gave notice of a bill to amend an Act entitled an Act to regulate Elections, passed March 23, 1850.

Mr Stephenson from the Committee on Accounts and Expenditures, made the following report, with accompanying documents:

Mr. Speaker:

The Committee on Accounts and Expenditures, having had under consideration the subject of Mail and Express matter, would respectfully report, and recommend that the entire matter be sent through the United States mail.

POST OFFICE, SACRAMENTO CITY,
January 14, 1856.

To Select Committee of Senate on Postage:

GENTLEMEN—

In reply to your communication, in relation to postage and communications to be received and transmitted from this office for your body, I would say, that all required is, that the legal rates of postage shall be paid. But inasmuch as there is no money in the treasury, I will take the responsibility of receiving Controller's Warrants at the market value at the time of settlement, the first settlement to be made on the 15th of March next. If, at any time previous to

the aforesaid time of settlement, any money shall come into the treasury which can be used for the payment aforesaid, I should prefer to receive the money.

Very respectfully,
Your obedient servant,

F. FORMAN, P. M.

To the Committee on Accounts and Expenditures:

GENTLEMEN—

We propose to receive and distribute any legislative matter, upon the same terms as proposed by Wells, Fargo & Co, and the Pacific Express Company, embodied in the report of Sergeant-at-Arms, read in the Assembly this day, and which you now have before you for your consideration.

Very respectfully,

LANGTON & CO.,
Langton's Pioneer Express.

January 15, 1856.

Mr. Stout moved that the report be read, and laid on the table temporarily.

Carried

Mr. Oxley moved to take the following resolution from the table.

Agreed to.

Resolved, That from this date to the 10th day of February next, the hour of meeting of this House shall be 11 o'clock, A. M, unless otherwise especially ordered.

Mr. Rhodes moved the adoption of the resolution.

Mr. Sellick moved the indefinite postponement of the subject.

Upon which, Messrs. Stout, Sellick, and Hawes, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Boring, Borland, Bowe, Brunton, Cartter, Cone, Davis, Dick, Dustin, Gage, Gaston, George, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, Moulthorp, Oliver, Pugh, Rathburn, Reed, Ricks, Sellick, Shearer, Sterritt, Stout, Turner, Wagner, Weir, Welch, Williams—42.

NOES.

Messrs. Beatty, Brent, Brush, Bynum, Castro, Calfbreath, Coombs, Covarrubias, Curtis, Downey, Ewalt, Gray, Hunt, Kendrick, Lewis, Lippincott, Mc Farland, McGehee, Meloney, Oxley, Pearson, Peck, Rhodes, Sherrard, Stephenson, Swan, Taliaferro, Taylor, Upton, Van Dusen, White, Winsor, Winston, Wohler and Mr. Speaker—35.

Carried.

Mr. Lamon gave notice that on to-morrow he would move a reconsideration of the vote just taken.

Mr Bell moved to take the following Resolution from the table.

Carried.

Resolved, by the Assembly, the Senate concurring, That a committee of four from the House and three from the Senate, be appointed a special committee to visit the State Prison to inquire into and report at as early a period as possible the condition and general management of the same, and that they be empowered to send for persons and papers to facilitate the object.

Mr. Bell moved to strike out all after the word Resolved.

Carried.

Mr. Weir moved to take from the table the following Resolution.

Carried.

Resolved, the Senate concurring, That the joint State Prison committee have full and complete power to send for persons and papers.

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

Lost.

The question being upon the passage of the resolution, it was lost.

On motion, Mr. McDonald's name was added to the Committee on Indian Affairs.

On motion, Mr. Wohler's name was added to to the Committee on Commerce and Navigation and to the Committee on Corporations.

Mr. Brent moved to take up the special order of the day, being the resolution of instructions embracing the principles of the Kansas and Nebraska bill, which were introduced yesterday.

Mr. Williams moved that the resolutions be indefinitely postponed.

Pending the discussion Mr. Read moved the previous question.

Carried.

The ayes and noes were demanded.

The Chair decided that the previous question having been carried, that the call for the ayes and noes was not in order.

Mr. Beatty appealed from the decision of the chair.

The question being, "Shall the decision of the Chair stand as the decision of the House," Messrs Beatty, Lippincott and Hawes demanded the ayes and noes, with the following result:

AYES.

Messrs, Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Cartter, Castro, Cone, Coombs, Curtis, Davis, Dick, Dustin, Gage, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oxley, Peck, Pugh, Rathburn, Reed, Reynolds, Ricks, Sellick, Shearer, Stephenson, Sterritt, Stout, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, and Mr. Speaker—54.

NOES.

Messrs Beatty, Boring, Brent, Brunton, Brush, Bynum, Callbreath, Covarrubias, Downey, Ewalt, George, Hunt, Kendrick, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Rhodes, Sherrard, Swan, Taliaferro, and Wohler—24.

So the decision of the Chair was sustained.

The question recurring "Shall the main question be now put?" was decided in the affirmative.

The question was then upon the indefinite postponement of the resolution.

Upon which Messrs Beatty, Taliaferro, and Swan, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Cartter, Cone, Coombs, Curtis, Davis, Dick, Dustin, Gage, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McFarland, McGehee, Moulthrop, Oliver, Oxley, Peck, Pugh, Rathburn, Reed, Reynolds, Rhodes, Ricks, Sellick, Shearer, Stephenson, Sterritt, Stout, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, White, Williams, Winston, Wohler, and Mr. Speaker—56.

NOES.

Messrs. Beatty, Boring, Brent, Brush, Bynum, Calhoun, Covarrubias, Downey, Ewalt, George, Hunt, Kendrick, Lewis, Lippincott, Meloney, Pearson, Sherrard, Swan, Taliaferro, and Winsor—20.

So the resolutions were indefinitely postponed.

Mr. McFarland gave notice, that on to-morrow he would move a reconsideration of the vote just taken.

Mr. Haile moved that the House take a recess for a half hour.

Lost.

Mr. Williams introduced the following resolution:

Resolved, by the Assembly, the Senate concurring, That the amendments to the Constitution of this State, proposed and agreed to by the requisite constitutional majority of the Senate and Assembly, during the Legislative session of 1855, and published for three months next preceding the election of the members of this Legislature, be agreed to, and made a part of the Constitution of the State of California.

Mr Rhodes moved that the resolution be made the special order of the day for Wednesday next, at 12 M.

Carried.

The report of the Committee on Accounts and Expenditures, was, on motion, taken from the table.

Mr. Oxley moved the report be received and adopted.

Mr Sherrard moved to lay the whole subject matter on the table.

Lost.

Mr. Haile moved the previous question.

Carried.

A division of the House was called, on the motion to receive and adopt the report—Ayes 47—Noes not counted.

So the report was adopted.

Mr Lamon gave notice, that on to-morrow he would move a reconsideration of the vote just taken.

On motion of Mr Oxley, the protest relating to the contested seat of Mr. Castro was taken from the table, and referred to the Committee on Elections.

Mr. Sellick moved, that the House take a recess for half an hour.

Division of the House was called—Ayes 13—Noes not counted.

So the motion was lost.

Upon motion of Mr. Upton, the following message from the Governor was read:

EXECUTIVE DEPARTMENT,
January 5, 1856.

To the Honorable Senate and Assembly of California:

I herewith present a communication in relation to the Indian disturbances in the northern portions of this State, signed by the Hon. J. D. Cosby and Hon. Walter McDonald, besides by other well known citizens.

It will be seen that the signers of such petition request the aid of one volunteer company for the protection of the citizens against hostile Indians: but deeming the authority of the Executive to accede to said request, under existing circumstances at least, a matter of doubtful propriety, I would, therefore, respectfully call your immediate attention to this subject, that you may take such action herein as a due regard for the best interest of the State and the protection of her citizens demand at the hands of the Government.

I would also inform your honorable bodies, that my predecessor in office, on the 9th inst., issued an order directing thirty men to be called into the service of the State, for the purposes indicated in the petition herein referred to. The only information, however, on which this statement is founded, is derived from a memorandum to that effect in the Order Book of the Secretary of State, and I am, therefore, unable to furnish any additional information as to the action, if any, taken in pursuance of such order.

I have the honor to be,
Very respectfully,
Your obedient servant,

J. NEELY JOHNSON.

To his Excellency, J. NEELY JOHNSON,
Governor of the State of California:

We, the undersigned petitioners, do most respectfully urge upon your Excellency's consideration the dangerous and alarming position of many of the inhabitants of the northern portion of the State, and more particularly those in the County of Klamath, in the vicinity of Crescent City; and for the benefit and general safety of our fellow citizens in that portion of the State from the aggression of the numerous hostile Indians, from whom they have already suffered so much, and who are at the present time at open warfare with our citizens, we, therefore, respectfully urge upon your Excellency the necessity of giving them some immediate and prompt relief, and for that purpose respectfully petition your Excellency to call out, in the service of the State, one volunteer company; knowing the same to be necessary for the protection of the lives and property of its inhabitants.

Hoping your Excellency will give this appeal the prompt and decided action the necessity of the case demands,

We have the honor to subscribe ourselves,

Your Excellency's most obedient servants,

J. D. COSBY,
S. G. WHIPPLE,
C. A. HILLMAN,
L. D. WATKINS.

SACRAMENTO January 10, 1856.

Mr. McDonald introduced the following resolution:

Resolved, by the Assembly, the Senate concurring, That his Excellency, the Governor, be requested to act in accordance with the petition sent to him, to call out in the service of the State of California, one independent Volunteer Company, for the better protection of the lives and property of our citizens in the Northern portion of the State, and to co-operate with the other troops in the field, in the suppression of Indian hostilities and difficulties.

Mr. Taliaferro offered as an amendment to add, after the words Volunteer Company, not to exceed fifty men.

The resolution as amended was passed.

Upon motion of Mr. Hunt, the Governor's message and accompanying documents, in regard to Indian hostilities, was referred to the Committee on Indian Affairs.

Mr. Reynolds moved an adjournment.

Lost.

Mr. George's Joint Resolution, in regard to a Pacific Railroad, was, on motion, taken from the table.

Mr. George moved that it be made the special order of the day for Saturday next, at 12 M.

Mr. Cartter moved to amend so as to insert Tuesday.

The amendment was accepted by Mr. George.

Mr. Oxley moved to refer the resolution to the Committee on Federal Relations.

Carried.

Mr. Stout moved that the resolution be ordered printed.

Carried.

Mr. Winston offered the following resolution.

Resolved, That the Sergeant-at-Arms of the House be authorized to receipt for and draw the scrip due the members of the Assembly.

Mr. Brunton moved to amend so as to include the officers and attachés.

Amendment was accepted.

Mr Upton moved to lay the resolution on the table one day.

Lost.

The resolution, as amended, was then adopted.

Upon motion of Mr. Rhodes the House adjourned at 1½ o'clock, P. M.

IN ASSEMBLY.

THURSDAY, January 17, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Journal of yesterday was read, amended, and approved.

Prayer by the Chaplain.

Roll called, following members absent:

Messrs. Borland, Castro, Coombs, McDonald, McGehee, Upton.

Mr. Brunton presented the following petition:

To the Senate and Assembly of California:

We, the undersigned citizens, and now acting Supervisors of Tuolumne County, respectfully represent:

That a County Jail is absolutely necessary for the safe keeping of prisoners in this county, and that this county labors under great inconvenience, for the want of a safe Jail.

We therefore pray your honorable body, to enact a law authorizing the Board of Supervisors of Tuolumne county, to levy, and cause to be collected, in the same manner, and at the same time as other State and County revenue, an annual tax, not exceeding the sum of one half of one per cent., upon all taxable property of or in said county, for the erection of a County Jail.

And your petitioners will ever pay, etc,

W. WETHERILL,
President.

Signed by O. H. Bradbury, H. N. Nelson, Jonathan Brown, and W. Collier.

Read and referred to the delegation from Tuolumne.

TUOLUMNE COUNTY, *ss.*

I, R. A. Robinson, County Clerk in and for said county, and ex-officio Clerk of the Board of Supervisors for said county, do hereby certify that the foregoing is a correct copy of the original now in my office, as appears on record.

Witness my hand, and seal of my office, this 20th day of December, A. D. 1855.

R. A. ROBINSON,
County Clerk.

Senate bill No. 1, entitled an Act to amend an Act concerning the Offices of County Recorder of the County of San Francisco, was taken from the table, and read first and second times.

On motion of Mr. Hawes, the rules were suspended, and the bill was read a third time and passed.

Mr. Moulthrop introduced a bill for an Act amendatory of an Act entitled an Act to amend an Act to regulate Elections, passed March 23, 1850, approved April 27, 1855.

Read first and second times, and referred to Judiciary Committee.

Mr. Stout introduced a bill for an Act to amend an Act in relation to Personal Mortgages in certain cases, passed May 11th, 1853.

Read first and second times and referred to Judiciary Committee.

Mr. Meloney introduced a bill for an Act to provide for the election of Associate Justices of the Court of Sessions by the people.

Read first and second times and referred to Judiciary Committee.

Mr. Stout introduced a bill for an Act to change the name of Abisha Washburn Hough to Andrew Watson Hough.

Read first and second times and referred to delegation from Placer.

Mr. Bell gave notice of a bill amendatory of an Act entitled an Act for the protection of Foreigners and define their liabilities and privileges, passed April 30, 1855.

Mr. Callbreath gave notice of a bill to amend an Act approved April 10th, 1855, regulating the Mileage of County Surveyors.

Mr. Curtis gave notice of a bill to create a Board of Commissioners to revise the Statutes of the State of California.

Also, a bill for an Act to make County scrip transferable and legal for all purposes of County Tax.

Mr. Dustin from Committee on Mileage, made a report, which, on motion of Mr. Beatty, was temporarily laid on the table.

On motion of Mr. Hunt, the report was afterwards taken up and recommitted to the Committee on Mileage.

Mr. McGehee introduced the following resolution.

Resolved, That the Sergeant-at-Arms be, and he is hereby authorized and instructed to procure for the use of the Assembly, twenty thousand United States three cent postage stamps, and thirty thousand United States one cent newspaper postage stamps, to be by him distributed amongst the members; and further, that each member furnish to the Sergeant-at-Arms, the name of the Express Company by which he may be best accommodated, after which, he the Sergeant-at-Arms, shall procure such a number of Express stamps of all those Express companies thus selected, as shall amount in the aggregate to ten thousand, apportioned according to the number of members requiring the several kinds, and that the Sergeant-at-Arms distribute the same amongst the members, furnishing to each one, that particular class of Express stamps which he shall have designated.

On motion to lay the resolution on the table a division of the House was called with the following result—Ayes 26—Noes 21.

Carried.

Mr. Covarrubias introduced the following resolution:

Resolved, That the same number of copies of the Governor's Annual Message be printed in French as were ordered to be printed in German.

A division of the House being called the resolution was adopted—Ayes 34, Noes 21.

Mr. Lamon, in accordance with his notice, moved a reconsideration of the vote taken yesterday, by which the House indefinitely postponed the resolution in regard to meeting at 11 o'clock, A. M.

Carried.

The resolution was then taken up.

Resolved, That from this date to the 10th day of February next the hour of meeting of this House shall be 11 o'clock, A. M, unless otherwise especially ordered.

Mr. Oliver moved that the resolution be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Stout, Sellick, and Haile, with the following result:

AYES.

Messrs. Batchelder, Borland, Bowe, Brunton, Cartter, Cone, Davis, Gage, Gaston, Haile, Hawes, Hoover, Lamon, Leihy, Mathews, Oliver, Pugh, Rathburn, Read, Ricks, Sellick, Shearer, Stout, Turner, Welch, White, and Williams—27.

NOES.

Messrs. Andrews, Beatty, Bell, Boring, Brent, Brush, Bynum, Castro, Callbreath, Coombs, Covarrubias, Curtis, Dick, Downey, Dustin, Ewalt, George, Gray, Heald, Heiskell, Hunt, Hunter, Kelly, Kendrick, Lewis, Lippincott, McFarland, McGehee, Meloney, Moulthrop, Oxley, Pearson, Peck, Reynolds, Rhodes, Sharp, Sherrard, Stephenson, Sterritt, Swan, Taliaferro, Taylor, Upton, Van Dusen, Wagner, Weir, Winsor, Wohler, and Mr. Speaker—49.

Mr. Oxley moved to amend the resolution by striking out 11 and inserting 8.

Mr. George moved to amend the amendment so as to insert 7 in place of 8.

The House refused to strike out, and the question recurred on the passage of the resolution.

The ayes and noes were called for by Messrs. Hawes, Haile and Gage, with the following result:

AYES.

Messrs. Beatty, Bell, Boring, Brent, Brush, Bynum, Castro, Callbreath, Coombs, Covarrubias, Curtis, Dick, Downey, Dustin, Ewalt, George, Gray, Heiskell, Hunt, Hunter, Kelly, Kendrick, Lewis, Lippincott, McFarland, Meloney, Moulthrop, Oxley, Pearson, Peck, Reynolds, Rhodes, Sherrard, Stephenson, Sterritt, Swan, Taliaferro, Upton, Van Dusen, Wagner, Weir, Winsor, Wohler and Mr. Speaker—44.

NOES.

Messrs. Andrews, Batchelder, Borland, Bowe, Brunton, Cartter, Cone, Davis, Gage, Gaston, Haile, Hawes, Heald, Hoover, Lamon, Leihy, Mathews, McGehee, Oliver, Pugh, Rathburn, Reed, Ricks, Sellick, Shearer, Stout, Turner, Welch, White, Williams—30.

Mr. Hunter offered the following resolution:

Resolved, That the number of Pages for this House be reduced to three.

On motion of Mr. Kendricks, laid on the table—Ayes 31, Noes 29.

On motion of Mr. Lamon, the vote by which the report of Committee on Accounts in relation to mail matter and expenditures was adopted yesterday, was reconsidered.

Mr. Haile offered the following resolution as a substitute:

Resolved, That each member of this House shall pay out of his individual funds for all express postage matters sent or received by him during the present session of the Legislature, and that no appropriation shall be made out of the public funds therefor.

Lost.

Mr. Lamon offered the following as an amendment:

"That all printed mail matter be sent by the United States mail, and that all written correspondence or letters be sent by either mail or express, at the option of the member."

Mr. Stout offered the following as a substitute:

Resolved, That we accept the proposition from Wells, Fargo & Co., and the Pacific Express Company, to carry letters and documents for the members of this House; but nothing in this resolution shall prevent members from sending by mail free, and in accordance with the proposition of the Postmaster of this city.

On motion of Mr. McFarland, the whole subject was laid on the table.

Mr. Rhodes offered the following resolution:

Resolved, That the Committee on Accounts and Expenditures, be instructed to introduce a bill, for an Act appropriating the sum of one hundred dollars to each member of this House, for the purpose of defraying their postage and express bills.

Mr. Gage offered the following resolution:

Resolved, That each member of the Assembly be allowed to send mail matter by mail or through the various expresses, as he may choose, an amount of matter not exceeding seventy-five cents per day; an account of the same to be kept by the Sergeant-at-Arms.

The Speaker ruled the resolution out of order.

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

Carried.

On motion, the special order of the day was taken up.

A bill for an Act appointing a Commissioner to receive from the government of the United States, the monies heretofore appropriated in payment of the War Debt of this State, and to provide for the disposition of the same.

Mr. Cartter moved to strike out all after the enacting clause, and insert the following:

SECTION. 1.—be and is hereby appointed agent upon the part of the State of California, to exhibit the evidences of the contracting of the War Debt of this State to the Secretary of War of the United States, and that for said purpose, he shall have full power to take from the office of the Secretary of State, all vouchers and other evidences of said debt, of whatsoever nature, and that he shall, without unnecessary delay, proceed to lay the same before said Secretary of War, on behalf of this State.

SEC. 2. And for the faithful performance of said duty, he shall give bonds with two or more sureties, in the sum of ten thousand dollars, to be approved by the Governor and Controller of State.

SEC. 3. That the said —— ——, in consideration of the services so rendered, shall receive from the State the sum of dollars; and after said services shall have been so rendered, the said Comptroller shall, and is hereby empowered to draw his warrant upon the Treasurer of State for said amount, to be paid out of any money in the treasury not otherwise appropriated.

A division of the question was called for, pending which, Mr. Brent moved that the further consideration of the bill be postponed, and that it be made the special order of the day for Monday, the 20th inst., at 12 o'clock M.

Adopted.

Mr. George moved that the amendment of Mr. Cartter be printed

Carried.

Mr. Taliaferro moved that the communication from the State Treasurer in relation to the same subject be printed.

Carried.

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 entitled an Act to provide for a special Term of the Fourtenth Judicial District Court in the County of Sierra, in which the concurrence of the Assembly is respectfully solicited.

Respectfully,

W. BAUSMAN,
Secretary of Senate.

The bill was read first and second time, and referred to the Sierra delegation.

Mr. Upton offered the following resolution:

Resolved, That his Excellency the Governor be requested by lay before this House any communication now on file in his office in relafion to the payment of the War Debt due from the U. S. Government to this State.

The communication from the Secretary of State in regard to certain contracts for stationery, fuel, &c., which was laid on the table January 9, was, on motion, referred to the Committee on Accounts and Expenditures.

The report of the Board of Examiners of War Claims was taken from the table and referred to the Committee on Accounts and Expenditures.

It was moved to take from the table the reports and resolution in regard to postage.

Mr. Taliaferro moved that the House go into Committee of the Whole.

Carried.

House in Committee of the Whole.

Mr. Taliaferro in the chair.

On motion, the committee rose, reported progress and asked leave to sit again.

On motion, the committee were discharged.

Mr. Gray offered the following resolution.

Resolved, That the whole matter be referred back to the Committee on Accounts and Expenditures, with instructions to report to this House to morrow morning.

On motion, Messrs. McDonald and Blackburn were granted leave of absence for one day each.

Mr. Moulthrop offered the following concurrent resolution:

Resolved, By the Assembly, the Senate concurring, That the State Treasurer be, and is hereby instructed to withhold payment of the bonds heretofore given in payment for the construction of the State Prison walls.

Laid over for one day, under the rules.

On motion of Mr. Moulthrop, the House adjourned at 1½ o'clock, P. M.

IN ASSEMBLY.

FRIDAY, January 18, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and the following members were absent:

Messrs. Oxley and Pugh.

Journal of yesterday was read and approved.

Mr. Gage presented the following petition from citizens of Carson Valley:

To the Hon. the Senate and Assembly of the State of California:

We your petitioners, citizens of Carson Valley, and Territory of Utah, would respectfully ask your approval of our attempt to have annexed to your State, such portions of the territory of Utah, as Congress may deem expedient; likewise your co-operation with us in petition to Congress for that purpose.

We would suggest the propriety of extending the boundary to a parallel of longitude sufficient to include the vallies of Carson, Walker's River, Sink of Humboldt, and Sink of Truckee.

The early attention of your honorable body to this important subject is respectfully solicited by your memorialists.

Signed,

JAMES CAIN,
R. D. SIDES,
WM. J. ALLEN,
M. ADAMS,
&c., &c., &c.

CARSON VALLEY, Nov. 23, 1855.

On motion, referred to Committee on Federal Relations.

Mr. Oliver introduced a bill, for an Act to repeal an Act to amend an Act, to provide for the protection of Foreigners, and to define their liabilities and privileges," approved April 30, 1855.

Read a first and second time, and referred to Committee on Mines and Mining Interests.

Mr. Gray introduced a bill for an Act concerning Evidence.

Read first and second times, and referred to Committee on Judiciary.

Mr. Bell introduced a bill for an Act to amend an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, approved April 30, 1855.

Read first and second times and referred to Committee on Mines and Mining Interests.

Mr. McDonald gave notice of a bill to confirm the Election, and order of the County Judge of Klamath for the removal of the County seat of Klamath County to Orleans Bar.

Mr. Curtis gave notice of a bill for an Act to make an appropriation of $40,000 (forty thousand dollars,) to establish a commission in Siskiyou county to furnish supplies for the volunteers to carry on the war with the hostile Indians in the northern frontier of the State.

Mr. Brent gave notice of a bill concerning the office of the District Attorney for the county of Los Angeles.

Also, a bill declaratory of the corporate name of the city of Los Angeles.

Mr. Bell gave notice of an Act amendatory of an Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, passed May 12, 1853.

Mr. Ricks gave notice of an Act to amend an Act entitled an Act to provide for the disposal of Lots in the towns and villages on the Public Lands in the county of Humboldt.

Mr. Heald gave notice of an Act to authorize the County Recorder of Sonoma county to transcribe certain Records in said county.

Mr. Stephenson, from Committee on Accounts and Expenditures made the following report.

Mr. Speaker:

The Committee to whom was referred a bill to regulate the per diem allowance of officers of the Senate and Assembly, &c., having had the same under consideration, beg leave to report,—

That they feel fully the urgent necessity of economy in the various branches of the government; yet, while this is so, they nevertheless feel that a proper

and just discrimination in this application of an economical policy, is not only right in itself as applied to various officers of the government but is absolutely essential to the good of the State.

The per diem allowances contemplated by the bill referred to the committee are believed to be below that fair and reasonable compensation which should be allowed, especially when the enormous rate of discount on State scrip is considered.

If the officers were to be paid in cash the subject would be in a different shape and your committee would then be more disposed to coincide with those stringent views of economy.

The Committee has therefore prepared a substitute for the bill referred to them, and herewith report it to the House, and ask its passage.

All of which is respectfully submitted.

A. M. STEPHENSON,
Chairman.

On motion, the substitute entitled an Act to regulate the per diem allowance of Officers of the Senate and Assembly, and to repeal the existing laws relating thereto, was received.

Mr. Oliver moved to lay the substitute on the table.

Lost.

Mr. Stevenson moved to strike out $12, and insert $15, as the per diem of Enrolling Clerks.

Lost.

Upon motion of Mr. George, the second section of the substitute, relating to extra fees and services, was stricken out.

Upon motion of Mr. Gray, $12 was inserted in place of $8, as the per diem of the Chaplain.

Mr. George moved that the Chaplain be allowed same mileage as members.

Lost.

Mr. Sellick moved to strike out $8, and insert $6, as the per diem of the Pages.

Mr. Oxley called for a division of the question, and the House refused to strike out.

Mr. Batchelder moved to insert $16 in place of $15, as the per diem of the Sergeant.at-Arms.

Lost.

The substitute as amended was then passed.

On motion of Mr. Taliaferro, the bill was considered as engrossed, read three times and pssed.

Title approved.

Mr. Dustin, from the Committee on Mileage, presented the following report:

Mr. Speaker:

The Committee on Mileage, having that subject under consideration, report the following as the amount of Mileage due each member:

NAMES.	COUNTY.	NO. MILES.	MILEAGE
Andrews,	Shasta,	550	$220 00
Batchelder,	Yuba,	200	80 00
Beatty,	Calaveras,	150	60 00
Bell,	Nevada,	140	56 00
Blackburn,	Santa Cruz,	520	208 00
Boring,	Nevada,	140	56 00
Borland.	El Dorado,	100	40 00
Bowe,	El Dorado,	100	40 00
Brent,	Los Angeles,	1320	528 00
Brunton,	Tuolumne,	250	100 00
Brush,	Marin,	316	127 00
Bynum,	Yolo,	40	16 00
Cartter,	Sacramento,	—	—
Castro,	San Luis Obispo,	920	368 00
Callbreath,	Stanislaus,	240	96 00
Cone,	Sacramento,	—	—
Coombs,	Alameda,	350	140 00
Covarrubias	Santa Barbara,	1180	472 00
Curtis,	Siskiyou,	1060	424 00
Davis,	Santa Clara,	380	152 00
Dick,	Butte,	240	96 00
Downey,	Los Angeles,	1320	528 00
Dustin,	Nevada,	164	66 00
Ewalt,	San Francisco,	350	140 00
Farley,	Amador,	145	58 00
Gage,	El Dorado,	100	40 00
Gaston,	Sierra,	248	99 00
George,	San Francisco,	280	112 00
Gray,	San Francisco,	280	112 00
Haile,	Napa,	260	104 00
Hawes,	San Francisco,	280	112 00
Heald,	Sonoma,	356	143 00
Heiskell,	El Dorado,	100	40 00
Holland,	San Francisco,	280	112 00
Hoover,	Sierra,	274	110 00
Hunt,	San Bernardino,	1520	608 00
Hunter,	San Joaquin,	110	44 00
Kelly,	Plumas,	332	133 00
Kendrick,	San Diego,	1680	672 00
Lamon,	Mariposa,	310	124 00
Lewis,	Colusi,	430	172 00

NAMES.	COUNTY.	NO. MILES.	MILEAGE.
Leihy,	Sacramento,	50	20 60
Lippincott,	San Francisco,	280	112 00
Mathews,	Monterey,	520	208 00
McFarland,	Nevada,	140	56 00
McGehee,	Tuolumne,	250	100 00
McDonald	Klamath,	1250	500 00
Meloney,	Contra Costa,	220	88 00
Moulthrop,	San Francisco,	350	140 00
Oliver,	El Dorado,	140	56 00
Oxley,	Tuolumne,	250	100 00
Pearson,	Calaveras,	220	88 00
Peck,	Santa Clara,	392	157 00
Pugh,	Sacramento,	—	—
Rathburn,	Sonoma,	300	120 00
Read,	Placer,	140	56 00
Reynolds,	Nevada,	140	56 00
Rhodes,	Mariposa,	310	124 00
Ricks,	Humboldt,	820	328 00
Sellick,	Placer,	70	28 00
Sharp,	San Francisco,	280	112 00
Shearer,	Yuba,	160	64 00
Sherrard,	Sutter,	100	40 00
Stevenson,	Solano,	256	103 00
Sterritt,	Yuba,	220	88 00
Stout,	Placer,	70	28 00
Swan,	Tulare,	680	272 00
Taliaferro,	Calaveras,	175	70 00
Taylor,	El Dorado,	100	40 00
Turner,	Yuba,	130	52 00
Upton,	Trinity,	636	255 00
Van Dusen,	Tuolumne,	250	100 00
Wagner,	Amador,	150	60 00
Weir,	San Joaquin,	110	44 00
Welch,	El Dorado,	100	40 00
White,	El Dorado,	100	40 00
Williams,	Placer,	150	60 00
Winsor,	Yuba,	156	63 00
Winston,	Plumas,	316	127 00
Wohler,	San Francisco,	280	112 00

D. DUSTIN,
Chairman.

January 18, 1856.

Adopted, and the Committee discharged.

Mr. Brunton, from Committee on Elections, to whom was referred the contested election case of Walter Murray *vs.* Castro, reported progress, and asked further time.

Granted.

On Joint Rules, Mr. Hawes, from Special Committee, presented the following

JOINT RULES OF SENATE AND ASSEMBLY.

I.

In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet in the conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

II.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

III.

Messages shall be sent by the Secretary, Clerk, or by such persons as a sense of propriety in each House may determine to be proper.

IV.

While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly or Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

VI.

When bills are enrolled, they shall be examined jointly by the Enrolling Committees of the Senate and the Assembly, appointed as Standing Committees for that purpose, who shall carefully compare the enrollment with the engrossed bill, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

VII.

After examination and report each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

VIII.

After a bill shall have thus been signed in each House it shall be presented by the said committee to the Governor of the State, for his approval (it being first endorsed on the back of the roll certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same originated,) and shall be entered on the Journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House.

IX.

All orders, resolutions and votes which are to be presented to the Governor of the State for his approbation shall also, in the same manner, be previously enrolled, examined and signed and shall be presented in the same manner and by the same committee as provided in the case of bills.

X.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor it shall be presented to him in his audience chamber by the President of the Senate in the presence of the Speaker and both Houses.

XI.

When a bill or resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

XII.

When a bill or resolution which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

XIII.

Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

XIV.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

XV.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approbation on the last day of the session.

XVI.

No appropriations of money, for any purpose whatever, shall be made except by bill.

XVII.

No spirituous liquors shall be offered for sale or exhibited within the Capitol, or public grounds adjacent thereto.

On motion, report was adopted and "Joint Rules" ordered printed.

The following communication from the Governor was read.

EXECUTIVE DEPARTMENT,
January 18, 1856.

To the Honorable the Assembly of California:

Herewith I transmit the report and appendix of the Hon. Paul K. Hubbs, Superintendent of Public Instruction, being the fifth Annual Report from the Department over which he presides.

I have the honor to be,
Respectfully, your ob't servant,
J. NEELY JOHNSON.

On motion of Mr. George the reading of the report was dispensed with, and three thousand copies ordered printed.

The following message was received from the Senate

SENATE CHAMBER, January 18, 1856.

Mr. Speaker:

I am directed by the Senate to inform the Assembly that the Senate this day passed the following resolution, and respectfully ask the concurrence of the Assembly.

Resolved, the Assembly concurring, That our Senators in Congress be instructed, and our Members requested, to urge upon Congress the immediate passage of a law appropriating fifty thousand stand of arms to the use of the State of California.

WM. BAUSMAN,
Secretary of Senate,
Per BIVEN.

On motion, the resolution was concurred in.

SENATE CHAMBER, January 18, 1856.

Mr. Speaker:

I am directed by the Senate to inform the Assembly that the Senate this day concurred in Assembly resolution authorizing the Governor to call for a volunteer company to suppress Indian hostilities on the northern frontier.

WM. BAUSMAN,
Secretary of Senate,
Per BIVEN.

On motion, Messrs. Gage and Oxley were added to the Committee on Federal Relations, and Messrs. Taliaferro and Haile to the Committee on Accounts and Expenditures.

Mr. Rhodes moved that Mr. Brent be added to the Committee on Indian Affairs, and afterwards withdrew the motion.

Messrs Taliaferro, Haile, and Oxley, declined to serve on the committees their names were added to, and were accordingly excused.

Mr. Sharp offered the following resolution:

Resolved, That the Sergeant-at-Arms be, and he is hereby, required to prepare the room known as the Committee Room of the Judiciary Committee of the Assembly, for the immediate use of said committee.

Adopted.

Mr. Bowe introduced the following resolution:

Resolved, That the Sergeant-at-Arms be required to furnish suitable bill-holders for the use of the Assembly.

Adopted.

On motion of Mr Curtis, the following resolution was taken from the table, and being amended, was adopted:

Resolved, by the Assembly, the Senate concurring, That the State Treasurer be and is hereby instructed to withhold payment of the bonds, or State Controller's Warrants, heretofore given in payment for the construction of the Prison wall.

Mr. Gaston made the following report from the Sierra delegation:

Mr. Speaker:

The Sierra delegation, to whom was referred a substitute entitled an Act to provide for a special Term of the Fourteenth Judicial District Court in the

County of Sierra having had the same under consideration, respectfully beg leave to report it back to the House, and recommend its passage, without amendment.

On motion, the House adjourned, at 1 o'clock, P. M.

IN ASSEMBLY.

SATURDAY, January 19, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and the following members were absent:

Messrs. Brent, Callbreath, Coombs, Downey, Holland, Hoover, McFarland, Sharp.

On motion of Mr. Hawes, leave of absence was granted Mr. Coombs, for one week, on account of sickness in his family.

On motion, leave of absence was granted Messrs. Downey and Hoover, for one day.

Journal of yesterday was read and approved.

The following petition was presented by Mr. Upton:

To the Honorable the Senate and Assembly of the State of California:

It is with unfeigned regret that the undersigned State Prison Directors, are compelled so soon after being installed in office, to call upon the Legislature for pecuniary aid, in order to enable us to execute the duties imposed upon us by the law under which we are acting.

A brief statement of the condition in which we found the Prison and its inmates upon assuming the duties of our office, will be necessary to a full and proper understanding of our present position:

At the time we took charge of the Prison, not more than three days supplies were on hand, rendering an immediate outlay of money or exercise of credit absolutely indispensable, to meet the wants of the prisoners.

The credit of the Prison is such, as to render it impossible to obtain necessary

supplies without submitting to exactions which would be ruinous to the interests of the State, and render the support of the Prison onerous in the extreme.

The Directors present the institution to you without means or credit, and having in charge, and looking to the Directors for food and clothing, more than four hundred and eighty (480) persons, including officers, guards, employees, and convicts

Common decency and humanity require that some provision be made by the State, for the proper care of those that have been condemned for the violation of her laws. The Directors do not deem it reputable or humane for a State to punish felons by starvation, or by withholding such articles of clothing as will will, at least, *hide nakedness*, and form some protection against the inclemencies of the season.

The Board of Directors would further represent:

That the occupation of the convicts has heretofore mainly been making brick, quarrying and cutting stone for San Francisco, and other markets The former business it is impossible to pursue during the rainy season, and the demand for stone during the same season is so slight, that the Directors cannot with any certainty, calculate upon deriving any revenue from the sale of brick or stone within the ensuing five (5) months.

The convicts at present are employed in grading the Prison grounds, and in digging clay for making brick, to be used as soon as the season will allow. So deeply are we impressed with the necessity of Legislative aid to relieve us from our present embarrassments, that we feel authorized to briefly recapitulate our situation, and urge in the most respectful manner, the earliest action of the Legislature upon the subject of this memorial.

We are destitute of supplies with which to meet the daily demands of the Prison.

A large portion of the convicts are in immediate want of the most common and ordinary articles of clothing.

The Prison has no credit, or only such a credit as will enable the Directors to obtain supplies at double the market prices.

At present we cannot employ convict labor, so as to make it of any value toward the support of the Prison.

Lack of acquaintance with the cost of supporting the Prison, renders it impossible for the Directors to fix the amount of money that should be appropriated to relieve our present and future necessities, but the Directors will state, from the best information they can gain, that the expenses for this year will not fall short of fifteen thousand dollars ($15,000) per month; we shall not therefore ask for any specific amount as an appropriation, but submit the same to the discretion of your honorable bodies.

The Directors would further represent:

That at the present time, there is one hundred and fifty convicts lodged in one room, so that the erection of a new Prison is absolutely necessary.

ALEX. BELL,
F. S. McKENZIE,
E. WILSON.

I sign the above report, because I agree with my colleagues that not *less* than

the sum mentioned above will be sufficient to pay the expenses of the Prison, but state also, that upon a careful calculation, the figures, if the Prison is properly managed, will amount to at least fifty per cent. more than the estimate set down as above, and further, if nothing is done previous to the first of February next, the prisoners will be destitute, and the Directors forced to throw them upon the charity of your honorable body.

ALEX. BELL,
State Prison Director.

Mr. Beatty moved to refer the petition to the Committee on State Prison, and they be instructed to visit the Prison, and report at as an early day as possible.

Mr. Stout called for a division of the question.

Shall the petition be referred to the Committee on State Prison.

Carried.

Shall Committee visit the Prison prior to making report.

Lost.

Mr. Lamon gave notice of a bill regulating the manner of summoning Grand Juries.

Mr. Gray gave notice of an Act appropriating money for the benefit of the Orphan Asylums of the city of San Francisco.

Mr. Bell gave notice of an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, approved May 5, 1855.

Mr. Welch gave notice of a bill for the Registering of the names of Legal Voters in the incorporated Towns and Cities of this State.

Mr. Lamon gave notice of a bill for an Act supplementary to an Act entitled an Act concerning Public Ferries and Toll Bridges, approved April 28, 1855.

Mr. McFarland introduced a bill for an Act to amend an Act entitled an Act to regulate Elections, passed March 23, 1850.

Read a first and second time, and referred to Committee on Elections.

Mr. Stephenson, from Committee on Accounts and Expenditures, made the following report, which, on motion of Mr. Stout, was received:

Mr. Speaker:

The Committee on Accounts and Expenditures, having again had under consideration the subject of transmitting matter by Mail and Express, would respectfully recommend, that inasmuch as there are some members from the remote

counties wishing to avail themselves of the services of the Express Companies, that all such members be allowed to designate to the Sergeant-at-Arms the number of envelopes necessary for his use, and by what Express he desires to send his documents; which envelopes the Secretary of State shall procure, and keep a correct account thereof, and each member for whom procured. All other matter to be sent by U. S. Mail, as per proposition of the Postmaster.

Mr. Stout moved to amend the amendment so as to permit members to send their documents by Mail or Express as they may desire.

Lost.

Mr. Hawes moved to amend by adding—

Provided, That all accounts for the transmission of Mail matter, whether by Express or Mail be rendered to this House semi-monthly and settled.

Carried.

Mr. Curtis moved to lay the report on the table

Lost.

Mr. McGehee offered the following substitute:

Resolved, That the Sergeant-at-Arms be and is hereby authorized and instructed to procure for the use of the Assembly twenty thousand United States' three cent postage stamps and thirty thousand United States' one cent newspaper postage stamps, to be by him distributed amongst the members.

And further That each member furnish to the Sergeant-at-Arms the name of the Express company by which he may be best accommodated, after which the Sergeant-at-Arms shall procure such a number of Express stamps of all the various Express companies thus selected, as shall amount in the aggregate to ten thousand, apportioning the same according to the number of members requiring the several kinds; which stamps the Sergeant-at-Arms shall distribute amongst the members, furnishing to each one that particular class of stamps which he shall have designated.

On motion received.

Mr. Rhodes called for the previous question.

On motion shall the main question be now put, a division of the House was called—Ayes 29—Noes 24.

The question then recurred on passage of the substitute, which, on division of the House being called, was lost—Ayes 29—Noes 24.

On motion, the report as amended was adopted.

Mr. Stout, from Committee on Engrossment, made the following report:

Mr. Speaker.

The Committee on Engrossment have examined, and find correctly engrossed, an Act to amend an Act entitled an Act to fix the time of holding the terms of the District Courts throughout this State, passed May 18, 1853.

Also, an Act to regulate the per diem allowance of Officers of the Senate and Assembly, and repeal the existing laws relating thereto.

L. STOUT,
Chairman.

On motion, received and adopted

Mr. George offered the following resolution:

Resolved, That the Controller of State be, and is hereby, directed to furnish this House with the contract heretofore entered into by the Prison Directors for the erection of the prison wall, together with the amount of warrants issued for the same, the date of such issue, the number of the warrant, and to whom given or made payable.

Adopted.

Mr. McGehee introduced the following resolution, which, under the rules, lies over one day:

Resolved, by the Assembly, the Senate concurring, That a committee of three from each House be appointed to examine proposals for translating the laws into Spanish, and to select a competent Translator.

Mr. Sherrard offered the following resolution:

Resolved, That the Secretary of State be hereby authorized and instructed to procure a suitable room within the corporate limits of the city of Sacramento, and furnish the same with necessary furniture, for the use of the Judiciary Committee of the Assembly.

Adopted.

Mr. George moved that the House resolve itself into Committee of the Whole, to consider the Governor's message.

Carried.

In Committee of the Whole, Mr. George in the chair.

On motion, committee rose, reported progress, and asked to be discharged.

Committee discharged.

On motion of Mr George, the captions to the Governor's message were read and referred, in their order as follows:

State Finances—to Committee on Ways and Means.

San Francisco Water Front—Committee on Commerce and Navigation.

Amendments to the Constitution—To Committee on Judiciary, and that portion relating to Printing, referred to Committee on Claims.

Mines—To Committee on Mines and Mining Interests.

Agriculture—Referred to Committee on Agriculture.

Manufactures and Commerce—To Committee on Commerce and Navigation.

Whale Trade—To Committee on Commerce and Navigation.

Swamp and Overflowed Lands—To Committee on Public Land.

Protection to Actual Settlers—Referred to Committee on Public Land.

School Lands—To Committee on Education.

Pacific Railroad—To Committee on Federal Relations.

Overland Route—To Committee on Roads and Highways.

Asiatic Immigration—To Committee on Mines and Mining Interests.

Postal Arrangements—To Committee on Ways and Means.

Insane Asylum—To Committee on State Hospitals.

Publication of Amendments to the Constitution—To Committee on Claims.

State Land Sales—To Committee on Public Lands.

Annual Reports—Treasurers—To Committee on Accounts and Expenditures.

Controller's Report..To Committee on Claims.

Surveyor General's Report—To Committee on Counties and County Boundaries.

Quartermaster General's Report—To Committee on Military Affairs.

Report of Superintendent of Public Instruction—To Committee on Education.

The following message was received from the Senate:

SENATE CHAMBER, January 19, 1856.

Mr. Speaker:

I am directed by the Senate to inform the Assembly that the Senate, on the 18th inst., passed Senate Bill No. 6, an Act to amend an Act to regulate the settlement of the Estate of deceased persons, and respectfully ask the concurrence of the Assembly.

Very respectfully,

W. BAUSMAN,
Secretary of Senate.
Per BIVEN.

The bill referred to in the message, was read first and second times.

Ordered printed and referred to Judiciary Committee.

Mr Curtis moved that the resolution in regard to printing Journals daily, be rescinded.

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

Carried.

Mr. Stout offered the following resolution:

Resolved, That no bills shall be introduced into this House, without consent of a majority of the members, after the 10th of February next.

Upon motion, laid on the table.

Leave of absence was granted Mr. Sharp, for one day.

On motion of Mr. Wohler, at half-past 1 o'clock the House adjourned until Monday, 21st, at 11 o'clock, A. M.

IN ASSEMBLY.

MONDAY, January 21, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and the following members were absent:

Messrs. Callbreath, Gage, Leihy, Read, Reynolds, Sellick, and Stout.

On motion, leave of absence was granted Messrs. Brent, Callbreath, Wohler, Borland, and Hunter, for one day,

Journal of yesterday was read and approved.

Mr. Bell introduced a bill for an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, approved May 5, 1855.

Read a first and second time, and referred to Committee on Judiciary.

Mr. Rathburn gave notice of a bill for an Act to authorize J. H. Hill, guardian of Wm. Burns, to sell and convey his ward's real estate by private sale.

Mr. Davis gave notice of a bill to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

Mr. Davis introduced the following resolution:

Resolved, That the Committee on Public Printing be requested to inquire into and ascertain the amount of printing ordered by this House, and report the same, as soon as possible, for the information of the members thereof.

Adopted.

Mr. Sherrard, from Committee on Judiciary, made the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred Senate bill No 6, a bill for an Act entitled an Act to amend an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons, have had the bill under consideration,

and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

On motion of Mr. Oxley, the report was received, and the bill referred to, laid on the table, until the printed copies of the same are received from the State Printer.

Upon motion of Mr. Winston, the special order of the day, viz:—the amendment proposed by Mr. Cartter to the bill introduced by Mr. Sherrard, appointing a Commissioner to receive monies appropriated by the General Government, in payment of the War Debt of this State, was taken up.

Mr Beatty moved to lay the subject matter on the table, and make it the special order of the day for Friday next.

Division of the question being called, the vote was taken upon laying the subject on the table.

Lost.

The question then recurred upon making the bill special order for Friday next.

Lost.

Mr Haile called for the reading of the letter from the State Treasurer, in regard to the War Debt.

Upon motion, the letter was read.

Mr. Rhodes moved, that the subject be made the special order of the day for Thursday next, at 12 M.

Upon division of the House being called, the motion was adopted—Ayes 31 Noes 29.

Upon motion of Mr. McGehee, the following concurrent resolution introduced on 19th inst, was taken from the table:

Resolved, by the Assembly, the Senate concurring, That a committee of three from each House be appointed, to examine proposals for translating the laws into Spanish, and to select a competent translator.

Adopted.

The Speaker appointed Messrs. McGehee, Taylor, and Downey, committee on the part of the Assembly.

Mr. Sharp offered the following resolution :

Resolved, That the Controller be, and he is hereby instructed to report to

this House the deficiencies of the present fiscal year, as far as the same appears from the books and papers of his office.

Adopted.

Mr Stephenson, from Committee on Accounts and Expenditures, made the following report:

Mr. Speaker:

The Committee on Accounts and Expenditures, to whom was referred the Report of the Secretary of State, dated January 7, 1856, and the Report of the Board of Examiners of War Claims, dated January 17th, 1856, have had the same under consideration, find the same correct, and recommend their adoption by the House.

On motion of Mr. Boring the House resolved itself into Committee of the Whole to take into consideration the report of the Secretary of State in relation to certain contracts, and the report of the Examiners of War Claims.

House in Committee of the Whole. Mr. Boring in the chair.

On motion, the committee rose, reported and recommended that the report of the Examiners of War Claims be printed.

Committee discharged.

The report of Examiners of War Claims ordered printed.

On motion of Mr Oxley the report of the Secretary of State was re committed to the Committee on Accounts and Expenditures, with instructions that the committee report a bill in relation to the subject.

On motion, the report of the Examiners of War Claims was referred to Committee of Ways and Means.

The following communication was received from the Governor.

EXECUTIVE DEPARTMENT,
January 21, 1856.

To the Assembly of California:

In reply to the resolution of inquiry addressed me by your honorable body in relation to the payment of the War Debt of this State due by the General Government, I regret to state, that at the present time it is without my power to furnish any reliable information on the subject, as the records or papers of this Department contain no information regarding the matter. But I expect to procure, in a few days, copies of such correspondence as had passed between the proper departments of the State and General Government regarding the

matter, together with other information of importance, and I will then hasten to lay the same before you.

I have the honor to be,
Your obedient servant,

J. NEELY JOHNSON.

On motion of Mr. Stephenson, the House adjourned at half-past 12 o'clock, P. M.

IN ASSEMBLY.

TUESDAY, January 22, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and the following members were absent:

Messrs. Sharp and Upton.

The Journal of yesterday was read and approved.

Mr. Taliaferro presented a petition, numerously signed, praying the passage of an Act authorizing Dr. Lewis Soher to build a wagon road from Mokelumne Hill to Butte City, in the County of Amador.

Read, and temporarily laid upon the table.

Mr Taliaferro gave notice of a bill for an Act to authorize the construction of a Wagon Road from Mokelumne Hill, in Calaveras county, to a point near Butte City, in Amador county.

Mr. Reynolds gave notice of a bill to amend an Act entitled an Act to amend an Act to provide for the Support of the Government of this State, (passed May 17, 1854,) passed April 27, 1855.

Mr. Meloney gave notice of a bill that shall give to the Electors of each county the power to enact and regulate their own laws in regard to fences, estray animals, and roads and bridges.

Mr Curtis introduced a bill for an Act to create a Board of Commissioners to revise, reform, and properly codify the Laws of the State of California.

Read a first and second time, ordered printed, and referred to Judiciary Committee.

Mr. Weir introduced a bill for an Act for the protection of actual Settlers, and to quiet Land Titles in this State, and for other purposes concerning real Property.

Read a first and second time, ordered printed, and referred to Committee on Public Lands.

Mr. Brent introduced a bill for an Act concerning the office of District Attorney for the County of Los Angeles.

Read a first and second time, and referred to delegation from Los Angeles.

Mr. Stout, from the Placer delegation, made the following report:

Mr. Speaker:

The Placer delegation, to whom was referred the bill for an Act to change the name of Abisha Washburn Hough to Andrew Watson Hough, having had the same under consideration, ask leave to report, and recommend its passage.

LANSING STOUT,
T. H. READ,
R S WILLIAMS,
SILAS SELLICK.

Report temporarily laid upon the table.

The following report and accompanying contract from the Controller of State was read:

OFFICE OF CONTROLLER OF STATE,
January 21, 1856.

Hon. J. T. FARLEY, *Speaker of House of Assembly:*

Sir—

Accompanying this, please find certified copies of the contract entered into by the State Prison Directors and James Smiley, for the erection of a wall at Point San Quentin; and also the orders of the said Directors upon the State Controller, upon which orders, the amount of $125,157 84, in State Controller's warrants, were drawn December 4, 1855, and made payable to James Smiley, or J. S. Cohen, Attorney.

I am your obt. servant,

GEORGE W. WHITMAN,
Controller of State.
By WM. WILLIS, Clerk.

This agreement, made this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty-five, by and between John S. Love, R. N. Snowden, and William H. Palmer, Wardens of the State Prison, acting for and in behalf of the State of California, parties of the first part, and James Smiley, of the city and county of San Francisco, State of California, of the second part, witnesseth:

That for and in consideration of the covenants hereinafter mentioned, the said James Smiley, party of the second part, agrees to build and construct, for the party of the first part, a wall around the State Prison, situated at Point San Quentin, in the county of Marin, State of California, such wall to be of the following dimensions, namely: Two thousand feet long, in the form of a square, each side of which is to be five hundred feet long, to be four feet in thickness at the base, or ground line, and to be carried up to the height of ten feet above the ground with stone laid in cement; and then ten feet more in height to be built of brick laid in lime. The party of the first part hereby agrees to furnish to the party of the second part all the stone and brick necessary for the construction of the wall, and to place them as near the line of the wall as practicable; also to furnish all the convict labor that is necessary to attend to the masons and other mechanics that the party of the second part may employ in the fulfilment of this contract; and the party of the second part hereby agrees to furnish all other materials, excepting those hereinbefore mentioned, and also to furnish the mechanics to do the work.

For and in consideration of all which by the said party of the second part, the said party of the first part agrees to pay to the said party of the second part, forty cents per cubic foot for the stone laid in the wall, said stone work to be measured at the end of every two weeks, and a certificate of the amount given to the party of the second part, and orders drawn by the Wardens, parties of the first part, on the State Treasury for the amount; the State to appoint its own Superintendent, and he to measure the same, and his measurement to be binding upon the party of the second part. The party of the first part furthermore agrees to pay to the party of the second part for all the brick laid in the wall at the rate of fifteen dollars per thousand, measured in the wall, said measurement to be made by the Superintendent at the end of every two weeks, and orders to be drawn by the Wardens on the State Treasury for the amount.

The party of the second part also agree to furnish all the iron work which may be necessary for the said wall, and the party of the first part agrees to pay for the same at the rate of ten cents per pound, by Wardens' orders on the State Treasury, as herein before mentioned.

And furthermore, the party of the second part agrees to have the wall and gates finished, and gates hung, by the first day of the month of January, eighteen hundred and fifty-six, provided that the stone and brick herein before mentioned are furnished by the said party of the first part as fast as desired by the said party of the second part.

In witness whereof, we have hereunto set our hands and seals the day and year first above written.

RICHD. N. SNOWDEN,
WM. H. PALMER,
JNO S. LOVE,
JAMES SMILEY.

Witness to the signatures of R. N. Snowden and John S. Love.

GEORGE GIBSON.

Witness to the signatures of Wm. H. Palmer and Jas. Smiley.

JOHN H. DALL.

OFFICE OF THE STATE PRISON,
September 1, 1855.

We hereby authorize John S Love to make the measurements of the work on the wall, as per contract with James Smiley, dated August 15, 1855, and draw his orders on the Controller, in favor of said James Smiley, in payment for the same.

RICH'D N. SNOWDEN,
WM. H. PALMER.

Warrant.	*To whom Issued.*			*Amount.*
No. 588	Jas. Smiley, or J. S. Cohen, attorney,			$5157 84
589	do	do	do	5000 00
590	do	do	do	5000 00
591	do	do	do	5000 00
592	do	do	do	5000 00
593	do	do	do	5000 00
594	do	do	do	5000 00
595	do	do	do	5000 00
596	do	do	do	5000 00
597	do	do	do	5000 00
598	do	do	do	5000 00
599	do	do	do	5000 00
600	do	do	do	5000 00
601	do	do	do	5000 00
602	do	do	do	5000 00
603	do	do	do	5000 00
604	do	do	do	5000 00
605	do	do	do	5000 00
606	do	do	do	5000 00
607	do	do	do	5000 00
608	do	do	do	5000 00
609	do	do	do	5000 00
610	do	do	do	5000 00
611	do	do	do	5000 00
612	do	do	do	5000 00
Total amount issued upon the accompanying vouchers,				$125,157 84

Date of the above issue, December 4, 1855.

G. W. WHITMAN,
Controller of State.

January 25th, 1856. W. WILLIS, Clerk.

Mr. Oxley moved to refer the report and contract to Committee on Claims.

Lost.

On motion of Mr. Beatty it was referred to Committee on State Prison.

Mr. Weir moved to have the report and contract printed.

Division of House called—Ayes 22—Noes 30.

The following communication from J. W. Denver, late Secretary of State, was read:

OFFICE OF SECRETARY OF STATE,
January 22, 1856.

To the Honorable the Assembly:

As required by section second of the Act making appropriations to defray the ordinary Civil Expenses of the Government of this State from the first day of February, A. D. 1855, to the first day of February, A. D. 1856, passed April 27, 1855, I herewith have the honor to transmit an account of the Contingent Expenses of this Office, from the first of February to the fifth day of November, 1855, inclusive, the date at which I resigned the office of Secretary of State.

J. W. DENVER,
Late Secretary of State.
By WM. H. R WOOD, Deputy.

Specifications of Contingent Expenses of Office of Secretary of State, for the year 1855—From February 1 to November 5, inclusive:

1855.			
May	10	Paid Dyer & Prescott, for fuel	111 53
	12	" Charles Little, porter to office,	196 00
June	1	" Jacob McKinney, for cleaning up Capitol	96 00
	11	" Read & Co, for rent of office	270 00
July	3	" F. Forman, for postage	130 00
	5	" for sprinkling streets	30 00
	6	" for lights and stationery	129 00
	11	" Charles Little, for porterage	120 00
	27	" Wells, Fargo & Co, expressing	17 50
	27	" George H Mixon, for drayage in removing office to Capitol	229 00
	30	" Samuel Young, for storage of Olds' Library	75 00
Sept.	3	" J. W. Denver, for expenses in attending Board of Land Commissioners and Marine Hospital at San Francisco	450 00
	8	" Charles Little, porter	120 00
	15	" Howard, Boradaile & Co, for candles	35 31
	15	" for sprinkling the street, and water	50 00
October	1	" Ferris Forman, for postage	135 00
	3	" Charles Little, porter	60 00
	30	" W C Crocker, for clearing up Capitol grounds	40 00
	31	" Charles Little, porter	60 00
Nov.	2	" for candles, fuel, stationery, &c	51 70
	5	" Charles Little, for work about State Library	130 00
October	19	" Nevett & Co, for stovepipe, blower, and fixing up stove	20 00
	2	" Nevett & Co, for same for State Library	25 00
		Total	$2592 04

On motion, referred to Committee on Accounts and Expenditures,

Senate bill—an Act requiring the Treasurer to cancel the registration of certain warrants, and forbidding the payment thereof, was taken up.

Mr. Upton introduced the following resolution:

Resolved, That the Attorney General be requested to communicate to this House, his written opinion—whether or not the late Wardens of the State Prison were authorized by law to make the contract, in regard to Prison Wall, entered into by them in August last.

Lost.

Mr. Upton offered the following amendment to the first section of the bill, to strike out all of the sections to the word "which," in the sixth line, and insert,

"It shall be the duty of the State Treasurer to withhold payment of all warrants drawn on the State Treasury."

And also add to the end of the first section the words, "until he shall be hereafter authorized by law to pay the same."

Mr. Beatty moved the previous question.

Sustained.

The question then recurred upon the amendment offered by Mr. Upton.

Amendment lost.

Mr. Hawes moved a re-consideration of the vote by which the previous question was sustained.

Question put, and re-consideration carried.

Mr. Beatty moved the rules be suspended, and the bill put upon its third reading.

The question then recurred upon the amendment offered by Mr. Upton.

Upon which Messrs. Upton, Gray, and Hawes, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Borland, Brunton, Bynum, Gallbreath, Dick, Ewalt, Gray, Hawes, Hoover, Hunt, Hunter, Lamon, McDonald, Peck, Rathburn, Ricks, Shearer, Stephenson, Sterritt, Stout, Upton, White and Winsor —25.

NOES

Messrs. Beatty, Bell, Blackburn, Boring, Bowe, Brent, Brush, Cartter, Cone, Curtis, Davis, Downey, Dustin, Gage, Gaston, George, Haile, Heiskell, Holland, Kelly, Kendrick, Leihy, Lippincott, Mathews, McFarland, McGehee, Meloney, Moulthrop, Oliver, Oxley, Pearson, Pugh, Reed, Reynolds, Rhodes, Sellick, Sherrard, Swan, Taliaferro, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, Williams, Wohler, and Mr. Speaker—48.

So the amendment was lost.

The following message from the Senate was read:

SENATE CHAMBER, January 22, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day passed Senate bill No. 16, an Act requiring the Treasurer to cancel the registration of certain Warrants, and forbidding the payment thereof.

Very respectfully,

W. BAUSMAN,
Secretary of Senate.
Per BIVEN.

Mr. George offered as an amendment to the bill, to insert after the word prison, at the end of the eighth line in the first section, "on the erection of the wall around the same."

Adopted.

The question recurred upon the passage of the bill, which was read third time and passed.

Title approved.

Mr. Curtis offered the following resolution:

Resolved, by the House, the Senate concurring, That both Houses meet in Joint Convention on Saturday next, the 26th instant, at 2 o'clock, P M., for the purpose of electing a U. S. Senator to fill the place of the Hon. William M. Gwin, whose term of office expired on the 4th of March, 1855.

Mr. Curtis moved to suspend the rules, so as to put the resolution on its passage.

Messrs. Lippincott, Hawes and Gray demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Cartter, Castro, Cone, Curtis, Davis, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Reed, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Mr. Speaker—52.

NOES.

Messrs. Beatty, Boring, Brent, Brush, Bynum, Callbreath, Covarrubias, Downey, Ewalt, George, Gray, Hawes, Holland, Hunt, Kendrick, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Taliaferro, Wohler—22.

So the rule was suspended.

Mr. Beatty moved to adjourn.

Lost.

Mr. Oliver moved the previous question.

Messrs. Gray, Lippincott and Curtis, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Cartter, Castro, Cone, Curtis, Davis, Dick, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Reed, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Mr. Speaker—53.

NOES.

Messrs. Beatty, Boring, Brent, Brush, Bynum, Callbreath, Covarrubias, Downey, Ewalt, George, Gray, Hawes, Holland, Hunt, Kendrick, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Swan, Taliaferro, Wohler—23.

So the previous question was sustained.

Upon the passage of the resolution, Messrs. Taliaferro, Beatty and Oxley demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Cartter, Castro, Cone, Curtis, Davis, Dick, Dustin, Gage, Gaston, Haile, Heis-

kell, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Reed, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Wohler and Mr. Speaker—54.

NOES.

Messrs Beatty, Boring, Brent, Brush, Bynum, Callbreath, Covarrubias, Downey, Ewalt, George, Gray, Hawes, Holland, Hunt, Kendrick, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Swan, Taliaferro—22.

So the resolution was adopted.

Mr. Taylor, having voted in the affirmative, moved a reconsideration of the vote just taken.

Lost.

On motion of Mr. Sellick the House adjourned at 3 P. M.

IN ASSEMBLY.

WEDNESDAY, January 23, 1857.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and the following members were absent:

Messrs. Brent, Castro, Hunter, Read, Swan and Wohler.

The Journal of yesterday was read and approved.

Two days leave of absence granted the Chaplain.

Mr. Rathburn gave notice of a bill for an Act to amend an Act entitled an Act to amend an Act defining the time for commencing Civil Actions, passed April 11, 1855.

Mr. McDonald gave notice of a bill for an Act to except and exempt the

County of Klamath from any and all provisions of an Act to regulate Fees of Office, approved April 10, A. D., 1855.

Mr. Stephenson, from Committee on Accounts and Fxpenditures, made the following report:

Mr. Speaker:

The Committee on Accounts and Expenditures having had under consideration the report of the Secretary of State, in reference to contracts for stationery, lights and fuel, and contract with Wells, Fargo & Co.'s Express for the distribution of Laws, Journals, etc., and transmission of all packages, documents and letters to and from the office of Secretary of State, during the year 1856, would respectfully report the same back to the House, and recommend that the same be referred to the Committee on Ways and Means, to be considered and provided for in the general appropriation bill.

A. M. STEPHENSON,
Chairman.

The report was temporarily laid on the table, and afterwards, on motion, taken up.

On motion of Mr. Rhodes, the report was adopted and the subject matter referred to Committee on Ways and Means.

Mr. Brent, from the Los Angeles delegation, to whom was referred a bill for an Act concerning the office of District Attorney for the county of Los Angeles, recommended the passage of the bill without amendment.

Mr. Davis moved to strike out $2500 and insert $1200.

Mr. Taliaferro moved a division of the question.

The question being upon striking out $2500.

The House refused to strike out.

Mr. Rhodes moved to consider the bill engrossed and put upon its passage.

Bill read third time and passed.

Title approved.

Mr. Taliaferro, upon leave, introduced a bill for an Act to authorize Lewis Loher to construct a wagon road from Mokelumne Hill, in Calaveras county, to a point near Butte City, Amador County.

Read first and second times and referred to delegations from Calaveras and Amador.

The following message was received from the Senate:

SENATE CHAMBER, January 21, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on Saturday, the 19th instant, passed Assembly bill No 1, an Act to amend an Act entitled an Act to fix the time of holding the terms of the District Courts throughout the State, passed May 18, 1853.

Also concurred in Assembly Concurrent Resolution, that the State Treasurer be and is hereby instructed to withhold payment of the bonds, or State Controller's warrants, heretofore given in payment for the construction of the Prison wall.

Respectfully submitted,

WM. BAUSMAN,
Secretary of Senate.

Mr. Rhodes introduced the following resolution:

Resolved, That the Secretary of State be and is hereby authorized to obtain a suitable room for the use of the State Prison Committee.

Adopted.

Mr. Hoover introduced the following Concurrent Resolution:

Resolved, (by the Assembly, the Senate concurring,) That the Secretary of State shall and is hereby authorized to transmit to every Library in this State that shall have been established six months and incorporated according to law, all of the Statutes of this State, together with the Journals of the Assembly and Senate, that are now and may hereafter come into his possession, as the property of the State, to be made a part of such Library, on application being made in writing by the President of such Library.

Under the rules lays over for one day.

Mr. Stout moved to suspend the rules, in order to take up and reconsider the vote by which the House, on yesterday, passed an Act requiring the Treasurer to cancel the registration of certain warrants, and forbidding the payment thereof.

The ayes and noes were demanded by Messrs. Turner, Brent and Stout, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Blackburn, Boring, Borland, Bowe, Brent, Brush, Bynum, Cartter, Cone, Covarrubias, Davis, Downey, Ewalt, Gage, Gaston, George, Gray, Hawes, Heald, Heiskell, Holland, Hoover, Hunt, Kelly, Kendrick, Lamon, Leihy, Mathews, McDonald, McGehee, Melouey, Moulthrop, Oliver, Pearson, Peck, Pugh, Rathburn, Read, Sellick, Shearer, Sherrard,

Stephenson, Stout, Taliaferro, Taylor, Upton, Welch, White, Williams, Winston, Wohler and Mr. Speaker—54.

NOES.

Messrs. Bell, Castro, Dustin, Haile, Hunter, Lippincott, McFarland, Rhodes, Sterritt, Turner and Wagner—12.

The question then recurred on the reconsideration of the vote by which the bill was passed yesterday.

Division of the House was called—Ayes 31, Noes 22; so the vote was reconsidered.

Mr. Holland moved to lay the bill on the table.

Lost.

Mr. Taylor moved that it be referred to the Committee on the Judiciary, and that they be instructed to report to-morrow morning.

Carried.

Upon motion of Mr. Rhodes, (the special order of the day,) the concurrent resolution introduced by Mr. Williams, in regard to the proposed amendments to the Constitution of this State, was taken up and passed.

Upon a motion to take from the table Senate bill No. 6, a division of the House was called.

Therebeing no quorum present, Mr. Rhodes moved a call of the House.

The roll was called, and the following members were absent:

Messrs. Blackburn, Covarrubias, Lippincott, MrFarland, Reynolds, Swan, Upton and Winston.

On motion, further proceedings under the call were dispensed with.

A quorum being present, on motion, Senate bill No. 6, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, was taken from the table.

Mr. Stout moved to amend the bill by adding—Providing, that nothing in this Act shall render valid any irregularities in any such sale, order or conveyance heretofore executed.

Lost.

On motion, the bill was read a third time and passed.

Title read and approved.

On motion, the report of the Placer delegation, recommending the passage of a bill for an Act to change the name of Abisha Washburn Hough to Andrew Watson Hough, was taken from the table.

Mr. George moved to amend the bill by striking out Watson and inserting Jackson.

Lost.

On motion, the bill was considered engrossed, read a third time aed passed.

Title read and approved.

On motion, the House adjouned at 1½ P. M.

IN ASSEMBLY.

THURSDAY, January 24, 1856.

House met pursuant to adjournment.

Speaker in tbe chair.

Prayer by the Rev. Mr. Graham.

Roll called, and the following members absent:

Messrs. Ricks, Swan, and Sharp.

Journal of yesterday was read and approved.

On motion, leave of absence was granted for one day to Messrs. Reynolds and Pugh.

Mr. Davis introduced a bill for an Act to amend an Act entitled, an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

Read first and second time, and referred to Judiciary Committee.

Mr. Bell introduced a bill for an Act to amend an Act to authorize the formation of Corporations, for the construction of Plank and Turnpike Roads, passed May 12, 1853.

Read first and second time, and referred to Committee on Roads and Highways.

By leave of the House, Mr. Curtis presented a bill for an Act making an appropriation for the temporary support of the State Prison.

Read a first and second time.

On motion of Mr. Curtis, the rules were suspended, for the purpose of putting the bill on its third reading.

On motion, the House then resolved itself into Committee of the Whole, for the purpose of taking under consideration the bill proposed by Mr. Curtis, making an appropriation for the State Prison.

House in Committee of the Whole, Mr. Upton in the chair.

On motion, Committee rose, and reported the bill back to the House, and recommended its passage without amendment.

Report received, and Committee discharged.

The bill was then read a third time and passed. Title read and approved.

Mr. Haile gave notice of proposed amendments to the sixth article of the Constitution, so as to do away with the office of County Judge, and abolish Courts of Sessions in the Counties of this State.

Mr. Dick gave notice of a bill, empowering and authorizing the qualified Electors of Butte county, to fix and change the County seat of Butte.

Also, of a bill to provide for the Election of Assessors for each Township in this State, and to repeal an Act authorizing the Election of County Assessors.

Mr. Farley gave notice of a bill to divide the Nineteenth Senatorial District, composed of the Counties of Calaveras and Amador.

Reports from Committee on Judiciary, and Delegation from Calaveras and Amador, were read, and temporarily laid upon the table.

Mr. Sellick, from the Committee on Enrollment, made the following report:

The Committee on Enrollment have examined and find correctly enrolled, an Act to amend an Act entitled, an Act to fix the time of holding the terms of District Courts throughout this State, passed May 18, 1853.

Mr. Stout offered the following resolution:

Resolved, That the ex-Governor, ex-Controller, ex-Treasurer of State, ex-Secretary of State, ex-Surveyor General, and ex-Attorney General, be requested, in accordance with the second section of an Act, making appropriations to defray the ordinary civil expenses of the government of this State, from the first day of

February, A. D. 1855, to the first day of February, A. D. 1856, to report to this House the manner and for what purposes, the Contingent Funds for their respective offices have been expended.

On motion, laid on the table.

Mr. McFarland offered the following resolution:

Resolved, That the Judiciary Committee be authorized to employ a Clerk at the expense of the State.

Adopted.

Mr. Cone offered the following resolution:

Resolved, That the Secretary of State be, and is hereby authorized to procure a suitable room, for use of the Committee on Public Lands.

On motion, it was indefinitely postponed.

Mr. George offered the following resolution:

Resolved, That a special committee be appointed to examine the accounts of the State Land Commissioners, and report to this House the condition thereof, at their earliest moment.

Adopted.

Mr. Heald offered the following resolution:

Resolved, That the 66th rule of the Assembly be so changed as to read as follows.

"No person except Senators, State Officers and Ladies, shall be admitted within the Bar of this House, except by permission of a majority of the members present, but a majority may authorize the Speaker to have the House cleared of all such persons"

Under the rule laid over for one day.

On motion of Mr. Taliaferro, the House resolved itself into a Committee of the Whole, to consider the special order of the day, being Assembly bill No. 6.

An Act appointing a Commissioner to receive from the government of the United States the moneys heretofore appropriated in payment of the War Debt of this State, and to provide for the disposition of the same.

House in committee of the Whole. Mr. Taliaferro in the chair.

On motion of Mr. Rhodes the committee rose, reported progress and asked leave to sit again.

Committee discharged.

The following message was received from the Senate:

SENATE CHAMBER, Jan. 20, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on yesterday concurred in Assembly's concurrent resolution, appointing a special committee of three from each House to examine and decide on proposals for translating the laws into Spanish, and have appointed on the part of the Senate Messrs. Ashley, McGee, and Westmoreland.

Also, have adopted the following resolution as a substitute for Assembly concurrent resolution, relative to a Joint Convention on Saturday next, the 26th instant, for the purpose of electing a U. S. Senator.

Whereas, The Senate deem the election of a United States Senator, during the present Session of the Legislature, inexpedient and contrary to the wishes of a majority of the people of the State of California, and the further agitation of the question is not only unnecessary, but calculated to divert the time and attention of the Senate from useful legislation—therefore be it

Resolved, That the consideration of the whole subject matter of a Joint Convention by the two Houses of the Legislature, for the election of a U. S. Senator, to succeed the Hon. Wm. M. Gwin, whose term of office expired on the 3d day of March, 1855, and all resolutions or bills of any character which have already passed or may pass hereafter relating to said Convention, originating either in this body or the Assembly, be postponed to the 1st day of January, 1857.

Resolved, That the Secretary of the Senate is hereby instructed to communicate the passage of this resolution forthwith to the House of Assembly.

Respectfully submitted,

WM. BAUSMAN,
Secretary of Senate.
Per BIVEN.

On motion of Mr. Curtis the Senate substitute for Assembly concurrent resolution relative to a Joint Convention was laid on the table.

Mr. Curtis gave notice that he would, at the expiration of five days, introduce a concurrent resolution for the two Houses to go into Joint Convention for the purpose of electing a U. S. Senator, to fill the vacancy occasioned by the expiration of the term of the Hon. Wm. M. Gwin.

On motion of Mr. Rhodes the House adjourned at two o'clock, P. M.

IN ASSEMBLY.

FRIDAY, January 25, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. Mr. Graham.

Roll called, and the following members absent:

Messrs. Sharp and Wiliams.

Journal read and approved.

Mr. Brush presented a petition from the late Board of State Prison Directors.

Mr. Blackburn presented a petition from the residents of the county of Santa Cruz, asking that David Sharkey be allowed to erect a wharf at the landing at Santa Cruz, in the Bay of Monterey.

Also, a petition from the citizens of Santa Cruz, praying for the passage of an Act allowing J. E. Davis, A. D. Jordan, and others, to construct a wharf at Santa Cruz.

Both petitions read, and temporarily laid on the table.

Mr. Coombs presented a petition signed by Horace M. Vesey, and nine hundred and seventy-four other citizens of Alameda County. praying that the Seat of Justice of said county may be removed from Alvarado, and permanently located at the place called San Leandro.

Read, and temporarily laid on the table.

Mr. Ricks introduced a bill for an Act, amendatory of an Act entitled an Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County, passed April 27, 1855.

Read a first and second time, and referred to Committee on Public Lands.

Mr. Rathburn introduced a bill for an Act to amend an Act entitled an Act defining the time for commencing Civil Actions, approved April 11, 1855.

Read a first and second time, and referred to Committee on Judiciary.

Mr. Lamon introduced an Act to authorize the Board of Supervisors of Mariposa County to levy a special Tax for certain purposes.

Read a first and second time, when

On motion of Mr. Rhodes, the rules were suspended, the bill considered engrossed, put upon its third reading, and passed—Title read and approved.

Mr. Dustin presented a bill proposing an amendment to the Constitution to define the jurisdiction of the District Court.

Read a first and second time, and referred to Committee on Judiciary.

Mr. Davis introduced a bill for an Act to repeal an Act entitled an Act concerning the Per Diem of Officers of the Senate and Assembly, passed February 4, 1856.

Read a first and second time, and referred to Committee on Judiciary.

Mr. Meloney introduced a bill for an Act concerning Estray Animals.

Read first and second time, and referred to Committe on Agriculture.

Mr. Upton gave notice of a bill for an Act to repeal an Act entitled an Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, and to provide for the recording of Claims upon Lands of the United States, occupied by citizens of this State.

Mr. Brunton, from Committee on Elections, made the following report in relation to the contested election between Walter Murray and Manuel Antonio Castro, with an accompanying resolution.

Mr. Speaker:

The Committee on Elections, to whom was referred the Protest and matter of contest between Walter Murray, contestant, and Manual Antonio Castro, respondent, for the seat in the Assembly as representative from the County of San Luis Obispo, have had the same under consideration, and beg leave to report:

For the purpose of presenting in the clearest light practicable, the result of their investigations, they propose to examine, *seriatim*, the specifications contained in said protest:

1. Malconduct of the Board of Judges at the Costa precinct.

Specification first—In this, that the said Board of Judges appointed one Francisco Urisa, an alien, as one of the Clerks of said Board, and allowed him to act as such throughout and after the day of election.

The said Francisco Urisa, as appears from his testimony, claims to be a citizen of the United States, but whether he is or not, the committee do not deem it material

to decide, as they are clearly of the opinion that were he an alien, as alleged, it would not vitiate the returns of the election in the Costa precinct.

Specification second—In this, that the said Board of Judges neglected to challenge, and did allow to vote, persons whom they well knew, or had good reason to suspect, were aliens, or otherwise unqualified to vote at said election.

It appears by the evidence of Julian Estrada, one of the Judges of Election at said precinct, that one person under twenty-one years of age, and two persons who were Chilenos, then and there voted unchallenged and unsworn, and who, he knew, were unqualified to vote.

There is no proof that any other member of the Board of Judges was aware of these facts, while the committee apprehend that the said Estrada rendered himself liable to the penalties of the law, in case penalties were provided for such offenses, and that the said three votes are illegal; yet they are of the opinion that such neglect or criminality on his part, would not vitiate the returns of said precinct.

Specification third—As there is no evidence in relation thereto, is omitted.

Specification fourth—In this, that the said Board of Judges did, at the close of said election, neglect to sign and certify to the proper poll list, to be returned from said precinct, but did afterwards set various times and places within twelve days after such election, sign and certify the said poll list, with the intent to palm it off as having been so signed and certified to on the day of election.

Francisco Urisa aforesaid, testifies that a poll list, a certified copy of which the committee have examined, was signed by him six or eight days after the election, and this is the only clear evidence on this point produced before the committee. It appears from the indorsement of the County Clerk, of the County of San Luis Obispo, on the said poll list, that said poll list was filed in his office the 17th day of September, 1855, and from the certificate of said Clerk, that it was delivered to him unsealed. We think there can be no doubt of the informality of the poll list, and that said poll list was not attached to the certificate of returns of election from said precinct, received by said Clerk the day after the election, as prescribed in the 35th section of the Act to regulate Elections.

2. Insuficient, informal and fraudulent returns from the Costa precinct.

Specification first—In this, that there were neither tally paper nor poll list returned from said precinct.

It appears from the deposition of D. F. Newson, County Clerk of the County of San Luis Obispo, that the certificate of the returns of election at Costa precinct and the said poll list, were all the papers of returns of election received by him from the Costa precinct.

Specification second—In this, that the only document duly returned from the Costa precinct, setting forth the result of the election held therein, is in no respect entitled to be received as a certificate of such result, inasmuch as it does not purport to be a certificate thereof, is not attached to any poll list or tally paper, does express the number of votes polled for each candidate in words, but in figures only; was not indorsed "Election Returns," nor was it signed by the Inspector or Judges in their official capacity.

Said certificate was signed—

President MARIANO PACHECO,
JULIAN ESTRADA,
VALENTIN GUJIOLA.

The facts, as appears from the evidence adduced, relative to the tally papér and poll list have already been presented. The said document, purporting to be a certificate, expressed the number of votes in figures only and not words The committee apprehend that the main question to be solved in this case is this:— Is the certificate of the return of the election in the Costa precinct unaccompanied by any tally papers, and accompanied by a poll list? which was certainly informal; so utterly and essentially defective and informal as to nullify its effect as a good and sufficient legal instrument, and therefore deprive Manuel Antonio Castro of a seat in this House. Sensible as the committee are of their deficiencies in legal knowledge, they venture to express their opinions, and submit them with diffidence to the consideration of the House.

The intention of the Legislature, no doubt, was to initiate and establish a correct and uniform mode of conducting elections, and for this end have embodied and put upon the Statute book a compilation of directions which are in their character directory merely; for the laws upon elections evidently aim to give as great a latitude as practicable in relation to informalities and technicalities consistent with a reasonably certain ascertainment of the true and correct results of elections

Section 35 of the Act to regulate Elections, provides that a certificate shal' be drawn up on *each* of the papers containing the poll list and tallies, or attached thereto. This would seem to imply that the poll list, tallies, and certificates are each in themselves to be regarded as papers single and distinct one from the other.

The certificate may be written upon the poll list and tallies, or may be written by itself and attached to the poll list and tallies, thus implying an existence of the one without the other.

The committee are of the opinion that a certificate showing true and certain results, though not conjoined with the poll lists and tallies ought not to be rejected.

The certificate is the result, sum and substance, of the poll lists and tallies embodied and summed up in a brief and comprehensive form, and the intent of the accompaniment of the poll list and tallies are but for the better verification of the certificate.

The rejection of the certificate, in this view of the case, would be a rejection, on the bare ground of technicalities or informalities.

We think this view of the case is supported by the language of Section 37, of the same Act.

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 this Act, if the same can be satisfactorily understood.

The tally papers, poll lists and certificates are here spoken of, not as an aggregate but as singular each in and by itself, and it may be presumed that when true and certain results can be satisfactorily attained from either or any of the said papers capable of furnishing such results, and particularly the certificate of the returns of any election should not be thrown aside or rejected.

The committee think that this view of the matter is made still more apparent by the language of section 45 of same Act, to wit:

"No certificate shall be withheld on account of any defect or informality in the return of any election, if it can with reasonable certainty be ascertained from such return what office is intended, and who is entitled to such certificate; nor shall any commission be withheld by the Governor on account of any such defect or informality of any returns made to the office of Secretary."

The committee are of the opinion that the returns of the election had at the Costa precinct, on the grounds advanced by the committee, are good and sufficient in law, and should not be considered null and void. The contestant does not claim that Manuel Antonio Castro, from the documents and testimony laid before them, can be deprived of a seat in the Assembly, unless the returns of the Costa precinct are so vitiated as to be thrown out entirely, and this precludes the necessity of examining many other allegations and specifications made against the right of the said Castro to a seat in the Assembly.

It is also alleged by the contestant, that said Castro, the respondent, has never acquired a six months' residence in the county of San Luis Obispo, and was therefore ineligible to be elected as a member of Assembly from that county. It is in proof, that the said Castro has resided or lived in said county at various times within fourteen months past; at one time keeping a billiard saloon two or three months. The question would seem to turn upon the intent of the party in the matter—a thing not easily determined in many cases.

The committee think that the proof before them is not sufficient to show that said Castro was not a resident of said county.

In view of all the facts of the case, as presented before the committee, they are unanimously of opinion, that Manuel Antonio Castro is entitled to his seat in this body; but recommend that the parties be allowed a hearing on this floor, either in person or by attorney.

The committee, therefore, offer the following resolution:

Resolved, That Walter Murray, contestant, and Manuel Antonio Castro, respondent, in the contested election case from San Luis Obispo county, be allowed a hearing before this House, and that such hearing be made the special order of the day for to-morrow, at 12 o'clock, M.

All of which is respectfully submitted.

THO. C. BRUNTON,
JOHN DICK,
STEPHEN T. GAGE,
T. H. READ,
T. M. COOMBS.

Adopted.

Mr. Stout gave notice of a bill for an Act to amend an Act concerning the office of Controller, passed January 19, 1850.

Mr. Coombs gave notice of a bill to repeal an Act entitled an Act to create a Board of Supervisors for the county of Alameda, approved March 9, 1855.

Mr. Davis gave notice of a bill concerning the salaries of officers, and pay of the members of the Legislature.

The following message was received from the Senate:

SENATE CHAMBER, Jan. 25, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on yesterday, concurred in Assembly resolution concerning amendments to the Constitution.

Also, passed Senate bill No. 18, an Act to levy a special tax in Tuolumne county, for Jail purposes.

W. BAUSMAN.
Sec'y Senate.
Per BIVEN.

The bill referred to was laid on the table.

The following message was received from the Senate:

SENATE CHAMBER, January 22, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, yesterday, passed the following concurrent resolution, and respectfully ask the concurrence of the Assembly in the same.

Respectfully,

W. BAUSMAN,
Secretary Senate.

Resolved, by the Senate, the Assembly concurring, That a Joint Committee of the two Houses be appointed, to consist of two members from the Senate and three from the Assembly, to wait upon the State Treasurer, and request him to withhold payment upon all warrants issued on account of the State Prison.

Also, the following:

Resolved, (by the Senate, the Assembly concurring,) That the Secretary of State is hereby requested to make a correct copy of the muster-rolls of the different Volunteer Companies called into service, for the defense of the State against Indian hostilities, and his Excellency the Governor is hereby requested to transmit said muster-rolls to the Adjutant General of the United States.

On motion of Mr. Curtis the resolutions were concurred in.

On motion to take bill No. 6, and amendments proposed by Mr. Cartter, from the table, a division of the House was called—Ayes 37—Noes 27.

So the bill was taken from the table.

Mr. McFarland offered a substitute for the bill, which, on division of the House being called, was lost—Ayes 23—Noes 40.

On motion of Mr. Beatty, all after the enacting clause in bill No. 6 was stricken out, and the amendment proposed by Mr. Cartter adopted.

Mr. Hawes moved to fill the blank in the first line of section first, with the words "our Senator and Representatives in Congress."

Lost.

Mr. Batchelder moved to lay the matter on the table.

Lost.

Mr. Beatty moved to insert the name of Henry Bates upon which Messrs. Beatty, Oxley and Andrews called for the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Beatty, Blackburn, Boring, Brent, Brunton, Brush, Bynum, Callbreath, Davis. Downey, Ewalt, George, Gray, Hawes, Heald, Holland, Hunt, Kendrick, Lamon, Mathews, Meloney, Moulthrop, Oxley, Pearson, Peck, Rathburn, Upton, Wagner, Weir, White and Wohler—32.

NOES.

Messrs. Batchelder, Bell, Borland, Bowe, Cartter, Castro, Cone, Coombs Curtis, Dick, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Kelly' Leihy, Lewis, Lippincott, McFarland, McGehee, Oliver, Read, Rhodes, Ricks' Sellick, Shearer, Sherrard, Stephenson, Sterritt, Stout, Swan, Taliaferro, Taylor, Turner, Van Dusen, Williams, Winsor, Winston and Mr. Speaker—42.

So the motion was lost.

On motion of Mr. Cartter the name of Samuel B. Smith was inserted.

On motion of Mr. Oxley the sum of ten thousand dollars in Section 2d was stricken out and twenty thousand dollars inserted.

Mr. Van Dusen moved to fill the blank in the second line of Section 3d with the words, five thousand.

Mr. Oxley moved to amend so as to allow the Commissioner one per cent. on all moneys he may collect.

Mr. Stout moved to amend so as to insert four thousand dollars.

Pending which, Mr. Batchelder moved that the House resolve itself into Committee of the Whole for the purpose of filling the blanks in the bill.

House in Committee of the Whole, Mr. Taylor in the Chair.

Committee rose, reported progress, and asked leave to sit again.

Division of the House was called, on a motion to discharge the Committee, with the following result:

Ayes 36—Noes 31.

So the Committee was discharged.

On motion of Mr. George, the following report from the Judiciary Committe, was taken from the table.

Mr. Speaker:

The Judiciary Committee, to whom was referred Senate bill No. 16, an Act requiring the Treasurer to cancel the registration of certain warrants, and forbidding the payment of the same, have had the bill under consideration, and respectfully beg leave to report the same back to the House, with a substitute, and recommend the passage of the same.

R. B SHERRARD,
Chairman.

Mr. Peck moved that the substitute referred to in the above report be adopted.

Carried.

Bill read a third time and passed.
Title approved.

Mr. Weir moved to reconsider the vote by which Senate bill No. 6, an Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed the Assembly January 23, 1856.

Mr. Taliaferro made a question as to whether a motion to reconsider the vote by which the bill passed, could be made the day after the passage of the bill.

The Speaker decided, that as the mover had voted with the majority on the passage of the bill, that he might move a reconsideration of the vote, though he had not given notice of intention on the previous day, to move a reconsideration.

Mr. Taliaferro appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the decision of the House?" was decided, Ayes 27, Noes 31.

So the decision of the Chair was reversed.

On motion of Mr. Gray, the following report, presented by Mr. Sherrard, from the Judiciary Committee, was taken from the table:

The Judiciary Committee, to whom was referred an Act concerning Evidence, have had the bill under consideration, and beg leave to report the same back to the House, with the following amendment, and recommend its passage.

Amendment: Insert in fifth line, after the words "this State," the words "or in the office of the Surveyor General of the United States, for the State of California."

Adopted.

The same committee have had also under consideration, Assembly bill No. 10, a bill for an Act amendatory of an Act entitled an Act to regulate Elections, passed March 23, 1850, which they beg leave to report back to the House, and ask that the same be referred to the proper committee, to wit: the Committee on Elections.

On motion of Mr. Gray, the amendment proposed by the committee was adopted.

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

Title read and approved.

On motion, bill No. 10 was referred to Committee on Elections.

Mr. Lippincott introduced the following resolution:

Resolved, That the Committee on State Prison Affairs be and are hereby authorized and required to visit said Prison, inquire into the present condition of the same, as also its discipline, and all other matters deemed by them important to a full investigation and understanding of its present condition; and that in the discharge of such duties they have power to send for persons and papers, and to enforce the attendance of witnesses; and said committee report as soon as possible.

Adopted.

Mr: Batchelder introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to ascertain why the resolution requiring the Journals of the House to be printed and laid upon the tables of members has not been complied with.

Mr. Callbreath offered the following resolution:

Resolved, That the Committee on Public Printing be instructed to inquire into and report to the House on to-morrow, the reason why the Journals of each day's proceedings have not been sent to the Sergeant-at-Arms, to be distributed, according to a previous resolution.

Adopted.

Mr. George introduced the following resolution:

Resolved, That the State Prison Committee be authorized to employ a clerk.

On motion of Mr. Turner, laid on the table.

Mr. Peck introduced the following resolution:

Resolved, That the Speaker be and he is hereby authorized to appoint a Folder, whose duty it shall be to fold papers and documents for the members of this House during the present Legislature.

Laid upon the table

Mr. Stephenson introduced the following resolution:

Resolved, That the Sergeant-at-Arms is directed to deliver to the Superintendent of Public Instruction five hundred copies of the report from that department, for distribution from that office.

Adopted.

Mr. Rhodes introduced the following resolution:

Resolved, That the Chief Clerk of the House is hereby empowered to appoint an additional copying clerk.

Laid upon the table.

Mr. Sherrard moved to adjourn until Monday next.

Lost.

Mr. George moved to adjourn until Tuesday next.
Upon which, Messrs. Stout, Van Dusen and Bell demanded the ayes and noes with the following result:

AYES.

Messrs. Boring, Downey, Hunt, Rhodes, Stephenson, Taliaferro, Taylor, Winsor and Mr. Speaker—9.

NOES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Bowe, Brent, Brunton, Brush, Bynum, Cartter, Castro, Callbreath, Cone, Covarrubias, Davis, Dick, Dustin, Ewalt, Gage, Gaston, George, Gray, Hawes, Heald, Heiskell, Hoover, Hunter, Kelly, Kendrick, Lamon, Leihy, Mathews, McFarland, Mc Gehee, Meloney, Oliver, Oxley, Pearson, Peck, Rathburn, Read, Ricks, Shearer, Sherrard, Sterritt, Stout, Swan, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams and Wohler—57.

Lost.

Mr. Hawes moved to adjourn until ten o'clock, A. M., to-morrow.
Lost.
Mr. Oxley moved to adjourn until 8 o'clock, to-morrow.
Lost.
On motion of Mr. Sherrard the House then adjourned.

IN ASSEMBLY.

SATURDAY, January 26, 1856.

House met pursuant to adjournment.

Speaker in the chair.

On motion, leave of absence was granted to Mr. Turner, for one day, and to Messrs. Haile, Sharp, Bynum, and Weir, for two days each.

On motion of Mr. Taliaferro, all absentees were excused.

The Journal of yesterday was read and approved.

Mr. Pearson presented a petition from Mr. Louis Schletchway, for a change of his name.

Mr. Reynolds presented a bill for an Act to amend an Act, entitled an Act to provide for the support of the government of this State, passed May 15, 1854, approved April 27, 1855.

Read first and second times, and referred to Committee on Ways and Means

Mr. Pearson gave notice of a bill for an Act to change the name of Louis Schletchway, to Louis Robinson.

Mr. Castro gave notice of a bill to fix the terms of the District Court of the Second Judicial District in this State.

Also, of a bill to incorporate the town of San Luis Obispo.

Mr Ricks gave notice of an Act to amend an Act to fix the compensation of District Attorneys for the several counties in this State, passed May 4, 1855.

Mr. Lewis gave notice of a bill to amend an Act concerning divorces.

Mr Moulthrop gave notice of a bill to regulate the Fares on passenger boats navigating the rivers and waters of this State.

Mr. Hawes gave notice of a bill for an Act entitled, an Act to provide for the more effectual enforcement of public taxes and assessments, and giving a lien therefor.

Reports from Judiciary Committee were read, and temporarily laid on the table.

Mr. Stout made the following report from the Committee on Engrossment.

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed, an Act concerning the office of District Attorney, for the county of Los Angeles.

Also, an Act making an appropriation for the temporary support of the State Prison.

LANSING STOUT,
Chairman.

The following report was received from the Committee on Enrollment:

Mr. Speaker :

The Committee on Enrollment find correctly enrolled Senate bill No. 1, an Act to amend an Act concerning the office of County Recorder of the County of San Francisco, passed January 12, 1856.

Also, Senate Bill No. 2, an Act to provide for a special term of the fourteenth Judicial District Court, in the county of Sierra, passed January 17, 1856.

SILAS SELLICK,
Chairman.

The following communication from the Governor was read:

To the Honorable, the Assembly of California :

I herewith present, for the consideration of your Honorable body, certain papers and a petition received by me through the Quartermaster and Adjutant General, which, it will be perceived, have reference to a claim against this State for military services alleged to have been rendered in the summer of 1855, in defence of the inhabitants of Siskiyou county against hostile Indians.

Very respectfully,
Your ob't servant

J. NEELY JOHNSON.

The petition referred to was temporarily laid on the table.

Mr. Gray introduced the following resolution :

Resolved, That the Secretary of State be and is hereby directed to inform this House what contract, if any, was entered into, either by himself or his predecessors in office, and with whom, and by what authority such contract was made, for rent of the Capitol building, and all other contracts for offices made at the expense of the State, and to communicate the same to this House at as early a day as practicable.

Adopted.

On motion of Mr. Stout, the resolution which was laid on the table on the 24th instant, requiring the late State officers to report for what purposes the contingent funds for their respective offices have been expended, was taken up and passed.

Mr Oliver, from Committee on Public Printing, made the following report:

Mr. Speaker:

In accordance with the order of the House on the 25th instant, the Committee on Public Printing respectfully submit the following report concerning the printing of the Journals of the House:

The great amount of printing matter before the State Printer, has prevented the printing of the back Journals of the House. All the Journals of the proceedings of the House will be laid on the table of each member of the House on next Monday morning, and thereafter the Journals will regularly be laid on the table of each member, as ordered.

J. W. OLIVER,
Chairman.

Mr. Hawes introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to procure four suitable rooms within, or as near contiguous as possible to the Capitol, for the accommodation of the committees of this House, and that he report to this House.

Adopted.

Mr. Leihy introduced the following resolution.

Resolved, That the postal expenses of the members of this Legislature shall not exceed the sum of one hundred dollars each, during the present session.

On motion of Mr. Curtis, laid on the table.

Mr. George introduced the following resolution:

Resolved, That the Committee on Ways and Means be, and is hereby, directed to report to this House a bill making the requisite appropriation to pay the mileage and per diem of the members and officers of the two Houses.

Adopted.

Mr. Davis introduced the following resolution:

Resolved, That the Controller be, and is hereby, requested to furnish this House with all the information in his possession in relation to the money placed at the disposal of the Attorney General, under an Act of the Legislature of March 20, 1855, for the purpose of prosecuting claims of the State to escheated estates, the amount of warrants that have issued, if any, and to whom issued, and for what particular services.

Adopted.

Mr. Kendrick introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to furnish to the Sergeant-at-Arms of the Senate a sufficient number of copies of each bill printed by order of the Assembly, to be laid on the desk of each Senator.

Adopted.

Mr. Coombs introduced the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to appoint one additional Porter for the House.

Laid on the table.

On motion, the special order of the day, being the contested election case of Murray vs. Castro, was taken up.

On motion of Mr. Oxley, Mr. Murray and counsel were admitted within the bar.

On motion of Mr. Mathews, the counsel for Mr. Castro was allowed the same privilege.

Mr. Murray opened the case.

Mr. Rhodes moved to adjourn until Tuesday, 29th, at 11 o'clock, A. M.

Messrs. McFarland, Sellick and Callbreath demanded the ayes and noes with the following result:

AYES.

Messrs. Beatty, Boring, Borland, Brush, Cone, Coombs, Covarrubias, Curtis, Downey, George, Gray, Hawes, Heald, Holland, Hunt, Kendrick, Lewis, Lippincott, McDonald, Pearson, Pugh, Rhodes, Sherrard, Stephenson, Swan, Taliaferro, Welch, Williams, Winsor—29.

NOES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Brent, Brunton, Cartter, Castro, Callbreath, Davis, Dick, Dustin, Ewalt, Gaston, Hunter, Kelly, Lamon, Leiby, Mathews, McFarland, McGehee, Meloney, Moulthrop, Oliver, Oxley, Peck, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Sterritt, Stout, Taylor, Upton, Wagner, White and Mr. Speaker—38.

Mr. Taliaferro moved a call of the House.

Carried.

The following members were absent:

Messrs. Bell, Bowe, Bynum, Coombs, Covarrubias, Curtis, Gage, Heiskell, Hoover, Stephenson, Van Dusen, Wohler.

On motion, the proceedings under the call were dispensed with.

Mr. Rhodes moved to adjourn until Tuesday at 11 o'clock, A. M.

Messrs. Stout, Bell and Rathburn demanded the ayes and noes with the following result:

AYES.

Messrs. Beatty, Boring, Brent, Cone, Coombs, Curtis, Davis, Downey, Ewalt, Gray, Hawes, Heald, Holland, Hunt, Kendrick, Leihy, Lewis, Lippincott, Mc Donald, Moulthrop, Pearson, Peck, Pugh, Rhodes, Sherrard, Stephenson, Sterritt, Swan, Taliaferro, Welch, White, Williams, Winsor, Wohler and Mr. Speaker—35.

NOES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Carter, Castro, Calbreath, Covarrubias, Duck, Dustin, Gage, Gaston, Heiskell, Hoover, Hunter, Kelly, Leihy, Mathews, McFarland, McGehee, Meloney, Oxley, Rathburn, Read, Ricks, Sellick, Shearer, Stout, Taylor, Upton, Wagner, Winston—35.

So the House adjourned until Tuesday, 29th, at 11 o'clock, A. M.

IN ASSEMBLY.

TUESDAY, January 29, 1836.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and the following members were absent:

Messrs. Dustin, Holland, and Wohler.

On motion, leave of absence was granted to Messrs Holland, Wohler, Lewis, Meloney, and Brush, for one day; Mr. Heald was granted leave of absence for the balance of the week; Mr Pugh was granted leave of absence indefinitely, on account of sickness in his family

Journal of Saturday, 26th instant, read and approved.

Mr. Hoover presented petitions signed by the citizens of a portion of the

Counties of Sierra, Yuba, and Plumas, praying the organization of a new county out of portions of said counties, to be called Summit county.

Read, and referred to the delegations from Sierra, Yuba, and Plumas.

Mr Hawes presented a petition signed by the citizens of the city and county of San Francisco, praying that the present City Government may be abolished, &c.

Read, and referred to the delegation from San Francisco.

The Speaker presented a petition from the citizens of Amador, praying the repeal of an Act for the Protection of Foreigners, and to define their liabilities and privileges; also of an Act to discourage the Immigration to this State of Persons who cannot become citizens thereof, &c.

Read, and referred to Committee on Mines and Mining Interests.

Mr. Kendrick gave notice of a bill amendatory of an Act concerning the Debt of San Diego county, approved May 4, 1855.

Mr. Stephenson gave notice of a bill for an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851

Mr Sellick gave notice of a bill to prohibit the carrying of concealed Weapons.

Mr. Oliver gave notice of a bill for an Act to provide for the taking of the State Census

Mr. Ricks gave notice of a bill to prohibit the owners of Saw Mills on Humboldt Bay from allowing Sawdust to drift in said bay.

Mr. Bynum gave notice of a bill to prevent Stallions from running at large.

Mr Hoover gave notice of a bill for the formation of a new county out of portions of Plumas, Sierra, and Yuba counties.

Mr Taliaferro gave notice of a resolution to regulate the manner of business of the House.

Mr. Stout made the following report:

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed, an Act to change the name of Abisha Washburn Hough to Andrew Watson Hough.

Also, an Act concerning Evidence.

Also, an Act to cancel the Registration and Endorsement of certain Warrants, and prohibiting the Payment of the same.

Also, an Act to authorize the Supervisors of Mariposa county to levy a special Tax.

LANSING STOUT,
Chairman.

Mr. Oliver made the following report:

Mr. Speaker:

According to the order of the House, the Committee on Printing respectfully report, that the cost of printing matter already ordered, as near as at present can be ascertained, will amount to about five thousand dollars.

It is impossible to give an accurate estimate of the cost at present, however, as a great portion of the printing matter ordered has not yet been printed.

J. W. OLIVER,
Chairman.

The following communication, from the Secretary of State, was read:

OFFICE OF SECRETARY OF STATE,
January 26, 1856.

To the Honorable, the Assembly:

In reply to the resolution of the Assembly, this day adopted, relative to contracts made for rent of Court-houses and offices, by me or my predecessors, and calling for the authority by which such contracts were made, I have the honor to state, that on the 28th day of May, 1855, my predecessor, Gen. Denver, entered into a contract with the Board of Supervisors of Sacramento county, for the rent of the Court-house, at the rate of twelve thousand dollars per annum; said lease took effect on the 1st day of June, 1855, and extended for twelve months. The contract above referred to, was made by Gen. Denver, under, and in pursuance of, a resolution of the last Legislature, which may be seen on page 849, of the Senate Journals of the last session.

Two rooms have been rented by me, for the Committees of the present Legislature under resolution of your House; one at twenty dollars, cash, for Judiciary Committee; the other at twenty-five dollars, cash, for the State Prison Committee. Both rented from Mr. D Maddux, of this city. I am informed of no other contracts relative to the subject of your resolution, than those above stated.

I have the honor to be,
Very respectfully,

DAVID F. DOUGLASS,
Secretary of State.

The following message from the Senate was read:

Mr. Speaker:

I am directed to inform the Assembly that the Senate has had under consideration Assembly substitute to Senate bill No. 16, an Act to cancel the regis-

tration and indorsement of certain warrants, and prohibiting the payment of the same, and have amended the bill by substituting the word "registration" for "regulation," where it occurs, first in the 1st section of the bill; also, by striking out the word misdemeanor in the third line of the fifth section, and inserting the word "felony."

Very respectfully,

WM. BAUSMAN,
Secretary of Senate.

On motion of Mr. Beatty, the rules were temporarily suspended.

On motion of Mr. Taliaferro, the amendments proposed by the Senate to Assembly substitute to Senate Bill No. 16, an Act to cancel the registration and indorsement of certain warrants, and prohibiting the payment of the same, were concurred in.

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

Title read and approved.

Mr. Hoover called from the table a Joint Resolution authorizing the Secretary of State to furnish public libraries with all the Journals of the Assembly and Senate.

Mr. Hoover moved the adoption of the resolution.

Lost.

On motion of Mr. Oliver, the resolution was laid on the table.

On motion, the contested election case of Murray vs. Castro, which was commenced on the 24th inst., was taken up.

Mr. Murray resumed his argument.

Mr. Hereford appeared, and spoke in behalf of Mr. Castro.

Mr. Stout moved that the subject matter of the election case be made the special order of the day for to-morrow at 12 M.

Lost.

The arguments for the parties having closed, the question was put: "Is Mr. Murray entitled to a seat in this House?"

Pending which, Mr. Beatty offered the following resolution:

Resolved, That in the opinion of the House, it is necessary that a tally list should always accompany the returns of elections made by Inspectors and Judges of elections to County Clerks, and that the certificate of the officers of election should be signed at the time they are made out, and not at any intervals afterwards.

The Speaker decided the resolution out of order.

Whereupon, Mr. Taliaferro appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the decision of the House?"—Ayes 49, Noes 9.

So the decision of the Chair was sustained.

The question then recurring on the right of Mr. Murray to a seat in the House, the ayes and noes were called for by Messrs. Beatty, Haile, and Hunter, with the following result:

AYES.

Messrs Beatty, Boring, Brent, Callbreath, Davis, Downey, Ewalt, Kendrick, Moulthrop, Pearson, Swan, Taliaferro, White—13.

NOES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Bynum, Cartter, Cone, Coombs, Covarrubias, Dick, Dustin, Gage, Gaston, Gray, Haile, Hawes, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Stout, Taylor, Upton, Van Dusen, Wagner, Welch, Williams, Winsor and Mr. Speaker—49.

So the House determined that Mr. Murray had no right to the seat he claimed.

Mr. Taylor moved that Mr Murray be allowed mileage and the same *per diem* as is paid members.

Messrs Hunter, Stout and Williams, called for the ayes and noes with the following result:

AYES.

Messrs Beatty, Brent, Bynum, Cartter, Castro, Covarrubias, Dick, Ewalt, Gray, Hunt, Kelly, Kendrick, Pearson, Swan, Taliaferro, Taylor, Upton, Welch, White and Winsor—20.

NOES.

Messrs Andrews, Batchelder, Bell, Blackburn, Boring, Borland, Bowe, Brunton, Callbreath, Cone, Coombs, Downey, Dustin, Gage, Gaston, Haile, Hawes, Heiskell, Hoover, Hunter, Lamon Leihy, Mathews, McFarland, McGehee, Oliver, Oxley, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Stout, Turner, Van Dusen, Wagner, Williams, Mr. Speaker—43.

So the motion was lost.

On motion of Mr. Stephenson, the House adjourned at 4 P. M.

IN ASSEMBLY.

WEDNESDAY, January 30, 1856.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.

Journal read and approved.

On motion, leave of absence was granted to Mr. Bruch, for one day.

Roll called and members all present except those absent on committee duty

Mr Hunter presented a petition from A. Leitch, Jno. A. Witty and James M Garnett, praying to be exempted from paying taxes on certain property in San Joaquin county.

Read, and referred to Committee on Roads and Highways.

Mr. Gaston presented petitions praying the establishment of Summit county.

Also, a remonstrance against the same.

Referred to delegations from Sierra, Yuba, and Plumas.

Mr. Bowe presented a petition from William Henry Clark, asking to be allowed to change his name to William Clark Benton.

Read and referred to delegation from El Dorado.

Mr. Kendrick presented a bill for an Act entitled an Act to fund the debt of the county of San Diego, and to provide for the payment of the same, approved May 4, 1855.

Read first and second times, and referred to Judiciary Committee.

Mr. Stephenson presented a bill for an Act to amend an Act entitled an Act to divide the State into counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Read a first and second time, and referred to Committee on County and County Boundaries.

Mr Pearson presented a bill for an Act to change the name of Lewis Schletchway to that of Lewis Robinson.

Read first and second times, and referred to Calaveras delegation.

Mr. White introduced a bill for an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April 22, 1850.

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

Mr. Hawes moved the bill be ordered printed.
Lost.

Mr Sharp introduced a bill for an Act relative to escheated estates.

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

Mr. Brent introduced a bill for an Act concerning the corporate name of the city of Los Angeles.

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

Mr. Hawes introduced a bill for an Act to provide for the more effectual enforcement of public taxes and assessments, and creating a lien therefor.

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

Mr. Bowe introduced a bill for an Act to amend an Act entitled, an Act to discourage the immigration to this State, of persons who cannot become citizens thereof, approved April 28, 1855.

Read a first and second time and referred to Committee on Mines and Mining Interests.

Mr Dick introduced a bill for an Act entitled an Act to change and fix the County Seat of Butte County.

Read a first and second time, and referred to Committee on Counties and County Boundaries.

Mr. Swan gave notice of a bill for an Act to authorize the issue of a School Land Warrant to Thomas Baker.

Mr Oxley gave notice of a bill for dividing the State into Congressional Districts.

Mr. Bowe gave notice of a bill to change the name of William Clark to Wm. Clark Benton.

Mr. McDonald gave notice of a bill to grant to George Dirgin and S. P. Dorsey a charter to build a Bridge across the North and South Forks of Salmon river, immediately above their junction.

Mr. Kelly gave notice of a bill to amend an Act entitled an Act defining the Time for commencement of Civil Actions, passed April 22, 1850.

The Sergeant-at-Arms made the following reports:

To the Honorable the Assembly of California:

The undersigned, Sergeant-at-Arms, in accordance with a resolution passed by this honorable body, to rent and furnish four rooms for the use of the different Committees would report that he has furnished three of the rooms, four doors below Sixth street on J; and that the same are now ready for use; and from information received that the Judiciary Committee had a room, he thought it advisable to await further orders.

E. GATES,
January 29, 1856. Sergeant-at-Arms.

To the Honorable Members of the Assembly of California:

The undersigned, Sergeant-at-Arms, in accordance with the requirements of your honorable body, begs leave to submit the following report of the expenses for forwarding the mail matter, documents and packages, of this House, from the seventh to the twenty-sixth day of January, inclusive.

The total amount in scrip, at par, is - -	$521 38
The total amount, in cash, amounts to - -	388 57

The above sum total is made up of the following bills from the Post Office, Wells, Fargo & Co., Pacific, and Livingston's Express Companies, the originals on which are now on file in my office.

POST OFFICE ACCOUNT.

To postage on letters from Jan. 7 to Jan. 26, inclusive,	$66 50
To postage on pamphlets and newspapers, - -	90 10
Total, - - - - - -	156 60

The contract with the Postmaster is predicated on a cash basis. I therefore add 25 per cent to the above account, it being the discount on scrip at the present prices, making the account $208 80.

PACIFIC EXPRESS COMPANY.

To carrying 553 letters, from January 7th to the 24th instant, inclusive, at eight (8) cents per letter,	$44 24
To carrying 1795 papers at 6 cents, - -	107 70
Thirteen packages at 8 cents, - - -	1 04
Total, - - - - -	152 98

WELLS, FARGO & CO.'S ACCOUNT.

To carrying Express matter from Jan. 7 to Jan. 26, inclusive, viz:	
Letters, 743, at 8 cents each, - - -	$61 04
Papers, 1,408, at 6 " - - -	84 48
Packages, 36, at 8 " - - -	2 88
Total, - - - - -	148 40

LANGTON'S EXPRESS CO.'S ACCOUNT.

To 160 pkgs. letters and papers, at 7 cents each, -	$11 25

RECAPITULATION.

Post Office account in scrip, at 75 cents on dollar, -	$208 80
Pacific Express Co.'s account in scrip, at par, -	152 98
Wells, Fargo & Co., " " " -	148 40
Langton & Co., " " " -	11 25
Total, - - - - -	521 38
Deduct 25 per cent. discount on scrip, - -	132 84
Amount in cash, - - - -	388 54

All of which is respectfully submitted.

E. GATES,
Sergeant-at-Arms.

January 30, 1856.

On motion of Mr. Hawes, the report of the Sergeant at-Arms of the expense for forwarding Mail and Express matter for the House was ordered printed.

Mr. Taliaferro introduced the following resolution:

Resolved, That all bills and other matter requiring a third reading, shall, after the second reading, if not referred, but if referred, then on being reported, be placed upon a general file, and shall be taken up for the third reading and final action in the order of being placed on said file.

Adopted.

On motion of Mr. Coombs, the petition of citizens of Alameda County praying the removal of the County Seat from Alvarado to San Leandro, was taken from the table and referred to a special committee of three.

The Speaker appointed Messrs, Coombs, Wohler and Davis the committee.

The following message was received from the Senate:

SENATE CHAMBER, January 30, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on January 25, 1856, Senate bill No. 7, an Act to amend an Act entitled an Act to amend an Act entitled an Act to fix the time for holding the terms of the District Courts throughout this State, approved May 4, 1855.

Also, on the 12th inst., Senate bill No. 3, a bill for an Act providing for the confinement of Prisoners of the United States.

Respectfully submitted,

W. BAUSMAN.
Sec'y Senate.

Senate bill No. 3, an Act providing for the confinement of Prisoners of the United States.

Read a first and second time and referred to the Judiciary Committee.

Mr. Upton introduced the following resolution:

Resolved, (the Senate concurring) That the Senate and Assembly of the State of California convene in Joint Convention on the —— day of February, 1856, at 12 o'clock M., for the purpose of electing a U. S. Senator to fill the vacancy now existing.

On motion, laid on the table.

On motion of Mr. Oxley, the bill appointing a Commissioner to receive from the Government of the United States the moneys heretofore appropriated in payment of the War Debt of this State, and to provide for the disposition of the same, was taken from the table—Ayes 33, Noes 29.

Mr. Williams moved to fill the blank with one per cent.

Mr. Upton moved to fill the blank with five thousand dollars.

Mr. Stout moved to fill with four thousand dollars.

Mr. Hawes. with one thousand dollars.

Mr. Kelly, with three-fourths of one per cent.

On motion of Mr. Oxley, the House resolved itself into Committee of the Whole to take into consideration the bill.

House in Committee of the Whole, Mr. Hawes in the chair.

The bill being considered, the Committee reported progress and asked leave to sit again.

The question being upon the report of the Committee, the House decided in favor of the report of the Committee—Ayes 35, Noes 16.

The Chair decided that the Committee was not discharged, and that the House was yet in Committee of the Whole.

On motion, the Committee rose, reported progress and were discharged.

The blank in the bill was filled with four thousand eight hundred dollars.

On motion of Mr. Beatty, the House adjourned at half-past two o'clock, P. M.

IN ASSEMBLY.

THURSDAY, January 31, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

On motion, Mr. Brush was granted leave of absence until Saturday next; and Mr. Lewis was granted indefinite leave of absence.

Roll called, and the following members were absent:

Messrs. Brush, Bynum, Heald, Read, Swan and Weir.

Journal of yesterday was read and approved.

Mr. Dick presented a petition signed by citizens of Butte county, praying for the removal of the County Seat of said county.

Referred to Committee on Counties and County Boundaries.

Mr McDonald introduced a bill for an Act entitled an Act to change the County seat of Klamath county.

Read a first and second time, and referred to Committee on Counties and County Boundaries.

Mr Kelly introduced a bill for an Act to amend an Act defining the time for commencement of Civil Actions.

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

Mr. Pearson made the following report:

Mr. Speaker:

The Select Committee, to whom was referred Assembly bill No. 32, an Act to change the name of Louis Schletchway to that of Louis Robinson, have had

the same under consideration, and report the same back to the House without amendment, and recommend its passage.

JAS. PEARSON,
Chairman.

The following communication from the Governor was read:

EXECUTIVE DEPARTMENT,
January 31, 1856.

To the Honorable the Assembly of the State of California:

In obedience to the request of your Honorable body, I have in course of preparation, and before this time expected to have communicated such information as I could procure regarding the condition of the Indian War Debt due the State from the General Government; but thus far, causes over which I had no control have delayed the matter. I confidently hope to make such communication by Monday next.

Very respectfully,
Your obedient serv't

J NEELY JOHNSON.

Mr. Dick introduced the following resolution:

Resolved, (the Senate concurring,) That the Controller of State be and he is hereby instructed not to audit any accounts or issue any warrants for the publication by any newspaper printed in this State of the amendments of the constitution, passed at the sixth session of the Legislature of California, for any other than the three months next preceding the fifth day of September, one thousand eight hundred and fifty-five; nor to audit any accounts or issue any warrants for the publication by any newspaper of the said amendments, unless such newspaper shall have published in full all the said amendments, including the amendment to Section 3 of Article II of the Constitution, which were passed at the sixth session of the Legislature of this State.

Laid over one day under the rule.

Mr Taylor introduced the following Joint Resolution:

Resolved, (by the Senate and Assembly of the State of California) That Solomon Heydenfeldt one of the Justices of the Supreme Court, has the consent of the Legislature to be absent from the State for the space of four months.

Lays over under the rule for one day.

Mr. Taliaferro introduced the following resolution:

Resolved, That the Committee on Printing be instructed to obtain and render to this House, as soon as possible, a statement of the items of printing hitherto ordered by the House, and the contract price for each item; and that a similar

statement for every two weeks hereafter be made up by said committee, and submitted to the House.

Adopted.

Mr. Hunter introduced the following resolution:

Resolved, That the Clerk shall not report any member absent who shall appear and take his seat after the roll has been called.

Indefinitely postponed.

Mr. Sellick offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Assembly, be authorized and directed to certify to the mileage of Mr. Walter Murray, the contestant in the late case of Murray *vs.* Castro.

Mr. Pugh moved the indefinite postponement of the resolution, upon which, Messrs Gray, Haile, and Ricks, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Cone, Downey, Dustin, Gage, Gaston, Haile, Hawes, Heiskell, Holland, Oliver, Pugh, Rathburn, Read, Ricks, Shearer, Sherrard, Stephenson, Sterritt, Stout, Turner, Wagner, Williams, Mr. Speaker—30.

NOES.

Messrs. Beatty, Boring, Brent, Brush, Bynum, Castro, Callbreath, Covarrubias, Davis, Dick, Ewalt, Gray, Hoover, Hunt, Hunter, Kelly, Kendrick, Lamon, Leiby, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Pearson, Reynolds, Sellick, Sharp, Taliaferro, Taylor, Upton, Van Dusen, Welch, White, Winsor, Wohler—37.

So the motion was lost.

The question recurred on the passage of the resolution.

Pending debate, Mr. Taliaferro moved the previous question.

The previous question was sustained.

The question being upon the passage of the resolution, Messrs. Dustin, Haile, and Hunter, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Boring, Bowe, Brent, Bynum, Carter, Castro, Callbreath, Cone, Covarrubias, Davis, Dick, Ewalt, Gray, Hunt, Hunter, Kelly, Kendrick,

Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Pearson, Reynolds, Sellick, Sharp, Taliaferro, Taylor, Upton, Van Dusen, Welch, White, Winsor, Wohler—38.

NOES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Brunton, Coombs, Downey, Dustin, Gage, Gaston, Haile, Hawes, Heiskell, Holland, Hoover, Oliver, Pugh, Rathburn, Read, Ricks, Shearer, Sherrard, Stephenson, Sterritt, Stout, Turner, Wagner, Williams, Mr. Speaker—30.

So the resolution was adopted.

Mr Bowe having voted for the adoption of the resolution, gave notice of a reconsideration of the vote just taken.

Mr. Heiskell offered the following resolution:

Resolved, That the further printing of the daily proceedings of the Assembly for the use of the members be dispensed with, and the Committee on Printing order the same discontinued.

Lays over for one day.

Mr. Holland offered the following resolution:

Resolved, That the Sergeant-at-Arms furnish each Reporter in the Assembly with two printed copies of all documents ordered printed.

Adopted.

Mr. Downey offered the following resolution:

Resolved, (by the Assembly, the Senate concurring,) That our Senators and members in Congress be instructed and requested to use their utmost endeavors to have an Act passed through Congress at this present session, securing to this State the amount of our war indebtedness, and declaring them by the face of our warrants and bonds, and the interest thereon accrued, as the basis of said amount, as said amount is in reality the sum for which the faith of this Sta e is pledged.

Lays over one day.

Mr. Bowe offered the following resolut'on:

Resolved, That no bills be ordered printed by this House until after reference to and report from the appropriate committee.

Lost.

Mr. Brunton offered the following resolution:

Resolved, That the Secretary and Controller of State are hereby authorized

to audit the account of Thomas R Eldredge, for translating the Governor's Message, and accompanying documents, into the French language, in accordance with the resolution passed to that effect, and order the same to be paid from the Contingent Fund of the Assembly.

On motion of Mr Beatty, the House resolved itself into Committee of the Whole to consider the resolution.

House in Committee of the Whole.

Mr. Taylor in the Chair.

On motion of Mr Stout, the Committee rose, reported progress, and recommended that the subject matter of the resolution be referred to the Committee on Accounts and Expenditures.

The report of the Committee was adopted, and the Committee discharged.

Mr. Sellick, from the Committee on Enrollment made the following report:

Mr. Speaker :

The Committee on Enrollment have examined, and find correctly enrolled, Senate bill No 6, an Act to amend an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons, passed January 18, 1856.

SILAS SELLICK,
Chairman.

On motion of Mr Haile, Assembly bill No. 6, an Act appointing a Commissioner to receive from the Government of the United States the moneys heretofore appropriated in payment of the War Debts of this State, and to provide for the disposition of the same, was made the special order of the day for Tuesday, 6th February, at 12 o'clock, M.

On motion, Senate bill No. 7, an Act to amend an Act entitled an Act to fix the time for holding the Terms of the District Courts throughout this State, approved May 4, 1855, was referred to Judiciary Committee.

On motion, Mr. George's Joint Resolution in relation to an Atlantic and Pacific Railroad, was placed at the foot of the Calendar.

The following message was received from the Senate:

SENATE CHAMBER, Jan. 31, 1856,

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on yesterday, the 30th inst, passed Assembly bill No 5, a bill to regulate the per diem allowance of officers of the Senate and Assembly, and to repeal the existing laws relating thereto, and amended the same, in which the concurrence of the Assembly is requested.

Also passed on this day Assembly bill No. 22, a bill for an Act to authorize the Supervisors of Mariposa county to levy a special tax.

Also, passed the following Concurrent Resolution:

Resolved, (by the Senate, the Assembly concurring,) That the Legislature do adjourn, *sine die*, on Thursday, the 7th day of April, A. D., 1856.

Also, passed Assembly bill No. 16, an Act concerning the office of District Attorney for the county of Los Angeles.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

On motion of Mr. Stephenson, the House refused to concur in Senate amendments to the bill to regulate the per diem of officers of Senate and Assembly, and to repeal the existing laws relating thereto.

Upon the question of concurring with the Senate amendments, Messrs. Haile, Winsor, and Rathburn, demanded the ayes and noes, with the following result

AYES.

Messrs. Haile, Holland, Rathburn, Sharp, White, and Winsor—6.

NOES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Bowe, Brent, Brunton, Bynum, Cartter, Castro, Callbreath. Cone, Coombs, Covarrubias, Davis, Dick, Downey, Dustin, Gage, Gaston, Gray, Hawes, Heiskell, Hoover, Hunt, Hunter, Kelly, Kendrick, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Oliver, Oxley, Pearson, Pugh, Reynolds, Ricks, Sellick Shearer, Sherrard, Stephenson, Sterritt, Stout, Taliaferro, Taylor, Turner, Upton, Van Dusen, Wagner, Welch, Williams, Wohler, and Mr. Speaker—61.

So the House refused to concur.

The concurrent resolution in relation to adjournment, referred to in the foregoing message, being under consideration, Mr. Holland moved to insert February 27, 1856.

Mr. Turner moved to amend, by inserting first Monday in March, 1856.

On motion of Mr. Upton, the resolution was laid on the table.

The following report from the delegations from Amador and Calaveras counties was taken up.

Mr. Speaker:

The delegations from Amador and Calaveras counties, to whom was referred

Assembly bill No. 18, an Act to authorize Louis Soher to construct a wagon road from Mokelumne Hill, in Calaveras county, to a point near Butte City, in Amador county, have had the same under consideration, and beg leave to report the same back to the House without amendment, and recommend its passage.

T. W. TALIAFERRO.

Sacramento, January 24, 1856.

The bill abovementioned, was referred to Committee on Corporations.

Mr. Upton made the following report:

Mr. Speaker:

Pursuant to a resolution adopted by the Assembly, the Committee of Ways and Means have instructed me to report the following bill, for an Act making appropriation for the Civil Expenses of the Government of the State.

W. W. UPTON,
Chairman.

The bill was read a first and second time, and referred to Committee on Ways and Means.

Mr. Sherrard, from the Judiciary Committee, made the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 8, an Act to amend an Act in relation to Personal Mortgages in certain cases, passed May 11, 1853, have had the bill under consideration, and respectfully beg leave to report the same back to the House, with the following amendments, and recommend its passage.

Amend the title in the first line, by inserting after the word Act, the words "entitled an Act."

Insert after the words "real property," in the last line, the following proviso: "*Provided*, that nothing in this section shall be construed to impair the validity of any mortgage upon any of the above described property heretofore given."

R. B. SHERRARD,
Chairman.

On motion, the report of the committee was adopted, and bill No. 8, an Act entitled an Act to amend an Act in relation to Personal Mortgages in Certain Cases, passed May 11, 1853, was considered engrossed, read a third time as amended, and passed. Title read and approved.

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 9, a bill

for an Act to provide for the Election of Associate Justices of the Court of Sessions by the People, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its indefinite postponement.

R B. SHERRARD,
Chairman.

On motion, the report was adopted, and bill No. 9, entitled an Act to provide for the Election of Associate Justices of the Courts of Sessions by the People was indefinitely postponed.

Mr. Speaker:

The Judiciary Committee, to whom was referred bill No. 20, an Act entitled an Act to amend an Act entitled an Act concerning the Office of Public Administrator, and making it elective, passed April 15, 1851, have had the bill under consideration, and respectfully beg leave to report it back to the House, with a substitute, and recommend the passage of the same.

The same Committee, to whom was referred Assembly bill No. 3, an Act entitled an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage with the following amendments.

Amend second subdivision of section 2, third line, by striking out "injury," before "real property," and inserting "trespass."

Amend second subdivision of section 4, in last line, by striking out "murder," and inserting "felony."

And by striking out section 5.

R. B. SHERRARD,
Chairman.

On motion, the report was adopted, and the substitute for bill No. 20, entitled an Act in relation to Public Offices, was considered engrossed, read a third time and passed. Title read and approved.

Bill No 3, entitled an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, was, on motion, considered engrossed, read a third time as amended, and passed.—Title read and approved

The petitions introduced by Mr. Blackburn, signed by citizens of Santa Cruz, in regard to permitting certain parties to erect a Wharf at the port of ———, were read and referred to delegations from Santa Cruz aad Santa Clara.

On motion of Mr. Downey, the House adjourned at 2 o'clock, P. M.

IN ASSEMBLY.

FRIDAY, February 1, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

On motion, Mr. Moulthrop was granted indefinite leave of absence on account of indisposition.

Roll called and all the members present.

Journal of yesterday was read and approved.

Mr. Hoover presented petitions praying the establishment of a new county out of portions of Sierra, Yuba and Plumas.

Read and referred to delegation from those counties.

Mr. Dustin presented a petition signed by citizens of Nevada county, praying the Legislature to take such steps as are prescribed in the constitution, as may prove effectual in so changing the provisions of that instrument as to give to Justices' Courts exclusive original jurisdiction in all civil cases where the amount claimed does not exceed five hundred dollars, exclusive of interest; and to so amend the provisions of the statutes as to allow Justices of the Peace to hold their offices for two years.

Read and referred to Committee on the Judiciary.

Mr. McDonald introduced a bill for an Act to exempt and except the county of Klamath from any and all provisions of an Act entitled an Act to regulate Fees of Office, approved April 10, A. D., 1855.

Read a first and second time and referred to Committee on Counties and County Boundaries.

Mr. Bowe introduced a bill for an Act to change the name of Wm. Henry Clark to that of William Clark Benton.

Read a first and second time and referred to the delegation from El Dorado.

Mr Andrews gave notice that sometime after the expiration of five days he would offer a concurrent resolution calling a Joint Convention for the purpose of electing a United States Senator.

Mr. Cone gave notice of a bill to amend an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, passed March 20, 1855.

Mr. Brent gave notice of a bill to amend an Act entitled an Act to punish vagrants, vagabonds and dangerous and suspicious persons, approved April 30, 1855.

Mr. Sherrard made the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred an Act entitled an Act to amend an Act entitled an Act concerning Notaries Public, passed April 30, 1853, have had the bill under consideration, and respectfully beg leave to report the same back to the House and recommend its passage without amendment.

The same committee have had also under consideration, Assembly bill No. 37, an Act entitled an Act, concerning the corporate name of the city of Los Angeles, and beg leave to report the same back to the House, and recommend its passage without amendment.

The same committee to whom was referred Assembly bill No. 15, a bill for an Act to create a Board of Commissioners to revise, reform and properly codify the laws of the State of California, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage, with the further recommendation, that the blank in the first section be filled with the names of Joseph G. Baldwin, Joseph Hoge and Stephen J. Field.

The same committee to whom was referred Assembly bill No. 30, an Act to amend an Act entitled an Act to fund the debt of the county of San Diego, and provide for the payment of the same, have had the same under consideration, and report the same back to the House, and recommend its passage with the following amendment:

Insert before section first, the words, "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

R. B. SHERRARD,
Chairman.

Mr. Stephenson, from Committee on Accounts and Expenditures, presented the following communication from the Superintendent of Public Instruction:

Hon. A. M. STEPHENSON,

Chairman Committee on Accounts and Expenditures:

SIR—

In compliance with the provision of an Act making appropriations to defray the ordinary civil expenses of the Government of this State from the first day

of February, A. D., 1856, approved April 27, 1855, I forward a statement, under official oath of office, of the manner in which the contingent fund appropriation for the office of the Superintendent of Public Instruction has been expended.

Paid Capt. Robbins for hauling, and Julian Humphreys for wood, per vouchers filed in Controller's office,	$44 00
Expenses of attending semi-annual examination of schools, San Francisco,	36 00
McGibbons, sweeping, fire making, and other cares of office and library, and folding documents, &c., per vouchers as above,	150 00
John Harding, for porterage,	2 00
Jesse Sawyer, (Adams & Co's Express,) per vouchers, as above,	35 50
Estate of John C. Gulick, (Wells, Fargo & Co.,) as per voucher,	61 25
McGibbon, services, as above named, three months,	150 00
T. T. Hooper, Postmaster, Benicia, per voucher,	41 00
John Nash, cutting, splitting, and piling wood, and cleaning yard, as per voucher,	33 00
Julian Humphreys, for wood, as per voucher,	14 00
Neville & Co, for candles, $19 69, and $28 40, as per vouchers,	48 09
McGibbons, for services, as above named, per voucher,	195 00
F. M. Folger, work on shelves of Library,	5 00
Traveling expenses to San Francisco Schools and Oakland College,	39 00
John Nash and Richard Carr, for wood, and sawing, splitting, and piling, as per vouchers,	68 00
T. T Hooper, Postmaster, as per voucher,	36 40
J. W. Jones, Pacific Express, as per voucher,	61 76
Amount of appropriation,	$1000 00

There remains due and unpaid the Express account of Shirley & Storer, (Wells, Fargo & Co,) three months' postage account, estimated at $75; clerical services, (Judson Flatt and Anthony Hubbs,) at different periods, as required, making a total of three and a half months, $945; bill for fuel for Jan, estimated at $50; unpaid account of Moore, Allen & Co., for candles, two boxes, about $45; office and library room rent, at $75: none of which have been paid the past year. There may be also an unpaid bill for stationery. It became necessary, also, to give publicity, by advertisement, to some matters deemed imporportant, and none of these have been paid. I estimate the amount of these publications chargeable to the department, if approved by the Legislature, to be about two hundred and fifty dollars.

The entire amount of the contingent expenses of this office, unpaid, I estimate at twenty-four hundred to twenty-six hundred dollars My estimate to the Controller was $2565; some of the items have since been decreased, and some new charges have been presented which were then overlooked.

Very respectfully,
Your obedient servant,

PAUL K. HUBBS,
Superintendent of Public Instruction.

BENICIA, January 31, 1856.

Referred to the Committee on Ways and Means.

Mr. Williams made the following report:

Mr. Speaker:

The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 34, entitled, an Act to change and fix the County Seat of Butte county, respectfully beg leave to report, that they have had the same under consideration, and report the same back to the House, with the following amendment, and recommend its passage:

In the second line of the sixth section, strike out one of the words, "drawn."

All of which is respectfully submitted.

R. L. WILLIAMS,
Chairman.

Mr. Coombs made the following report:

Mr. Speaker:

The undersigned, Special Committee, to whom was referred the matter of the petition of Horace M. Ursey, and nine hundred and seventy four others, citizens of Alameda county, praying the removal of the seat of justice of said county from Alvarado to the place called San Leandro, beg leave to report as follows, to wit:

From inspection of the documents before your committee and the hearing of other audible proofs they find the following facts:

There is a petition presented, signed by nine hundred and seventy-five persons, whom your committee believe to be voters of said county, praying that the seat of justice of said county be located at the place called San Leandro.

That a petition of exactly the same import, signed by one hundred of the voters of said county, has been forwarded to this Honorable Legislature, and will without doubt in a very short time be here presented.

Your committee would further report, that from a certificate duly certified by the county clerk of said county they find that at the last general election in said county the whole number of votes cast was seventeen hundred and thirteen, which shows that a very large majority of the voters of said county are desirous that the county seat of said county should be fixed at the aforesaid place.

And inasmuch as your Committee are informed by the most indubitable proofs that the said place called San Leandro, (where the county seat of said county has once been located by a vote of the electors of said county,) is situated on the most public thoroughfare in said county and very near the centre of the county, and peculiarly accessible, at all seasons of the year, to the whole population of the county, who have, or may have business at the county seat

They would respectfully recommend that a bill permanently locating the seat of justice of said county be passed without delay, and therefore present to the consideration of the House the bill hereto attached.

All of which is respectfully submitted

T. M. COOMBS,
CASWELL DAVIS,
HERMAN WOHLER.

January 30, 1856.

The bill reported by Mr. Coombs from the special committee, entitled an Act to locate the Seat of Justice of Alameda County, and amendatory of an Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization, was taken up.

Read first and second time and referred to Committee on Corporations.

Mr. Wohler moved the rules be suspended for the purpose of having the bill read a third time.

Lost.

The following communication from the Governor was received:

EXECUTIVE DEPARTMENT,
January 31, 1856.

To the Honorable the Assembly of the State of California:

I have this day approved an Act entitled an Act to amend an Act entitled an Act to fix the times of holding the District Courts throughout this State, passed May 18, 1853.

I have the honor to be

Your obedient serv't

J NEELY JOHNSON.

On motion. the rules were suspended and the following resolution, introduced by Mr. Oxley, was adopted:

Resolved, (by the Assembly, the Senate concurring,) That a Joint Committee composed of three members of the Assembly and two members of the Senate, be appointed to examine and report upon the financial transactions of the Treasury Department of this State during the term of office of the late State Treasurer; and that the said committee be fully authorized and empowered to cancel all uncancelled vouchers pertaining to the same, and to send for persons and papers if necessary.

The Speaker appointed Messrs. Oxley, Taylor and Dustin committee on the part of the Assembly.

The following communication from Ex-Governor John Bigler was received:

SACRAMENTO, January 31, 1856.

To the Honorable. the Assembly of California:

In reply to a resolution of the Assembly, passed January 26, 1856, and delivered to me this day by the agent of the Pacific Express Co., I have the honor to state that, on the 7th day of January, and before the organization of the Legislature was completed, I filed in the office of the Controller of State a statement accompanied with vouchers, as required by law, setting forth the manner and for what purpose

the contingent funds allowed the Governor were expended, and in my annual message, dated the 8th and transmitted on the 9th of January, so informed the Senate and Assembly.

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

JOHN BIGLER.

Mr. Turner introduced the following resolution:

Resolved, (with the concurrence of the Senate) That we instruct our Senators and Representatives in Congress, to ask, and use every exertion in their power to have a law passed by Congress requiring the United States Attorney General to have each and every Spanish grant confirmed by the U. S. Land Commissioners, adverse to the United States, appealed and placed properly in their turn before the United States District Court; and if judgment is not reversed there, to send them on as speedily as possible to the U. S. Supreme Court for their investigation.

Under the rule, laid over one day.

Mr. Callbreath introduced the following resolution:

Resolved, That the Directors of the State Prison be and they are hereby required to report to the Assembly, at as early a day as practicable, under oath, the expenses of the Prison of every kind and character, incurred for the month of January, 1856, in the following form, viz:

First—The names and number of officers, and amount of compensation per month allowed each, Directors and Warden included.

Second—The names and number of guards employed, and the amount of compensation per month paid each.

Third—The names and number of other employees, if any, and the amount of compensation per month allowed each.

Fourth—Amount of provisions of every kind purchased, stating the prices paid per pound for beef, pork and flour, and all other articles of provisions.

Fifth—Amount of clothing of every kind purchased, and prices paid.

By leave of the House, Mr. Callbreath introduced a bill for an Act amendatory of an Act entitled an Act to regulate Fees of Officers, approved April 10, 1855.

Read first and second time, and referred to Judiciary Committee.

Mr. Oxley introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to purchase a suitable filtering apparatus for filtering the water for the use of the Assembly.

Adopted.

In accordance with notice given yesterday, Mr. Bowe moved to reconsider the vote by which Mr. Murray was allowed mileage.

Mr. Taylor moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded by Messrs. Reynolds, Lewis and Oxley.

Pending the discussion, Mr. Taliaferro moved the previous question, which was sustained.

The question then recurred upon the motion to indefinitely postpone the motion to reconsider, upon which the ayes and noes having been called, resulted as follows:

AYES.

Messrs. Beatty, Boring, Brent, Bynum, Cartter, Callbreath, Covarrubias, Davis, Dick, Dustin, Ewalt, Gray, Holland, Hunt, Hunter, Kelly, Kenarick, Lamon, Leihy, Lewis, Mathews, McDonald, McFarland, McGehee, Meloney, Pearson, Reynolds, Selluck, Sharp, Sterritt, Swan, Taliaferro, Taylor, Turner, Upton, Van Dusen, Welch, White, Winsor, and Wohler—41.

NOES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Cone, Downey, Gage, Gaston, Haile, Hawes, Heiskell, Hoover, Oliver, Oxley, Pugh, Rathburn, Read, Shearer, Sherrard, Stephenson, Stout, Wagner, Williams, and Mr. Speaker—27.

So the motion to indefinitely postpone the motion to reconsider was carried.

The following communication was received from the Secretary of State.

OFFICE OF SECRETARY OF STATE,
February 1, 1856.

To the Honorable the Senate and Assembly:

In reply to a Concurrent Resolution of January 31, 1856, in relation to the muster rolls of the different Volunteer Companies called into service for the defense of the State against Indian hostilities, I have to state that the vouchers and papers relating to the same are not in my custody, but in the custody of the Controller of State.

Most respectfully, your obedient servt.,

DAVID F DOUGLASS,
Secretary of State.

Assembly bill No 32, an Act to change the name of Louis Schletchway to that of Louis Robinson.

Considered engrossed, read three times, and passed.

Senate bill No. 18, an Act to levy a Special Tax in Tuolumne county for Jail purposes.

Referred to Tuolumne delegation.

Assembly bill No. 30, to amend an Act to fund the Debt of the County of San Diego, and to provide for the payment of the same, approved May 4, 1855.

Considered engrossed, read third time, and passed.

Assembly bill No. 37, an Act concerning the Corporate Name of the City of Los Angeles.

Ordered engrossed.

On motion, the following Senate Concurrent Resolution was taken from the table.

Resolved, by the Senate, the Assembly concurring, That the Legislature do adjourn, *sine die*, on Monday, seventh day of April, A. D. 1856.

Mr. Brent offered to amend the resolution by striking out "April" and inserting "March," and to add to the end of the resolution the words: "*Provided*, That no new business shall be introduced into either House from and after the 1st of March."

Mr White moved to make the resolution the special order of the day for 1st of March, 1856, at 12 o'clock, M.

Upon which, Messrs Sharp, Brent, and Taliaferro, demanded the ayes and noes, with the following result:

AYES.

Messrs Batchelder, Bell, Blackburn, Borland, Bowe, Brent, Bynum, Castro, Davis, Dick, Dustin, Ewalt, Gray, Heskell, Hunt, Hunter, Kelly, Lamon, Leihy, Lewis, McDonald, McFarland, McGehee, Oliver, Oxley, Pugh, Reynolds, Shearer, Stephenson, Swan, Upton, Van Dusen, Wagner, White, Williams, and Winsor—36.

NOES.

Messrs. Andrews, Beatty, Boring, Brunton, Cartter, Cone, Covarrubias, Downey, Gage, Gaston, Haile, Holland, Hoover, Kendrick, Meloney, Pearson, Rathburn, Read, Sellick, Sharp, Sherrard, Sterritt, Stout, Taliaferro, Taylor, Turner, Welch, and Mr. Speaker—28.

So the motion was carried.

Mr. Lamon moved a re-consideration of the vote just taken.

Mr. Hunt moved to indefinitely postpone the motion to re-consider.

Pending debate, Mr. Winsor moved the previous question.

Sustained.

The question then recurred upon the motion to indefinitely postpone the motion to re-consider.

Upon which, Messrs. Brent, Stout, and Boring, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Bynum, Cartter, Castro, Davis, Dick, Dustin, Ewalt, Gaston, Gray, Haile, Hunt, Hunter, Lamon, Leihy, Lewis, McDonald, McFarland, McGehee, Meloney, Oxley, Pearson, Pugh, Rathburn, Reynolds, Sellick, Shearer Stephenson, Sterritt, Swan, Upton, Van Dusen, Wagner, White, Williams, Winsor, Wohler —43.

NOES.

Messrs. Beatty, Boring, Brent, Calbreath, Cone, Covarrubias, Downey, Gage, Heiskell, Holland, Hoover, Kendrick, Oliver, Read, Sharp, Sherrard, Stout, Taliaferro, Taylor, Turner, Welch, and Mr. Speaker—22.

So the motion to indefinitely postpone was carried.

On motion of Mr. Taylor, the following concurrent resolution was taken up:

Resolved, (by the Assembly the Senate concurring.) That Solomon Heydenfeldt, one of the Justices of the Supreme Court, has the consent of the Legislature, to be absent from the State for the space of four months.

Passed.

On motion of Mr. Dick, the resolution in regard to printing amendments to the Constitution, was taken up and passed.

On motion of Mr. Lewis, the House adjourned at half past 1 o'clock, P. M.

IN ASSEMBLY.

SATURDAY, February 2, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and all the members present.

Journal of yesterday was read and approved.

Mr. Hunter was granted leave of absence for one day, and Messrs. Taylor, Wohler and Mathews each for two days.

Mr Lewis presented a petition praying the establishment of a new county out of portions of Butte, Colusi and Shasta.

Read and referrred to delegations from those counties.

Mr. Stephenson present d a petition from citizens of Napa county praying that the boundary line between Napa and Solano may be placed in its original position.

Read and referred to Committee on Counties and County Boundaries.

Mr. Coombs introduced a bill to repeal an Act entitled an Act to create a Board of Supervisors for the county of Alameda and provide for the government of said county.

Read first and second times and referred to Committee on Judiciary.

Mr. Brent introduced a bill for an Act to amend an Act entitled an Act to punish vagrants, and dangerous and suspicious persons, approved April 30, 1855.

Read first and second times and referred to Committee on Judiciary.

Mr. Swan introduced a bill for an Act to authorize the issuing of a School Land Warrant to Thomas Baker.

Read first and second times and referred to Committee on Claims.

Mr. Bynum introduced a bill for an Act respecting Stallions.

Read first and second times and referred to Committee on Agriculture.

Mr. Haile introduced a bill proposing certain amendments to the Constitution.

Read first and second times and referred to Judiciary Committee.

Mr. Castro introduced a bill for an Act to incorporate the town of San Luis Obispo.

Read first and second times and referred to Committee on Corporations.

Mr. Meloney introduced a bill for an Act concerning lawful fences, and animals trespassing on premises lawfully enclosed.

Read first and second times and referred to Committee on Agriculture.

By leave, Mr Callbreath introduced a bill for an Act amendatory of an Act entitled an Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State, passed April 28, 1855.

Read first and second times and referred to Committee on Public Lands.

Mr. Lewis gave notice of a bill to create a new county, define its boundaries, and provide for its organization.

Mr McDonald gave notice of a bill for the appropriation of ——— dollars, for the purpose of running the boundary line between the counties of Klamath and Humboldt.

Mr. Ricks gave notice of a bill to incorporate the town of Eureka in the county of Humboldt.

Mr. McFarland gave notice of a bill to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Mr. Brunton gave notice of a bill to amend the law in regard to Road Tax, so as to enforce the speedy collection of such tax in the County of Tuolumne.

Mr. Upton gave notice of a bill for an Act to define the term of office and fix the salary of the District Judge of the Fifteenth Judicial District.

Mr. Bynum gave notice of a bill for an Act amending an Act entitled an Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State, approved April 28, 1855.

Mr. Sellick made the following report.

Mr. Speaker:

The Enrolling Committee have carefully compared the following bill and find the same correctly enrolled:

No. 16, an Act concerning the office of District Attorney for the county of Los Angeles.

SILAS SELLICK,
Chairman.

Mr. Taliaferro introduced the following resolution :

Resolved, That the use of the Assembly Chamber on to-morrow evening, be and the same is respectfully tendered to Mrs. Farnham for the purpose of delivering a public lecture.

Adopted.

Mr. Van Dusen introduced a concurrent resolution authorizing the Secretary of State and Controller to audit the account of Thomas R. Eldridge for translating the Governor's Message into the French language.

Lays over under the rules for one day.

The following communication was received from the Ex-Surveyor General, S. H Marlette :

SACRAMENTO, February 1, 1856.

To the Hon. J. T. FARLEY, *Speaker of the Assembly :*

SIR—

In answer to a resolution purporting to have passed the Assembly on the 26th ult., which has just been received, calling upon the Ex-Surveyor General to report to that honorable body "the manner and for what purposes the contingent funds of his office have been expended," I have to state that my annual report, which will be transmitted early in the coming week, will contain a full statement of the expenditures of the Surveyor General's office since the first of February, 1855.

I have the honor to be,
Very respectfully,
Your obedient servant,

S. H. MARLETTE,
Ex-Surveyor General.

The following report was received from the State Controller, and was ordered printed :

COPY OF A RESOLUTION RECEIVED BY THE CONTROLLER OF STATE, UPON WHICH THE FOLLOWING EXHIBIT HAS BEEN MADE.

Resolved, That the Controller be, and is hereby, requested to furnish this House with all the information in his possession in relation to the money placed at the disposal of the Attorney General, under an Act of the Legislature of March 20, 1855, for the purpose of prosecuting claims of the State to Escheated Estates, the amount of Warrants that have issued, if any, and to whom issued, and for what particular services. Adopted January 26, 1856.

Endorsed—

J. M. ANDERSON,
Clerk of Assembly.

No. I.

Warrants Nos. 2,675, 2,676, *and* 2,677, *issued March* 22, 1855, *to William A. Cornwall*, $1,568.

STATE OF CALIFORNIA,

TO WILLIAM A. CORNWALL, DR.

Nov 1 1854—For services, 124 days, preparing a history of the Leidesdorff Estate, at twelve dollars ($12) per day, - -	$1,488 00
For cash paid to A Zabriskie, for searching records at Sacramento, -	15 00
Paid Recorder of Santa Clara County for transcript of record, -	15 00
For traveling expenses from San Francisco to Sacramento and back, and from San Jose to Sacramento and back, - - - -	50 00
	$1568 00

State of California, County of San Francisco—I certify that the within charges of service rendered in preparing a history of the Leidsdorff Estate, are correct and reasonable, that the same were made and incurred in the prosecution of the claim of the State to Escheated Property, and that the case in which charges are made or expenses incurred, "The State of California *vs* J. Sibly Folsom."

J. R. McCONNELL,
Attorney General.

No. II.

Warrants Nos. 3098, 3099, 3100, 3101, *and* 3102, *issued April* 3*d*, 1855, *to Wm. M. Stewart*, $5000.

APRIL 2d, 1855.

THE PEOPLE *vs.* HENRY GERKE, AND OTHERS.

THE STATE OF CALIFORNIA,

TO WM. M. STEWART, DR.

To retainer in said action, - - - - -	$2000 00
" services in conducting said action, - - - -	1000 00
THE PEOPLE *vs.* STOUT, ET AL.	
" retainer last named action, - - - -	2000 00
	$5000 00

The Controller is hereby authorized to receipt for the above bill when he draws his Warrants therefor.

W. M. STEWART.

SACRAMENTO, April 3, 1855.

I, J. R. McConnell, do hereby certify that the within charges of William M. Stewart, for legal services rendered by him, at my request, in the two actions brought by me, on behalf of the State, to recover Escheated Property, of the Peo-

ple against Gerke and Clark, and the People against Arthur Stout, and others, are correct and reasonable in amount.

J. R. McCONNELL,
Attorney General, Cal.

APRIL 2d, 1855.

J. R. McConnell, Attorney General, is hereby authorized and empowered to have the warrants, for the within bill, issued in my name, and also to receipt therefor, in my name.

WM. M. STEWART.

No. III.

Warrant No. 3923, *issued May* 3, 1855, *to Wm. P. Hallett*, $35.

SAN FRANCISCO, May 2, 1855.

JOHN R. McCONNELL,

To WM. P. HALLETT, DR.

To copying one hundred folios, in the case of the People *vs.* Stout, and others, at 35 cts. per folio, - - - - - $35 00

I hereby authorize Samuel Bell, Controller of the State of California, or any Clerk in his office, to receipt in my name for the Warrant issued for the above account.

WM. P. HALLETT.

I hereby certify the within account of Wm. P. Hallett, for services rendered by him, is correct; that the services for which said account is presented, were rendered as copyist, at my request, in the case of the People *vs.* the Claimants of the Elmora Estate, which is claimed by the said People to have escheated, and that the said services were necessary and legal.

J. R. McCONNELL,
Attorney General.

May 2, 1855.

No. IV.

Warrants Nos. 4221 *and* 4222, *issued May* 10*th*, 1855, *to Louis Blanding*, $2000.

SAN FRANCISCO, Cal., May 9, 1855.

SIR—

You will oblige me by issuing to me State Warrants in payment of the annexed account, for Two Thousand Dollars, ($2000.) You will please issue them in two amounts, each of One Thousand Dollars ($1000.)

STATE OF CALIFORNIA,

TO LEWIS BLANDING, ATTORNEY AT LAW, DR.

To legal services in the case of the People *vs* Stout, et al,	-	$1000 00
" " " " " " " *vs.* J. S. Folsom,	-	1000 00
		$2000 00

I am your obedient servant,

LOUIS BLANDING.

ATTORNEY GENERAL'S OFFICE,
May 9, 1855.

I hereby certify that Lewis Blanding, Esq., has rendered certain legal services to the State, as Assistant Counsel, in the case of the People against Stout, et als, claimants of the estate of Jacinto El Moro, deceased, and also in the case of the People *vs.* J. S Folsom, both of which suits, are now pending, for the recovery of property alleged to have escheated to the State, that said services were necessary to the successful prosecution of said suits, rendered at my retainer and request. I also certify that the charges herein made by Mr. Blanding, are reasonable and just.

J. R. McCONNELL,
Attorney General.

Know all men by these presents, that I, Louis Blanding, of the city of San Francisco, in the State of California, do hereby authorize and empower Elam Covington, Esq., in my name to draw the warrants due on my account against the State of California, for legal services rendered in the causes of the People *vs* Stout, *et al*, and the Same *vs* J. S Folsom, this day forwarded to Samuel Bell, Controller of State, to receipt for the same in the books of the Controller, and transmit them to me.

In witness whereof, I have hereunto set my hand and seal this 9th day of May, A. D, 1855.

LOUIS BLANDING.

Signed and sealed in presence of
C. WELCH.

No. V.

Warrant No. 4303, *issued May* 21, 1855, *to Foote & Aldrich, for* $4000.

THE STATE OF CALIFORNIA,

TO FOOTE & ALDRICH, DR.

To retainer and services rendered in the following cases, viz:

The People *vs* J S. Folsom, *et al.*		
The People *vs* J S Folsom, *et al.* [Sixth Judicial District.]		
The People *vs.* Arthur B. Stout, *et al.*		
The People *vs.* Claimants of the estate of Beckett,	-	$4000 00

I hereby certify that I have retained Messrs. Foote & Aldrich, as assistant counsel on behalf of the State, in the several causes of the People *vs* J S. Folsom; The Same *vs.* Arthur B. Stout, *et al*, and The Same *vs* The occupants of the estate of Beckett, deceased—all of which actions are for the recovery of property claimed to have escheated I further certify, that the above charges of Messrs Foote & Aldrich are reasonable and correct for the services rendered, and that the said services are necessary for the successful prosecution of the said suits.

J. R. McCONNELL.
Attorney General.

Attorney General's Office, May 18, 1855.

John B Harmon, Esq, of the city of Sacramento, is hereby authorized to receive a warrant or warrants for the foregoing sum, from the Controller of State, and to receipt in our names for the same.

FOOTE & ADDRICH.

May 18, 1856.

No. VI.

Warrant No 4,440, *issued May* 31, 1855, *to J. R. Coryell, for* $1,500.

The State of California,

To John R. Coryell, Dr.

To inventory and description of the Estate of James Beckett, deceased, - - - - - - - - -	$1,000 00
To further services, and history of the said estate, - - -	500 00
	$1,500 00

San Francisco, Cal., May 26, 1855.

I hereby authorize Mr. Covington to receipt, in my name, for the warrant drawn in payment of the above account.

JOHN R. CORYELL.

I hereby certify that I have employed J. R. Coryell to examine into the circumstances connected with the estate of James Beckett, deceased, to obtain the testimony necessary for successfully prosecuting the claim of the State to said estate, and also to make an inventory of the property belonging to the same. I further certify that the services rendered by the said Coryell, in pursuance of said engagement by me, are necessary for the successful prosecution of the action now pending in the Twelfth District Court on the part of the people, for the recovery of the said Beckett's estate, which, it is alleged on behalf of the State, has escheated. I further certify that the within account for such services is just and reasonable.

J. R. McCONNELL,
Attorney General.

May 27, 1855.

No. VII.

Warrant No 4,458, *issued June* 6, 1855, *to John Nugent, for* $40.

STATE OF CALIFORNIA,

TO SAN FRANCISCO HERALD, DR.

1855. To advertising publication order, - - - - $40 00

I hereby certify that the San Francisco Herald has, at my request, published a certain order for the space of one month. for the State of California; that said order was published at my request, and that the publication of the same was necessary to the prosecution in behalf of the State of her claim to the property of James Beckett, deceased, which is supposed to have escheated, and for which an action is now pending in the Twelfth Judicial District Court. I further certify that the above charge ($40) is reasonable and proper.

J. R. McCONNELL,
Attorney General.

ATTORNEY GENERAL'S OFFICE, June 5, 1855.

I hereby authorize Mr. Covington, Clerk in the Controller's office, to draw the warrant for the amount of the above account, and receipt for the San Francisco Herald on the Books of the Controller.

M. DELANEY,
For JOHN NUGENT.

No. VIII.

Warrant No. 50, *issued July* 5, 1855, *to William M. Stewart, for* $5,000.

THE STATE OF CALIFORNIA,

TO WM. M. STEWART, DR.

To professional services in the case of the People *vs.* J. S. Folsom,	$3,000 00
The same, in the matter of the estate of James Beckett, deceased, claimed by the State as escheated property, - - -	2,000 00
	$5,000 00

San Francisco, July 3, 1855.

I hereby certify that the within account for services rendered by Mr. Stewart as assistant counsel in the cases therein named by him is correct: that I engaged him to render said services, and that the same were necessary to the proper and successful prosecution of the said cases and that the charges are reasonable, &c. I further certify that the cases mentioned by him in said account are proceedings instituted by me as Attorney General, for the recovery of property supposed to have escheated to the State.

J. R. McCONNELL,
Attorney General.

San Francisco, July 3, 1855.

Friend COVINGTON:

DEAR SIR:—Herewith enclosed I send you an order endorsed by McConnell, for professional services in Escheats. Please issue the scrip, receipt the Controller's books in my name, and present the scrip to the Treasurer for payment so that it may be registered and paid in its order.

Yours, truly,

WM. M. STEWART.

No. IX.

Warrant No. 53, *issued July* 6, 1855, *to Foote & Aldrich* $6,000.

STATE OF CALIFORNIA,

To FOOTE & ALDRICH, DR.

July 5th, 1855. To professional services in the following cases, viz:

The People *vs.* Folsom,
The People *vs.* Stout and others.
The People *vs.* claimants of the Estate of James Beckett, - $6000 00

I hereby certify that the within account of Messrs. Foote and Aldrich is correct; that the charges therein made are reasonable and correct; that the services for which such charges are made were rendered by them as assistant counsel in the several cases mentioned in said account, at my instance and request. I further certify that the cases therein mentioned were instituted by me for the recovery of property supposed to have escheated to the State, and that the services rendered were necessary to the successful prosecution of the said causes.

J. R. McCONNELL,
Attorney General, Cal.

ATTORNEY GENERAL'S OFFICE, July 5, 1855.

SAN FRANCISCO, July 5, 1855.

Hon. SAM BELL, Controller of State:

DEAR SIR:—

The Controller or Mr. Covington is hereby authorized to receipt the Controller's books, for the warrants drawn for the enclosed account. Please present the warrants when drawn to the Treasurer for payment, and have them registered and sent to us.

Yours, truly,

FOOTE & ALDRICH.

No X.

Warrant No. 76. issued July 10, 1856, to W. M. Moore, for $1,800.

THE STATE OF CALIFORNIA,

To WHARTON M. MOORE, DR.

For services as copyist and clerk, rendered in the following cases, instituted on behalf of the State, by the Attorney General, for the recovery of real property, claimed by the State to have escheated.

CASES.

The People *vs.* J. S. Folsom —Fourth District Court, on appeal to Supreme Court.
The People *vs* J. S. Folsom —Sixth District Court, also now on appeal.
The People *vs.* Stout and others.—Twelfth District Court
The People *vs.* the Public Administrator of San Francisco County, and other claimants of the estate of James Beckett, deceased—in the Fourth District Court, - - - - - - - $1,800 00

I hereby authorize and empower Mr. Covington, Clerk in the Controller's office, to draw the warrant for the above account, in my name, and receipt for me on the books of the Controller; also, to present it to the Treasurer for payment.

WHARTON M. MOORE.

JULY 9, 1855.

SAN FRANCISCO, July 9, 1855.

Please send by Express, directed to the care of William M. Stewart, Esq, No. 29 Montgomery block.

Respectfully yours,

WHARTON M. MOORE.

I hereby certify to the correctness of the within account. I further certify, that the services for which said account is presented, was performed by Wharton M Moore, at my request, from the 1st of December 1854, up to the present date, and that said services were necessary to the successful prosecution of the different cases in which they were rendered, and that said cases were instituted to recover escheated property. I further certify, that said charges are reasonable in amount.

J. R. McCONNELL,
Attorney General.

JULY 9, 1855.

No. XI.

Warrant No. 131, *issued July* 21, 1855, *to S. J. May & Co., for* $300.

SACRAMENTO, July 21, 1855.

STATE OF CALIFORNIA,

To S J. MAY & Co., DR.

To printing 50 copies Attorney General's brief, in case of State *vs.* J. S. Folsom, - - - - - - - $300 00

I hereby certify the within account of the Tribune to be correct; that the services for which this account is charged, were rendered by said Printing office at my request, in a certain proceeding now pending in the Supreme Court, in which The People are plaintiffs, and J S. Folsom defendant, for the recovery of property supposed to have Escheated to the State. I further certify, that the services so rendered, were necessary to the successful prosecution of said proceeding, and that the charges in said account are reasonable and just.

J. R. McCONNELL,
Attorney General.

JULY 21, 1855.

No. XII.

Warrant No. 141, *issued July* 26, 1855, *to J. R. Beard, for* $598 00.

SACRAMENTO, July 26, 1855.

STATE OF CALIFORNIA,

To JOSEPH R. BEARD, CLERK SUP. COURT, DR.

For fees to date, in the Folsom and Deeke estates, as per items, $598 00

I hereby certify, that the within account of Joseph R. Beard, is correct; that the services for which the same is presented, were performed by him as Clerk of the Supreme Court, in the several cases of The People *vs* Gerke & Clark, the same against Folsom, appealed from the Fourth District Court, and the same against Folsom, appealed from the Sixth District Court, all of which are prosecutions on the part of the State, for the recovery of property supposed to have escheated. I further certify, that said services were necessary, and that the account is reasonable.

J. R. McCONNELL,
Attorney General.

No. XIII.

Warrant No. 264, *issued August*, 1855, *to L. Blanding*, $500.

SAN FRANCISCO, August 13, 1855.

STATE OF CALIFORNIA,

TO LOUIS BLANDING, DR.

To legal services in the suit of The People *vs.* Stout *et al.* - $500 00

Received payment,

LOUIS BLANDING.

I hereby certify that the within account of Mr. Blanding, for services rendered by him, in the case of the People *vs.* Stout *et al*, a prosecution entered into by me for the recovery of property supposed to have escheated is correct; that said services were necessary to the successful prosecution of the same, and the charges he has made are just and reasonable.

J. R. McCONNELL,
Attorney General.

No. XIV.

Warrant No. 291, *issued Aug.* 29, 1855, *to Alta California Printing and Publishing Co.*, $60 75.

SAN FRANCISCO, June 15, 1855.

STATE OF CALIFORNIA,

TO ALTA CALIFORNIA PRINTING AND PUBLISHING COMPANY, DR.

Advertising State of California *vs.* Jos. S. Folsom, 3 sqs. 1m - $60 75

Received payment,

For value received I hereby authorize W. W. Gift & Co., to receive and receipt to the Controller of State for any Warrant which may issue on above account and to sell and transfer same.

C. A. WASHBURN,
President Alta Cal. P. & P. Co.

I hereby certify the within account of the Alta California newspaper to be correct; that the services for which the same is due were rendered by said newspaper in publishing an order of Court in a certain cause by me instituted for the recovery of property supposed to have escheated, wherein the people were plaintiffs, and J. S. Folsom, defendant; that said services were necessary to the prosecution of said cause, and that the charges for the same are reasonable.

J. R. McCONNELL,
Attorney General.

ATTORNEY GENERAL'S OFFICE, Aug. 24, 1855.

The within account to be paid out of a fund appropriated for the prosecution of escheated property.

No. XV.

Warrant No. 530, *issued November* 24, 1855, *to H. I. Thornton, Jr., for* $1,000

THE STATE OF CALIFORNIA,

To HARRY I. THORNTON, JR. DR.

To retaining fee, and professional services rendered the State in the case of the People *vs.* James Harlin, at the request and in pursuance of an engagement by the Attorney General; said suit instituted and carried on for the recovery of property alleged to have escheated to the State, - - - - - - $1,000 00

(Signed)

HARRY I. THORNTON, JR.

I, J. R McConnell, Attorney General of the State of California, do hereby certify that I have retained Harry I. Thornton, Esq., to aid in the prosecution of a certain proceeding now pending in the District Court of Yolo county, wherein the people are plaintiffs, and one James H rlin and others, are defendants, for the recovery of property alleged to have escheated to said State. I further certify that the services mentioned in the within account were rendered by Mr. Thornton, and the amount charged is just and reasonable.

J. R. McCONNELL.

NOVEMBER 18, 1855. Attorney General State of California

RECAPITULATION.

William A. Cornwall, - - - -	$1,568 00
Wm. M. Stewart, - - - -	5,000 00
Wm. P. Hallett, - - - -	35 00
Louis Blanding, - - - -	2,000 00
Foote & Aldrich, - - - -	4,000 00
J. R Coryell, - - - -	1,500 00
John Nugent, - - - -	40 00
William M Stewart, - - -	5,000 00
Foote & Aldrich, - - - -	6,000 00
W. M. Moore, - - - -	1,800 00
J. S. May & Co., - - - -	300 00
Joseph R. Beard, - - - -	598 00
Louis Blanding, - - - -	500 00
Alta California Printing and Publishing Company,	60 75
Harry I. Thornton, - - - -	1,000 00
Total, - - - -	$29,401 75

STATEMENT OF THE FUND, FEBRUARY 7, 1856.

Act to provide for the prosecution of Escheated Estates, March 20, 1855. Statutes of 1855, Folio 57.

Appropriation, - - - - -	$30,000 00
Warrants drawn to Feb. 1, 1855, - - -	29 401 75
Balance on hand, - - - - -	$598 25

Respectfully submitted,

GEORGE W. WHITMAN,
Controller of State.
By WILLIAM WILLIS, Clerk.

OFFICE OF CONTROLLER OF STATE,
Sacramento.

I, George W. Whitman, Controller of the State, do certify, that the foregoing are full, true, and correct copies of all the vouchers now on file in my office, in relation to the prosecution of Escheated Estates, upon which the aforementioned and described Warrants have been issued.

In testimony whereof, I have hereunto set my hand, and affixed my official seal, this, the first day of February, A. D., one thousand eight hundred and fifty-six,

GEORGE W. WHITMAN,
Controller of State.
By WM. WILLIS, Clerk.

The following messages were received from the Senate:

SENATE CHAMBER, Feb. 1, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate on this day passed Assembly bill No. 12, an Act concerning Evidence.

Also, Senate bill No. 9, an Act amendatory of and supplementary to an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State.

Also, Senate appointed a committee of conference, consisting of Messrs. Ashley, Coffroth, and Tilford, for the purpose of conferring with a like committee of the Assembly, on Assembly bill No. 5, a bill to regulate the *per diem* allowance of officers of the Senate and Assembly, and to repeal the existing laws relating thereto.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

The following bills were taken up:

Assembly bill No. 53, an Act amending an Act entitled an Act concerning Notaries Public, passed April 30, 1853.

On motion of Mr. Brent, the bill was made the special order for Wednesday, 6th, at 12 o'clock, M.

Assembly bill No. 34, an Act entitled an Act to change and fix the County Seat of Butte county.

On motion of Mr. Dick, was laid on the table.

Assembly bill No. 44, an Act to locate the Seat of Justice of Alameda county, and amendatory of an Act to create the county of Alameda, and establish the Seat of Justice therein, to define the boundaries, and to provide for its organization.

On motion, was considered engrossed, read a third time, and passed.

Assembly bill No 5, a bill to regulate the *per diem* allowance of Officers of the Senate and Assembly, and to repeal the existing laws relating thereto, was taken up, and Committee of Conference on the part of the House, consisting of Messrs Stephenson, Kelly and Hawes were appointed to confer with a similar committee on the part of the Senate.

Senate bill No. 9, an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State.

Read first and second time, and referred to the Judiciary Committee.

The following communication was received from the ex-Treasurer of State:

SACRAMENTO, February 2, 1856.

To the Honorable Speaker of the Assembly:

I have this moment received official notice of the passage by the Assembly of a resolution requesting the ex-Governor, ex-Controller, ex-Treasurer of State, *et al*, to report to this House the manner and for what purposes the contingent funds for their respective offices have been expended. To which I beg leave to reply: That in all cases where expenditures were made from the contingent funds of the State Treasury Department, during my administration of the same, it was my invariable rule to make out, or cause to be made out, an explicit and full statement of the nature of the expenditure, and file the same in the Controller's office, which, if satisfactory to the Controller, was paid on the order of that officer to the parties entitled to receive it, and such warrants filed as a voucher in the Treasurer's office. I beg leave, therefore, to refer your honorable body to the office of Controller of State, where all my accounts will be found on file, and will exhibit a complete history of the manner of payment, and the purposes for which the contingent fund of my office has been expended.

I have the honor to be, respectfully,
Your obt. servt.,

S. A. McMEANS,
Ex-State Treasurer.

Mr. Upton, from Committee on Ways and Means, reported back the following bill, and recommended its passage.

Assembly bill No. 38, a bill for an Act making Appropriations for the Civil Expenses of the Government of the State.

Mr. Hawes moved that the usual number of copies be ordered printed.

Carried.

Mr. Davis reported the following bills, and recommended their passage:

A bill for an Act authorizing David Ghirky and others to build a Wharf at Santa Cruz.

Also, a bill for an Act authorizing J. E. Davis and A. P. Jordan, and others, to construct a Wharf at Santa Cruz.

Bills read first and second time, and referred to Committee on Commerce and Navigation.

Mr. Welch from the El Dorado delegation, made the following report:

Mr. Speaker:

The El Dorado delegation, to whom was referred the bill to change the name of William Henry Clarke to that of William Clarke Penton, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

L. S. WELCH.

The bill above referred to was considered engrossed, read third time, and passed.

Mr. Turner's Concurrent Resolution relating to Spanish Grants confirmed by the U. S. Commissioners, was taken from the table, and made the special order of the day for Wednesday, the 6th of February, 1856, at 1 o'clock, P. M.

The Concurrent Resolution introduced by Mr Downey, in relation to the passage by Congress of an Act in regard to the appropriation made for the payment of the Indian War Debt of this State, was taken up, and passed.

On motion of Mr. Beatty, the House adjourned at half past 12 o'clock, P. M.

IN ASSEMBLY.

MONDAY, February 4, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Mr. Heald was granted leave of absence for one day.

Roll called and all the members present except those absent on Committee duties.

Journal of Saturday was read and approved.

Mr Brunton presented a petition from property holders in Tuolumne County praying for the passage of an Act to enforce the collection of Road Tax in said County.

Read and referred to delegation from Tuolumne.

Mr. Brunton introduced a bill to enforce the collection of Road Tax in the County of Tuolumne.

Read a first and second time and referred to Committee on Roads and Highways.

Mr. Haile gave notice of a bill to Fund the indebtedness of the county of Napa, and to liquidate the same.

Mr. Davis gave notice of a bill authorizing county authorities to work convicts in certain cases.

Mr. Bell gave notice of a bill amendatory to an Act entitled an Act concerning the salaries of officers and pay of members of the Legislature, passed May 11, 1852.

Mr. Gaston gave notice of a bill to define the time when county officers elected in Sierra County should enter upon the discharge of their duties.

The following report, made by Mr. Stephenson, was taken up:

Mr. Speaker:

The Committee on Accounts and Expenditures having had under considera-

tion the resolution in reference to the payment of Thomas R. Eldridge for translating the Governor's message and accompanying documents, beg leave to report the same back and recommend its passage.

A. M. STEPHENSON,
Chairman.

On motion, the resolution was referred to the Committee of the Whole.

On motion, the House resolved itself into Committee of the Whole for the purpose of taking into consideration bill No. 2, an Act to repeal the several Charters of the City of San Francisco, etc., introduced by Mr. Hawes, January 14, 1856.

House in Committee of the Whole.

Mr. Taliaferro in the chair.

Committee rose, reported progress, and asked leave to sit again.

Report received.

On motion, the following bills were taken up:

Senate bill No. 26, an Act amendatory of an Act entitled, an Act to provide for the incorporation of Wagon-road Companies, passed April 22, 1853.

Read first and second times, and referred to Committee on Roads and Highways.

Senate bill No. 37, an act in relation to the surety on the official bond of H. K. Swope, late Sheriff of Tuolumne county.

Read first and second times, and referred to Judiciary Committee.

Senate bill No. 33, an Act to provide for funding the floating debt of the City of Marysville, and for the extinguishment thereof, and other purposes.

Read a first and second times and, on motion, the rules were suspended and the bill was being read a third time, when Mr. Sellick moved a call of the House, which motion was sustained.

The roll being called, a quorum appeared present.

Mr. Oxley moved that further proceedings under the call be dispensed with, which motion, on a division of the House, was lost—Ayes 16—Noes 31.

The absentees appearing outside the bar of the Assembly, on motion of Mr. Oxley, they were admitted, and further proceeding under the call dispensed with.

The bill was then read a third time and passed.

Title approved.

Reports from Committees on Agriculture, and Accounts and Expenditures, were received, and placed on the general file.

Mr. Sellick made the following report:

Mr. Speaker:

The Enrolling Committee have carefully compared the following Assembly bills, and find the same correctly enrolled:

No. 12, an Act concerning evidence.

No. 22, bill for an Act to authorize the Supervisors of Mariposa county, to levy a special tax.

SILAS SELLICK,
Chairman.

The following messages were received from the Senate:

SENATE CHAMBER, February 2, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate, on this day, passed Senate bill No. 26, an Act amendatory of an Act entitled, an Act to provide for the incorporation of Wagon-road companies, passed April 22, 1853.

Also, concurred in the following Assembly concurrent resolutions:

Resolved, by the Assembly, the Senate concurring, That our Senators and Members in Congress, be instructed and requested to use their utmost endeavors to have an Act passed through Congress at this present session, securing to this State the amount of our War indebtedness, and declaring thereby, the face of our warrants and bonds, and the interest thereon accrued, as the basis of said amount, as said amount is in reality the sum for which the faith of this State is pledged.

Also, concurred in the following:

Resolved, by the Assembly the Senate concurring, That Solomon Heydenfeldt, one of the Justices of the Supreme Court, has the consent of the Legislature to be absent from the State for the space of four months.

Resolved, the Senate concurring, That the Controller of State be and is hereby instructed not to audit any accounts or issue any warrants for the publication by any newspaper printed in this State, of the amendments to the Constitution, passed at the sixth session of the Legislature of California, for any time other than the three months next preceding the fifth day of September, one thousand eight hundred and fifty-five, nor to audit any accounts or issue any warrants for the publication by any newspaper, of the said amendments, unless such newspaper shall have published in full all the said amendments, including

the amendment to section 3d, of Article 11th, of the Constitution, which were passed at the sixth session of the Legislature of this State.

Also, on this day, February 4th, 1856, passed Senate bill No. 37, an Act in relation to the sureties on the official bond of H. K. Swope, late Sheriff of Tuolumne county.

Also, passed Senate bill No. 33, an Act to provide for funding the floating debt of the city of Marysville and for the extinguishment thereof and other purposes.

Also, following concurrent resolution of Assembly, and have appointed Messrs. Burton and Ashley as said Committee:

Resolved, by the Assembly the Senate concurring, That a Joint Committee composed of three members of the Assembly and two members of the Senate be appointed to examine and report upon the financial transactions of the Treasury Department of this State, during the term of office of the late State Treasurer. And that said committee be fully authorized and empowered to cancel all uncancelled vouchers pertaining to the same and send for persons and papers if necessary.

Mr. Stout made the following report:

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed an Act entitled an Act in relation to public officers.

Also, an Act entitled an Act in relation to personal mortgages in certain cases, passed May 11, 1853.

Also, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May 19, 1853.

Also, an Act to locate the Seat of Justice of Alameda County, and amendatory of an Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization.

LANSING STOUT,
Chairman.

Mr. Hawes, from the San Francisco delegation, reported bill No. 2, with amendments.

Report read and placed on general file.

On motion, the following report, presented by Mr. Bynum, was taken from the file.

Mr. Speaker:

The Committee on Agriculture, to whom was referred bill No. 27, entitled an Act concerning Estray Animals, have had the same under consideration, and

beg leave respectfully to submit the following substitute and recommend its passage.

E. BYNUM,
Chairman.

The substitute referred to was read, and, on motion, was laid on the table.

Upon leave, Mr. McFarland introduced a bill for an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Read first and second times, and referred to Committee on Judiciary.

Mr. McFarland moved to take up Assembly bill No. 15, an Act to create a Board of Commi sioners to revise, reform, and properly codify the Laws of the State of California, and make it the special order for Friday, 8th February, at 12 o'clock, M.

Motion carried.

On motion of Mr. Gray, the communication from the Secretary of State in relation to certain contracts, was taken up and read.

Mr. Gray explained, stating that he was satisfied with the contract.

Mr. Oxley offered the following resolution:

Resolved, That during the present sessions of the Legislature, the Assembly Chamber shall be used for none other than legislative business, except when granted by two thirds of all the members.

Adopted.

Mr. Dick moved to take from the table Assembly bill No. 34, an Act entitled an Act to change and fix the County Seat of Butte county

The bill was taken up and Mr. Dick moved to strike out all after the enacting clause, and offered a substitute.

Mr. Gage moved a call of the House.

Lost.

On motion of Mr. Oliver, the substitute offered by Mr Dick was adopted.

Mr. Taliaferro moved to strike out forty days, and insert eighty days.

Lost.

Mr. Taliaferro offered an amendment, so that wherever the word "plurality" occurred, to insert "majority."

Adopted

On motion of Mr. Ricks, the vote was reconsidered.

The amendment of Mr. Taliaferro was then rejected.

The bill was ordered engrossed for a third reading.

Mr. Ricks offered a bill for an Act to incorporate the Town of Eureka.

Read first and second time and referred to Committee on Corporations.

Upon motion of Mr. Upton, the House adjourned at half past one o'clock, P. M.

IN ASSEMBLY.

TUESDAY, February 5, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and members all present except those absent on leave and Committee duty.

Leave of absence was granted for one day to Messrs. Welch and Hunter.

The Journal of yesterday was read and approved.

Mr Lewis introduced a bill to create the County of Tehama, to define its boundaries, and provide for its organization.

Read a first and second time and referred to delegations from Butte, Shasta and Colusi.

Mr. Upton introduced a bill to define the term of office of the District Judge of the Fifteenth Judicial District, and to fix his salary.

Read a first and second time and referred to Judiciary Committee.

Mr. Stout introduced a bill to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March 24, 1855.

Read a first and second time and referred to Committee on Ways and Means.

Mr Brunton introduced a bill to constitute the Sheriff of Tuolumne County the legal collector of all taxes for licenses authorized by existing laws to be granted in said county of Tuolumne.

Read a first and second time and referred to Judiciary Committee.

Mr. Oxley gave notice of a bill for an Act amendatory of an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May 12, 1855

Mr. Cartter gave notice of a bill concerning those engaged in the business of Banking.

Mr Ricks gave notice of a bill to provide for the survey and construction of a Wagon Road from Humboldt Bay to the Town of Weaverville.

Mr. McDonald gave notice of a bill for the relief of W. T. Wood, County Treasurer of Klamath County.

Mr. Farley gave notice of a bill to increase the pay of the members of the Board of Supervisors of Amador County.

Mr. Sherrard, from the Judiciary Committee made a report, which was placed on the general file.

Mr Stout introduced the following resolution:

Resolved, That the use of the Assembly Chamber be tendered to Mrs Farnham this evening for the purpose of delivering a lecture.

Mr. Oxley moved the indefinite postponement of the resolution.

Pending discussion,

Mr. Taliaferro moved the previous question.

Sustained.

The question then recurred on the motion to indefinitely postpone.

Whereupon Messrs. Bell, Oxley and Castro demanded the ayes and noes, which were taken with the following result:

AYES.

Andrews, Batchelder, Boring, Borland, Bowe, Brunton, Brush, Cartter, Castro, Cone, Covarrubias, Dick, Downey, Ewalt, Gage, Gaston, Haile, Heiskell, Kelly, Leihy, Oxley, Pearson, Pugh, Rathburn, Reynolds, Sherrard, Stephenson, Sterritt, Taliaferro, Van Dusen, White, and Williams—32.

NOES.

Messrs Beatty, Bell, Blackburn, Bynum, Callbreath, Coombs, Davis, Dustin, George, Hawes, Heald, Holland, Hoover, Hunt, Kendrick, Lamon, Lewis, McDonald, McFarland, Meloney, Moulthrop, Oliver, Read, Ricks, Sellick, Shearer, Stout, Swan, Taylor, Turner, Upton, Winsor, and Mr. Speaker—33.

So the motion was lost.

The question then recurred on the passage of the resolution.

It requiring a vote of two-thirds to adopt the resolution, it was lost—Ayes 33—Noes 26.

Mr. Stevenson introduced the following resolution:

Resolved, That a committee of three from the standing Committee on Hospitals, be appointed by the Speaker, to act as a Joint Committee with the Senate, to visit and examine into the condition of the State Hospital at Stockton.

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

Lost.

Mr. Gray moved to amend the resolution by adding, "And that they be further directed to visit the City Hospital at San Francisco, with a view of ascertaining if the inmates therein are proper objects of support of the State."

The amendment was lost, and on motion of Mr. Batchelder, the resolution was laid on the table.

The special order of the day, Assembly bill No 6, an Act appointing a Commissioner to receive from the Government of the United States the moneys heretofore appropriated in payment of the War Debt of this State, and to provide for the disposition of the same, was taken up.

Mr. Brunton moved that the bill be made the special order of the day for Wednesday, 6th inst., at 12 o'clock, M.

Mr. Oliver moved to amend so as to insert Thursday, 7th inst.

Pending discussion, Mr. Boring moved the previous question, and afterwards withdrew his motion.

A communication from the Governor was announced, whereupon, on motion of Mr. Oxley, the subject matter before the House was temporarily suspended, and the communication was read as follows:

EXECUTIVE DEPARTMENT,
Sacramento, January 31, 1856

To the Hon. Senate and Assembly of California:

As early as the 17th instant, I received a copy of a resolution of the Assembly, and at a later period one of similar import adopted by the Senate, calling on me for such information as was in my possession in relation to the War Debt Fund appropriated by Congress for the payment of such expenses as this State had incurred in the suppression of Indian hostilities

As this department, so far as I could ascertain, had no official information on the subject, the delay in responding to your respective resolutions has been unavoidable, whilst procuring from other sources the desired information On the 5th August, 1854, an Act of Congress was approved, which, among other things, contained the following section:

"3 (9). And be it further enacted, That the Secretary of War be, and he is hereby authorized and directed to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California in the suppression of Indian hostilities within the said State, prior to the first of January, A D eighteen hundred and fifty-four, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State. *Provided*, That the sum so paid shall not exceed in amount the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents; which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

On the 29th March, 1855, an Act was passed by our State Legislature, (vide Acts 1855, pp. 61, 62,) authorizing the Governor to transmit to the Secretary of War certified copies of indebtedness incurred, and the laws under which the same was authorized by the State, which, it appears by the last Annual Message of my predecessor, was complied with on the 12th day of May succeeding the passage of the Act.

The receipt of those papers, with the accompanying letter of the Governor, was acknowledged, as will be seen by reference to the reply of the Secretary of War, of which the following is a copy:

"WAR DEPARTMENT,
Washington, July 18, 1855.

"SIR:—I have to acknowledge the receipt of your letter of the 12th of May, transmitting certain statements intended to show the amount of expenses incurred and paid by the State of California in the suppression of Indian hostilities, for the repayment of which provision has been made by the ninth section of the Army Appropriation Act, approved August 5, 1854.

"The Act directs the Secretary of War to examine into and ascertain the amount of expenses incurred and now actually paid by the State of California. This requirement, cannot, in my opinion, be fulfilled upon the evidence showing nothing more than that the State has made certain bonds and warrants for the purpose of satisfying claims of the description specified in the Act, and that these bonds have been issued to certain individuals.

"Under similar circumstances, other States have produced the original bills paid by them, and the Department has been enabled at once to see that the

charge was one that Congress intended to assume, and that it had been paid. I cannot so far depart from a practice which I believe has been invariably observed as to authorize payment to be made to the State of California upon the evidence now tendered.

(Signed)

JEFFERSON DAVIS,
Secretary of War."

This, I believe, embraces all the correspondence on the subject; and, as yet, nothing has been accomplished in the way of procuring the money thus appropriated; and it is apparent, that without further legislative action, the State, or rather her bond holders, can never realize the benefits intended by the law.

I presume there can exist no diversity of opinion as to the importance of speedily adopting such legislative enactments as will insure the payment of this money by the General Government. And scarcely secondary to these considerations, is that of making provision for the application of the money so received to the discharge of our outstanding War Bonds.

Regarding the means by which these desirable results are to be attained, various suggestions have been made. And actuated solely by the same earnest desire which you, gentlemen, entertain, that our present efforts may not prove abortive, but that this fund may be speedily obtained and appropriated to its legitimate object, with the least possible expense to the State, I am induced to make this the occasion also of suggesting such legislative enactments as in my judgment are essentially necessary to secure these desirable objects. It is needless to inquire whether the Secretary of War has misapprehended the *spirit* and *intent* of the act of Congress making this appropriation, in rejecting the certified copies of vouchers forwarded him, as satisfactory evidence of the payments made by the State; neither at this time can any beneficial results attend the discussion of an issue seemingly foreshadowed by the Secretary's letter, involving a construction of the law which would invest him with discretionary power, to allow or reject at pleasure, specific items of expenditure which have been assumed by the State. I must confess, however, that an assumption of authority so unwarranted, as I believe this to be, is quite manifest, and I am apprehensive that the aid of further Congressional legislation will have to be invoked, ere our State will derive the benefits of the entire sum appropriated.

If the Secretary of War shall, by virtue of the authority given him to examine into these claims, assert the right to go behind the act of the Board of Examiners, and inquire whether the demands were such as ought to have been allowed, and the evidence on which the payments were predicated, as appears of record, sufficient to sustain their decision, I doubt not that the exacting requirements of the Secretary and his auditing officers, would find abundant pretexts to reduce the sum materially.

In the various military expeditions which California, in defense of her citizens was compelled to undertake, either from inability or neglect of the General Government to provide such defense—owing to the condition of the country at those periods—with our State credit most ruinously depreciated, prices were paid for supplies, and many expenses incurred, which to us even now would appear enormous.

Furthermore, in the settlement of accounts by the Board of Examiners, and in some few instances before committees of the Legislature, the introduction of

oral testimony on behalf of claimants, was permitted, which, no doubt, to them, was conclusive; but, unfortunately, the evidence was not perpetuated

From these and other causes we may be much embarrassed if the exercise of such discretionary power shall be persisted in. Whilst, therefore, hoping our fears may prove groundless, still these misgivings should suggest to our minds the necessity of extreme caution and deliberation regarding the measures now to be adopted.

Let us so fortify ourselves against all possible contingencies, that further delay in securing the payment of this money may not be the fruits of our own inefficient legislation.

In the first place, authority should be given to transmit to the Secretary of War, the original vouchers, and at a reasonable expenditure, secure the services of such person or persons as may be necessary in the prosecution of these claims before that officer One of our present members of Congress, Gen J. W. Denver, and of him I speak particularly, on account of his former position as one of the Board of Examiners, will, no doubt, lend his co-operation without compensation by the State. Such assistance will be all important, as a very large portion of these claims were examined before him and allowed, and he is, consequently, possessed of an intimate knowledge of all matters connected with this indebtedness. There is another gentleman, however, A. J F Phelan, Esq, whose services are indispensably necessary to the successful prosecution of these claims. In this I speak partially from my own personal knowledge as well as from the testimony of the late Board of Examiners, to whose efficiency and understanding of the whole subject they voluntarily bear witness

Mr. Phelan was the Clerk of that Board for nearly, if not quite, the entire period during which the seven per cent. bonds were being issued, and from his position necessarily became familiar with all the vouchers and testimony adduced in support of the claims presented; and his usefulness to the State in connection with these claims against the Government, can be readily foreseen ; and I would, therefore, suggest that his services be secured, which I am advised by him can be effected on terms quite reasonable to the State.

By thus procuring the active co operation and aid of these two gentlemen, in addition to the influence of our other members of Congress, which will be most cheerfully given, I feel confident, that if the claim of the State be not allowed to the full amount of the appropriation authorized by Congress, further effort will be useless until the act shall have been amended.

In the suggestions I have thus far deemed it proper to make, I have confined myself to the adoption of measures having reference solely to the allowance by the Secretary of War, of the money so appropriated, and, as already observed, it is a matter of scarcely secondary importance that provision be likewise made for the immediate payment of this money to the holders of the War Bonds.

A rapidly increasing interest account against the State, at the rate of $5,698 12-100 per month, admonishes us of the importance of such action, whilst the plighted faith of the State, that, money appropriated by the General Government, shall be inviolably used for this purpose, leaves no alternative

The report of the State Controller shows our indebtedness on account of the War Debt, to be, on the 20th December, 1855, as follows:

Twelve per cent. Bonds, (which are payable in New York,) issued under Act of 1851,	$200,000 00
Interest due thereon,	111,145 53
To which, add accruing interest to the 20th May, 1856,	10,000 00
Total amount due on 20th of May, 1856,	$321,145 53
Seven per cent. Bonds issued under Act of 1852,	$633,965 00
Interest due 20th December, 1855,	136,500 00
Warrants not funded,	14,835 00
Total amount, Act of 1852, due December 20th, 1855,	$785,300 00
To which I will add interest to 20th May, 1856, on 7 per cent. Bonds,	18,490 00
Total amount of War Bonds and Warrants, with interest computed to 20th May, 1856,	$1,124,935 53
Appropriation by act of Congress,	924,259 65
Leaving a balance of	$200,675 88

Indebtedness against the State, over and above the sum appropriated by Congress.

In this calculation I have estimated the interest to 20th May next, as in all probability that will be as early a period as the State will be able to realize the amount, so as to disburse it to her bondholders. The law of Congress making this appropriation, it has been shown, requires the money, when allowed, shall be paid into the State Treasury.

To do this literally, would subject the State to a cost of some twenty-five thousand dollars, at least, else the risk would have to be borne, which is inseparably incident from allowing individuals or bankers to handle the money.

Again: Of this sum, to be paid in our treasury, on the 20th May next, as I have shown, there will be due on the 12 per cent bonds, payable in New York, the sum of $321,145 53. This, necessarily, would have to be returned there, and at current rates of exchange, at a further expense to the State of $9,634 36.

To this must also be added, the further accumulation of interest on the 12 per cent bonds, at the rate of two thousand dollars ($2,000) per month, whilst the money is in transitu, and we are arranging for its payment. Thus, on these bonds alone, with the additional interest incurred in returning the money to New York, we must submit to not less than fifteen thousand dollars of expenditure. Superadded to this, the additional interest on the 7 per cent. bonds, incident to the transmission of the money to California, and time occupied in advertising for their redemption, will increase the sum to at least twenty-five thousand dollars. From these causes alone, and adding the expense already shown for transporting the entire amount to this State, we have in round numbers an expenditure of fifty thousand dollars, every dollar of which, I confidently believe, can be saved for the State. The State Treasurer is by law constituted the custodian of the public funds, and the manner in which he shall discharge the duties incident to his office is clearly within legislative control; and I hold that it is entirely competent to authorize by law the performance of those duties when deemed essential to the public interest, even beyond the limits of the State, especially so, when there is no objection on his part to discharge the duties in such manner as the Legislature may prescribe. Legisiative sanction may also be given, to authorize the payment of this money in Washington or New York, in lieu of being paid into the State Treasury, and the receipt of the State Treas-

urer to the General Government would be of equal validity as if an official act performed at our State Capital, and would, most unquestionably, meet the approval of the General Government; more especially as this plan would be adopted so as to facilitate the payment of the funds to our bondholders. If this can be effected, and I think there can be no reasonable doubt of it, the next inquiry presented is as to the manner of the disposition of these funds in the payment of our bonds. The State Treasurer, Dr Bates, proposes to render his services in connection with this matter, gratuitously to the State, if authority, and leave of absence be given him for the purpose. I propose, therefore, a joint commission consisting of J. W. Denver, Dr. H. Bates, and A. J. F. Phelan, two of whom for the reasons before stated, can doubtless render most efficient services in prosecuting the claim, and the State Treasurer, in his official capacity, in superintending the payment and cancellation of our bonds.

Let them be authorized to appropriate what money may be allowed by the General Government under the Act referred to, in the payment of the outstanding War Bonds, in the following manner:

First, To set apart and use a sufficient sum to pay and discharge the twelve per cent. bonds. This for two reasons: the high rate of interest renders it important that they should be cancelled as soon as possible; and also, because they are of earlier date;—this *entire fund* being pledged inviolably, *first* to their redemption, exceeding as it does the principal and interest of the twelve per cents, there can consequently exist no reason why the holders of them would, if invited to bid for their redemption, consent to accept less than principal and interest. Taking the 20th of May next as the basis of calculation, it has been shown that after setting apart enough money to discharge the twelve per cent. bonds, there would remain, on the supposition that the entire appropriation is allowed by the Secretary of War, the sum of $603,114 12, whilst at that date the remaining indebtedness on the bonds and warrants would be $803,790 00, the balance of the appropriations being within a small fraction of seventy-five per cent. of the whole debt.

As the bonds are not due, and the sum appropriated falling short of the outstanding indebtedness, and there being no permanent and certain provision for the payment of interest on them, I doubt not that the holders of these bonds, when notified to that effect, would come forward and bid for their redemption on such favorable terms as would enable the State to cancel the whole debt with the sum appropriated.

If this can be done, and it would be worth the experiment, a saving would be made, in this regard alone, of two hundred thousand six hundred and seventy-five dollars

It has been suggested that California has a valid claim against the General Government for the large deficiencies between the sum appropriated and the aggregate of the sum for which the State has become responsible, and as an additional appropriation, fully sufficient to cover this deficiency, will be made by Congress, it is needless to make provision for the payment of the outstanding bonds with the sum already set apart. This reasoning is by no means conclusive. The sum which was appropriated by Act of 5th August, 1854, included the entire amount of principal of the War Debt, also the interest to a given date, amounting to $75,348 35, and the deficiency now existing consists wholly of interest which has since accrued.

Many of us are familiar with the history of that measure in Congress, and fully understand the difficulties attendant on procuring the original appropriation, and now the probability of obtaining an additional amount to cover this interest, most of which has accrued since the Act of August 5th, 1854, is certainly very remote, especially as with some propriety it may be charged against us that the

money has been locked up during this time in the United States Treasury, because we have not made proper application for it. Be this as it may, however, it is now a duty we owe to the State to legislate so as to meet existing circumstances, and if Congress should hereafter make further appropriations to pay this deficiency, there will then be found no objection, I trust, to allowing payment in full to those bond-holders, who may now consent to accept a material reduction on the sum total of their bonds. It may furthermore be assigned as an objection to this plan, that as these bonds are, by the terms, payable at the State Treasury, we cannot compel bond-holders to accept payment elsewhere. This is assuredly true; yet, if the bond-holders are desirous of receiving payment in New York or Washington, in preference, as it will certainly be to their pecuniary advantage so to do, the State ought not to object to this plan of payment which promises such favorable results and without any risk of loss.

I am fully satisfied, after extensive inquiry on the subject, that, with the exception of a very small amount, these outstanding bonds are held out of this State, and those owning bonds to the small amount in the State, would be willing to accept payment at either of the places proposed.

I would also suggest that the money allowed by the Secretary of War be no further under the control of this Commission than to authorize them to draw for it in favor of the holders of the bonds, as those bonds are taken up and cancelled; thus all objection would be silenced, suggesting the probability of the Commission speculating in the public funds, which it is supererogatory in this case to say is by no means probable.

One item of saving suggested: The expense of bringing this money to California, amounting to $25,000, may be liable to objection, under such a construction of the law as would seem to warrant the belief that it was the duty of the General Government to pay the money into our State Treasury, and consequently, to incur the expense necessary to do so. Yet, if this should be so determined, contrary to my own belief, the delay thus produced, would eventually increase our interest account, until the aggregate expense would fully equal the first estimate; and if the measures I here propose prove as successful as I fully believe they will, the saving to the State will fall not short of two hundred and fifty thousand dollars, and all will be accomplished at an expense not exceeding six thousand dollars.

In presenting the foregoing views, I have been necessarily restricted to a mere outline of the plan, to be more fully embodied by your legislation; and whatever may be done in the premises, due regard must, of course, be had, to secure most amply and fully, the interests both of the State and her bondholders; and all such needful checks and restrictions should be adopted, as will be calculated to achieve the paramount objects for which legislation is now required.

Very respectfully,
Your ob't serv't,

J. NEELY JOHNSON.

Mr. Boring renewed the motion for the previous question.

Sustained.

The question then recurred on the motion to make the bill the special order of the day for Wednesday.

Lost.

The question then recurred on the motion to consider the bill engrossed.

Carried.

The bill was then read a third time, and being on its passage, the ayes and nays were demanded by Messrs. Taliaferro, Beatty and Callbreath, with the following result:

AYES.

Messrs. Batchelder, Bell, Blackburn, Borland, Bowe, Cartter, Castro, Cone, Dick, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Kelly, Leihy, Lewis McDonald, McFarland, Oliver, Oxley, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Swan, Taliaferro, Taylor, Turner, Upton, Van Dusen, Williams, Winsor, Mr. Speaker—41.

NOES.

Messrs. Andrews, Beatty, Boring Brunton, Brush, Bynum, Callbreath, Coombs, Davis, Downey, Gray, Hawes, Heald, Holland, Hunt, Kendrick, Lamon, McGehee, Meloney, Moulthrop, Pearson, Stout, White—23.

Mr. Oxley moved to re-consider the vote just taken.

Mr. Cartter moved to indefinitely postpone the motion to re-consider.

Carried.

The title of Assembly bill No. 6, an Act appointing a Commissioner to receive from the Government of the United States, the moneys heretofore appropriated in payment of the War Debt of this State, and to provide for the disposition of the same, was read.

Mr. Lamon moved to amend the title so as to read, an Act appointing an, Agent to exhibit the evidence of the contracting of the War Debt of this State, to the Secretary of War of the United States.

The amendment to the title was adopted and approved.

Upon motion, the House then resolved itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 38, making appropriations for the civil expenses of the Government of the State.

House in committe of the Whole.

Mr. Taylor in the Chair.

On motion of Mr. Boring the committee rose, reported that they had made some amendments to the bill, and asked to be discharged.

The report was received and the committee discharged.

On motion of Mr. Oxley the House concurred in the amendments proposed by the committee, and the bill was ordered engrossed for a third reading.

Mr. Gray moved that the communication received from the Governor, this day, in regard to the War Debt, &c., be printed.

Mr. McFarland moved to lay the motion to print on the table.

Upon which, Messrs. Gray, Taliaferro and Beatty demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Bell, Boring, Borland, Bowe, Cone, Covarrubias, Dustin, Gage, Gaston, Haile, Kelly, Kendrick, Leiby, Lewis, McDonald, Oxley, Pugh, Rathburn, Reynolds, Sharp, Shearer, Sherrard, Sterritt, Turner, Van Dusen, Wagner, Williams and Winsor—28.

NOES.

Messrs. Andrews, Beatty, Blackburn, Brent, Brunton, Brush, Bynum, Callbreath, Davis, Dick, Downey, Ewalt, Gray, Hawes, Heald, Heiskell, Holland, Hoover, Hunt, Lamon, Mathews, McGehee, Meloney, Moulthrop, Oliver, Pearson, Read, Selfick, Stephenson, Stout, Swan, Taliaferro, Upton and Mr. Speaker—34.

So the House refused to lay the motion to print on the table.

Mr. Upton moved to reconsider the vote just taken.

Mr. Taliaferro moved to indefinitely postpone the motion to reconsider.

Carried.

Mr. Upton moved to adjourn.

Mr. Taliaferro raised a question of order, as to whether the motion to adjourn was then in order.

The Chair decided that the motion to adjourn was in order, from which decision Mr. Taliaferro appealed.

The decision of the Chair was sustained.

The question then being put on the motion to adjourn, the House adjourned at 3 o'clock, P. M.

IN ASSEMBLY.

WEDNESDAY, February 6, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and the following members were absent:

Messrs. Taliaferro and Turner.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Mathews, for one day.

Mr. Bell presented a petition from citizens of Sierra county, asking to have the boundary line between that county and Nevada county, changed.

Read and referred to Committee on Counties and County boundaries.

Mr. McDonald introduced a bill for an Act to provide for settling the boundary line between the counties of Klamath and Humboldt.

Read first and second times, and referred to Committee on Counties and County boundaries.

Mr. Oliver gave notice of a bill authorizing the County Clerk to procure suitable books and transcribe upon the same, the official records of El Dorado county. Also, authorizing the Supervisors of El Dorado County to make the necessary appropriation to defray the expenses of the same.

Mr. Heiskell gave notice of a bill to fund the outstanding indebtedness of the State.

Mr. Pearson gave notice of a bill to exempt mining claims from executions in certain cases.

Mr. Gage gave notice of a bill relative to the manner of empanneling trial Juries, number, duties, &c.

Mr. George gave notice of a bill to define and declare what are nuisances.

Mr. Brent from the Judiciary Committee, made the following minority report:

Mr. Speaker:

The minority of the Judiciary Committee, to which was referred Assembly bill entitled, an Act to amend an Act entitled, an Act concerning Notaries Public, passed April 30, 1853, would respectfully recommend its indefinite postponement.

The undersigned, are unable to discover any good reason for the passage of this law; they have heard of no complaint, that the number of Notaries Public was insufficient, or that the present Notaries, as a body, are incompetent to discharge the duties of their office. Neither are the minority cognizant of any good reason why the tenure of the Notarial office should be changed. At present, these offices are independent of the Executive's will, and are only removable for causes in pursuance of the provisions of the criminal act; neither public policy nor public morals are successfully promoted by increasing the Executive patronage, in the manner indicated in this bill It is proposed to convert into mere tenants at will, of the Executive, over three hundred Notaries Public, who have received commissions vesting the franchises of the Notarial office in them, for the term of two years, for which they have paid the tax levied thereon by law, and in pursuance of the requirements have purchased official seals, executed heavy bonds, and incurred other expenses.

While not proposing to discuss in this report the power of the Legislature to change the tenure of this office the undersigned would intimate grave doubts about its constitutionality.

Neither have the minority been able to discover any good cause for multiplying in so excessive a manner the number of this class of officers. Already there are in this State over three hundred Notaries Public; yet this bill proposes to swell this immense army to the exorbitant number of near five hundred.

The minority cannot refrain from expressing their opinions that the creation of this vast horde of office holders, dependent for the maintenance of their office upon the caprice of the Executive, is dangerous to the free and unbiassed exercise of the elective franchises and calculated to establish an Executive influence, prejudicial to the best interests of the people.

J. LANCASTER BRENT,
HORACE HAWES,
S. A SHARP.
Minority of Judiciary Committee.

From the Committee on Printing, Mr. Oliver made the following report:

Mr. Speaker:

Agreeable to the order of the House the Committee on Printing respectfully submit the following report of printing matter already ordered by the Assembly

240 copies of Rules of Order.
240 copies Assembly bill No. 1.
240 copies Assembly bill No. 2.
5000 copies Governor's Message and accompanying Documents.
1000 copies Governor's Message, in Spanish and German, and accompanying Documents.
1000 copies Governor's Inaugural, in Spanish.
240 copies Assembly bill No. 12.
240 copies Assembly Joint Rules and Orders.

240 copies Assembly bill No. — (Cartter.)
240 copies Assembly bill No. 17.
240 copies Assembly bill No. 15.
3000 copies Supt. Public Instruction's Report.
240 copies Communication from Sergeant-at-Arms.

The contract price is—

Composition in English per 1000 ems,	- - -	$2 50
" Spanish "	- - -	3 00
Figure work, "	- - -	3 50
Rule work "	- - -	3 50
Rule and figure work "	- - -	4 00
Press work, per token,	- - - -	2 75

Folding and stitching one quarter of a cent per page.

It has been seen that a report of the rates per em of the different kinds of printing is also attached to the report given us by the State Printer. Owing to the difficulty of obtaining the amount or number of ems contained in the printing matter ordered but not printed, the Committee have not yet been able to give in total the actual cost of the printing ordered.

The Committee have the assurance of the State Printer, however, that he will make a complete report of said cost at the earliest possible day, and when submitted, shall be in conformity with the law and the strictest principles of economy.

Mr. Bynum made the following report:

Mr. Speaker:

The Committee on Agriculture, to whom was referred bill No. 48, being a bill for an Act respecting Stallions, have had the same under consideration, beg leave to report the same back to the House and recommend that said bill be indefinitely postponed.

Mr. Beatty moved to re-commit the bill to a special committee of five.

Lost.

On motion of Mr. Stout, the special order Assembly bill No. 53, an Act entitled, an Act concerning Notaries Public, passed April 30, 1853, was taken up.

Mr Hawes moved to make the bill the special order for Monday 11th, at 12 o'clock, M.

Lost.

The following amendments to the bill were offered and adopted.

Amendment No. 1—Eight for each of the counties of Calaveras and Plumas

Ten for the county of Sierra.

Fifteen for each of the counties of El Dorado and Tuolumne.

Five for each of the counties of Solano, Yolo, Monterey, and Merced.

Six for each of the counties of Santa Clara and Los Angeles.

Four for each of the counties of Stanislaus and Santa Cruz.

Three for each of the counties of Napa, Sutter, Santa Barbara, and Colusi.

Two for each of the counties of San Joaquin, San Bernadino, Tulare, and San Luis Obispo.

One for each of the counties of Marin and Contra Costa.

Amendment No. 2—*Provided*, That in the counties of Sonoma and Mendocina, there shall not be appointed more than one in each township.

Mr. Brent introduced the following resolution:

Resolved, That this bill be recommitted to the Judiciary Committee, with instructions to report it back to this House as early as practicable, with provisions, making the office of Notary Public elective by the people of the respective counties.

Pending debate, Mr. Oxley moved the previous question.

Sustained.

The question then recurred on the passage of the resolution.

Mr. Lamon moved a division of the question.

Whereon the vote was taken on the recommitment of the bill, and the motion was lost.

Mr. Stout moved to reconsider the vote by which the previous question was sustained.

The Speaker ruled the motion out of order.

The question then recurred on engrossing the bill, as amended, for a third reading.

Messrs Brent, Downey, and Hawes, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Cartter, Cone, Davis, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Kelly, Leihy, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, White, Williams, and Winsor—44.

NOES.

Messrs. Beatty, Boring, Brent, Brush, Bynum, Castro, Coombs, Covarrubias, Downey, Ewalt, George, Gray, Hawes, Heald, Holland, Hunt, Lemon Lewis, McGehee, Meloney, Moulthrop, Pearson, Stout, Swan, and Winston—25.

So the bill was ordered engrossed.

On motion, Mr. Turner's Concurrent Resolution in regard to Spanish grants, was taken up.

Mr. Turner offered the following as a substitute for the original:

Resolved, the Senate concurring, That we instruct our Senators and request our Representatives in Congress, to use their influence to effect the passage of a law, requiring the Attorney General to have all Spanish grants confirmed by the United States Land Commission adverse to the United States, appealed, and set properly in their turn before the U. S. District Court. And if judgment not adverse thereto, be sent on as speedily as possible to the United States Supreme Court for their investigation. Except those grants that have been regularly recorded in the archives of Mexico, and were, at the time of the treaty with the United States and Mexico, held in actual possession, and have continued the same up to the present time; the United States Attorney General to exercise the same authority over that class of grants that he has heretofore.

Mr. Beatty moved that the communication from the Governor in relation to the Indian War Debt be printed.

Mr. McFarland moved to indefinitely postpone the motion.

Pending discussion, Mr. Haile moved the previous question.

Sustained.

The question recurred on the motion to indefinitely postpone the motion to print.

Upon which Messrs Hawes, Dick and Haile demanded the ayes and noes with the following result:

AYES.

Messrs. Batchelder, Bell, Blackburn, Bowe, Cartter, Castro, Cone, Dick, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Kelly, Leihy, Lewis, McFarland, McGehee, Oxley, Pugh, Rathburn, Read, Reynolds, Ricks, Shearer Sherrard, Stephenson, Taylor, Turner, Van Dusen, Wagner, Williams, Winsor—34.

NOES.

Messrs. Andrews, Beatty, Boring, Brent, Brunton, Brush, Bynum, Callbreath, Coombs, Covarrubias, Curtis, Davis, Downey, George, Gray, Hawes, Heald,

Holland, Hunt, Hunter, Kendrick, Lamon, McDonald, Moulthrop, Pearson, Peck, Sterritt, Stout, Swan, Taliaferro, Weir, Welch, Wohler and Mr Speaker —34.

So the motion was lost.

The motion then recurred on the motion to print, upon which Messrs Hawes, White and Callbreath demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Beatty, Boring, Brent, Brunton, Brush, Bynum, Callbreath, Coombs, Covarrubias, Davis, Downey, Ewalt, George, Gray, Hawes, Heald, Holland, Hunt, Kendrick, Lamon, McGehee, Moulthrop, Pearson, Sterritt, Stout, Swan, Taliaferro, Weir, White, Wohler and Mr. Speaker—31.

NOES.

Messrs. Batchelder, Bell, Blackburn, Borland, Bowe, Cartter, Cone, Curtis, Dick, Dustin, Gage, Gaston, Hale, Heiskell, Hoover, Hunter, Kelly, Leihy, Lewis, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Rathburn, Reed, Reynolds, Ricks, Shearer, Sherrard, Stephenson, Taylor, Turner, Van Dusen, Wagner, Williams, Winsor—33.

So the motion to print was lost.

Mr. Taliaferro from the Committee on Corporations, reported back Assembly bills Nos. 50 and 58, with amendments

Report laid on the table, and bills referred to placed on the general file.

Mr. Williams from Committee on Counties and County boundaries, reported back Assembly bills Nos 39 and 41 without amendments.

Report laid on the table, and bills referred to placed on the general file.

Mr. Sellick made the following report:

Mr. Speaker:

The Enrolling Committee have carefully compared the following Senate bills, and find the same correctly enrolled:

No. 33, an Act to provide for funding the floating debt of the city of Marysville, and for the extinguishment thereof, and other purposes.

Mr. Stout made the following report:

Mr. Speaker :

The Committee on Engrossment have examined, and found the following named bills correctly engrossed:

Bill No. 30, an Act to amend an Act entitled, an Act to fund the debt of the county of San Diego, and to provide for the payment of the same, approved May 4, 1855.

Bill No. 32—An Act to change the name of Lewis Schletchway to that of Lewis Robinson.

Bill No. 37—An Act concerning the corporate name of the city of Los Angeles.

Bill No. 42—An Act to change the name of William Henry Clarke to that of William Clark Penton.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
February 5, 1856.

To the Honorable the Assembly of the State of California:

I have this day approved of the following bills originating in the Assembly:

An Act to authorize the Board of Supervisors of Mariposa county to levy a special tax for certain purposes.

Also, an Act concerning evidence.

Your obedient servant,

J. NEELY JOHNSON.

On motion, the House resolved itself in Committee of the Whole, for the purpose of taking into consideration the resolution authorizing the Secretary and Controller of State to audit the account of Thomas R Eldridge, for translating the Governor's Message and accompanying documents into the French language.

House in Committee of the Whole, Mr. Oliver in the chair.

The Committee rose, reported the resolution back, and recommended that it be recommitted to the Committee on Accounts and Expenditures, and that they be instructed to report the amount due for translating the Message into the French language.

Mr. Downey moved to indefinitely postpone the resolution.

Lost.

Mr. McFarland moved to lay the whole subject matter on the table.

Carried.

On motion of Mr. Weir, the House adjourned at 3 o'clock, P. M.

IN ASSEMBLY.

THURSDAY, February 7, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present.

Journal of yesterday read and approved.

Mr. Welch introduced a bill for an Act requiring the Registration of the Names of Legal Voters in the incorporated Cities of this State.

Read first and second time, ordered printed, and referred to Judiciary Committee.

Mr Oxley introduced a bill for an Act amendatory of an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May 17, 1853.

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

Mr. Sherrard, from the Judiciary Committee, introduced a bill for an Act to repeal an Act entitled an Act for the relief of Insolvent Debtors and protection of Creditors, passed May 4, 1852.

Read first and second time, and made the special order of the day for February 8, at 12 o'clock, M.

Mr Dick introduced a bill for an Act entitled an Act to provide for the Election of Assessors by Supervisor Districts, and define their powers, duties, and liabilities; and to repeal an Act entitled an Act concerning the Office of County Assessor, passed March 27, 1850.

Read first and second time, and referred to Committee on Ways and Means.

Mr Pugh introduced a bill for an Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers.

Read first and second times, and referred to Sacramento delegation.

Mr. Hoover introduced a bill for an Act to organize the County of Summit out of portions of the territory of Plumas, Sierra, and Yuba.

Read first and second times, and referred to the delegations from those Counties.

Mr. Upton introduced a bill for an Act to provide for taking the Census in the Year 1856.

Read first and second time, and referred to Judiciary Committee.

Mr. Bowe introduced a bill for an Act to regulate the Immigration to this State of Persons who cannot become Citizens thereof.

Mr. Hoover moved to refer the bill to Committee on Mines and Mining Interests.

Mr. Oxley moved to amend so as to refer to Judiciary Committee.

Lost.

Mr George moved to amend the amendment, so as to refer to the Committee on Commerce and Navigation.

Upon which motion, Messrs. Oxley, Van Dusen, and Andrews, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Blackburn, Brent, Brush, Bynum, Callbreath, Covarrubias, Davis, Dick, Downey, Ewalt, George Gray, Haile, Hawes, Heald, Holland, Hunt, Kendrick, Lippincott, Mathews, McDonald, Meloney, Moulthrop, Pearson, Rathburn, Swan, Taliaferro, Wohler, and Mr. Speaker—30.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Borland, Bowe, Brunton, Carter, Cone, Curtis, Dustin, Gage, Gaston, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, McFarland, McGehee, Oliver, Oxley, Peck, Reed, Reynolds, Rhodes, Shlick, Shearer, Sherrard, Stephenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, and Winston —44.

So the motion was lost.

Mr Hawes moved to amend so as to refer the bill to the Committee on Federal Relations.

Upon which, Messrs. Hawes, George and Wohler, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Blackburn, Boring, Brent, Brush, Bynum, Covarrubias, Davis, Dick, Downey, George, Gray, Howes, Heald, Holland, Hunt, Kendrick, Lippincott, Mathews, McDonald, Meloney, Monlthrop, Pearson, Peck, Rathburn, Rhodes, Swan, Tallaferro, Wohler and Mr. Speaker—30.

NOES.

Messrs. Andrews, Batchelder, Bell, Berland, Bowe, Brunton, Carter, Castro, Calbreath, Cone, Curtis, Dustin, Ewalt, Gage, Gaston, Haile, Heiskell, Hoover, Kelly, Lamon, Leihy, McFarland, McGehee, Oliver, Oxley, Reed, Reynolds, Ricks, Sellick Shearer, Sherrard, Stephenson, Sterritt, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston—44.

So the motion was lost.

The question then recurred to refer the bill to Committee on Mines and Mining Interests.

So referred.

Mr. Rhodes gave notice of a bill to amend an Act entitled an Act to suppress Gaming, passed April 7, 1855.

Mr. Taylor gave notice of a bill for an Act amendatory of an Act, in relation to personal mortgages in certain cases, passed May 11, 1853.

Also, a bill for an Act declaring Mining Claims personal property.

Mr McGehee gave notice of a bill for an Act to prevent certain animals from unlawfully running at large.

Mr. Leihy gave notice of a bill, for an Act making an appropriation to test the practicability of Artesian Wells, for mining and agricultural purposes.

Mr Meloney gave notice of a bill to amend an Act entitled, an Act concerning Roads and Highways, passed April 28, 1855.

Mr. Turner gave notice of a bill to amend and supplemental to an Act to suppress gaming, approved April 17, 1855.

Mr. Stout made the following report:

Mr. Speaker:

The Engrossing Committee ask leave to report, that they have examined and found correctly engrossed, bill No 53, entitled, an Act to amend an Act concerning Notaries Public, passed April 30, 1853.

Also, have examined and found correctly engrossed, the substitute to bill No. 34, entitled, an Act to change and fix the county seat of Butte county.

LANSING STOUT,
Chairman.

The following messages were received from the Senate:

SENATE CHAMBER, Feb. 5, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate this day passed Senate bill No. 47, an Act to provide for settling the boundary lines between the counties of Marin and Sonoma.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

SENATE CHAMBER, Feb. 6, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate this day passed Senate bill No. 36, as a substitute for Senate bill No. 36, entitled an Act concerning appeals in certain cases.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

SENATE CHAMBER, Feb. 7, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate this day indefinitely postponed the following bill:

Assembly bill No. 7, an Act to change the name of Abisha Washburn Hough to Andrew Watson Hough.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

SENATE CHAMBER, Feb. 7, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on this day, passed Assembly bill No 44, an Act to locate the Seat of Justice of Alameda County, and amendatory of an Act to Create the County of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization.

Also, passed Assembly bill No. 30, a bill to amend an Act entitled an Act to

fund the debt of the County of San Diego, and to provide for the payment of the same, approved May 4, 1855.

Respectfully submitted,

RASEY BIVEN,
Assistant Secretary of Senate.

SENATE CHAMBER, Feb. 7, 1856,

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on this day, passed Senate bill No 50, an Act to repeal an Act entitled an Act concerning the Fees of Public Administrator, passed April 28, 1851, and for other purposes.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

Senate bill No. 47, an Act to provide for settling the Boundary Line between the Counties of Marin and Sonoma.

Read first and second times and referred to delegations from those counties.

Senate bill No. 36, an Act concerning Appeals in certain cases.

Read first and second times and referred to Judiciary Committee.

Senate bill No. 50, an Act to repeal an Act entitled an Act concerning the Fees of Public Administrator, passed April 28, 1851, and for other purposes.

Read first and second times and referred to Judiciary Committee.

On motion of Mr Stout, the substitute resolution in regard to Land Claims, introduced by Mr. Turner on yesterday, was taken from the table and referred to Committee on Public Lands.

On motion, the House resolved itself into Committee of the Whole for the purpose of taking into consideration Assembly bill No. 2, an Act to repeal the several Charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof.

House in Committee of the Whole.

Mr. Oxley in the chair.

Committee rose, reported progress and asked leave to sit again.

Report adopted.

On motion, the resolution introduced by Mr Stephenson in relation to the Insane Asylum, was taken from the table, amended and adopted.

Mr. Sherrard, from the Committee on Judiciary, made the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No 46, a bill for an Act to amend an Act entitled an Act to punish Vagrants, Vagabonds, and dangerous and suspicious persons, approved April 30, 1855, have had the bill under consideration, and respectfully beg leave to report the same back to the House, with the following amendment, and recommend its passage as amended:

Amend by striking out "lawful officer," after the word any, in seventh line of section two, and insert, "sheriff, constable or police officer."

The same committee, to whom was referred Assembly bill No. 24, a bill for an Act to repeal an Act entitled an Act concerning the per diem of officers of the Senate and Assembly, 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 as amended:

Amend by inserting, immediately after the title of the bill, the words, "The People of the State of California, represented in Senate and Assembly, do enact as follows"

The same committee, to whom was referred Senate bill No 3, a bill for an Act providing for the confinement of Prisoners of the United States. Also, Senate bill No 7, an Act entitled an Act to amend an Act entitled an Act to fix the times for holding the terms of the District Courts throughout this State, approved May 4, 1855. Also, Assembly bill No 35, an Act to provide for the more effectual enforcement of Public Taxes and Assessments, and creating a lien therefor, have had the same under consideration, and respectfully beg leave to report the same back to the House, and recommend their passage without amendment.

The same committee, to whom was referred Assembly bill No. 14, an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, approved May 5, 1855, have had the same under consideration, and respectfully beg leave to report the bill back to the House with a substitute, and recommend the passage of the substitute.

The same committee, to whom was referred Assembly bill No 45, a bill for an Act to repeal an Act entitled an Act to create a Board of Supervisors for the county of Alameda, and to provide for the government of said county, have had the same under consideration, and respectfully beg leave to report the same back to the House with the following amendment, and recommend its passage, as amended.

Amend, by striking out the word "provide"," in fifth line of section 1, and insert the word "and," in lieu thereof.

The same committee, to whom was referred bill No 43, for an Act amendatory of an Act entitled an Act to regulate Fees in Office, approved April 10,

1855, have had the bill under consideration, and respectfully beg leave to report the same back to the House, with the following amendments and recommend its passage as amended.

Amend, by striking out all of section 2, after the figures "1850," and insert the words, "is hereby repealed."

The same committee, to whom was referred Assembly bill No. 61, a bill for an Act to define the Term of Office of the District Judge of the Fifteenth Judicial District, and to fix his salary, have had the bill under consideration, and beg leave to report the same back to the House, and recommend its passage without amendment.

R. B. SHERRARD,
Chairman.

The following report was received from Committee on Corporations:

Mr. Speaker:

The Committee on Corporations to whom was referred Assembly bill No. 50, an Act to incorporate the town of San Luis Obispo, have had the same under consideration and report the same back to the House, with the following amendments and recommend its passage:

Amendment 1st—Insert after the word "California," 1st line of the enacting clause, the word "represented."

Add Section 4th as follows:

SEC. 4. The provisions of an Act to provide for the incorporation of towns, passed March, 1850, so far as the same do not conflict with the provisions of this Act, shall apply to and govern the town of San Luis Obispo.

Change Section 4th into Section 5th as follows:

SEC. 5. Said Board of Trustees shall not have power to contract any debts or liabilities under the corporate name of said town of San Luis Obispo, to exceed the sum of five hundred dollars without first submitting the same to a vote of the qualified electors of said town, nor without the concurrence of two thirds of such legal voters.

Add Section 6th:

SEC. 6. This Act shall take effect from and after its passage.

The same committee to whom was referred Assembly bill No. 58, an Act to incorporate the town of Eureka, recommend its passage with the following amendments, to wit:

Strike out the words "one dollar," in the 9th line of section 3d, and insert the words "ten cents."

In 5th line of section 4, add the word "wharves," between the words "repair" and "bridges."

All of which is respectfully submitted.

T. W. TALIAFERRO,
Chairman.

Assembly bill No 46, an Act to punish vagrants, vagabonds, and dangerous and suspicious persons, approved April 30, 1855.

Considered, engrossed, read third time, and passed.

Assembly bill No 24, an Act to repeal an Act concerning the per diem of officers of the Senate and Assembly.

Considered, engrossed, read third time, and passed.

Senate bill No. 3, an Act providing for the confinement of prisoners of the United States.

Considered, engrossed, read third time, and passed.

Senate bill No. 7, an Act to amend an Act entitled an Act to amend an Act entitled, an Act to fix the times for holding the terms of the District Courts throughout this State, approved May 4, 1855.

Considered, engrossed, read third time, and passed.

Assembly bill No. 35, an Act to provide for the more effectual enforcement of public taxes and assessments, and creating a lien therefor.

Ordered printed and made the special order for Friday the 15th February, 1856, at 12 o'clock, M.

Mr. George moved to adjourn, upon which Messrs Hawes, Haile and Upton demanded the ayes and noes, with the following result:

AYES.

Messrs. Borland, Bynum, Cone, Gray, Heald, Heiskell, Leihy, Meloney, Peck, Read, Sherrard, Swan, Taliaferro, Van Dusen, Winsor, Wohler, and Mr. Speaker—19

NOES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Bowe, Brent, Brunton, Brush, Cartter, Castro, Calibreath, Coombs, Covarrubias, Curtis, Davis, Downey, Dustin, Gage, George, Haile, Hawes, Holland, Kelly, Lamon, Lippincott, Mathews, McDonald, McFarland, McGehee, Moulthrop, Oliver, Pearson, Pugh, Rathburn, Ricks, Sellick, Sharp, Stevenson, Sterritt, Stout, Taylor, Turner, Upton, Wagner, Weir, Welch, White—49.

So the motion to adjourn was lost.

Assembly bill No. 14, an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, approved May 5, 1855.

Considered engrossed, read a third time, and passed.

Assembly bill No 45, an Act to create a Board of Supervisors for the County of Alameda, and to provide for the Government of said County.

Ordered engrossed.

Assembly bill No. 50, an Act to incorporate the Town of San Luis Obispo.

Amendments adopted, and bill ordered engrossed.

Assembly bill No. 58, an Act to incorporate the Town of Eureka.

Amendments adopted, and bill ordered engrossed.

The following report was received from the Committee on Counties and County Boundaries:

Mr. Speaker:

The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 41, entitled an Act to exempt and to except the County of Klamath from any and all provisions of an Act entitled an Act to regulate Fees of Office, approved 10th April, 1855, beg leave to report the same back to the House, and recommend its passage.

The same committee have had under consideration Assembly bill No 39, entitled an Act to change the County Seat of Klamath, beg leave to report it back to the House, and recommend its passage.

R. S. WILLIAMS,
Chairman.

Assembly bill No. 41, an Act to exempt and except the County of Klamath from any and all provisions of an Act entitled an Act to regulate Fees of Office, approved April 10, 1855.

Amendments adopted, and bill ordered engrossed.

Assembly bill No. 39, an Act to change the County Seat of Klamath county.

Ordered engrossed.

Assembly bill No. 48, a bill for an Act respecting Stallions.

On motion of Mr. Rhodes, the enacting clause was stricken out.

Assembly bill No. 37, an Act concerning the Corporate Name of the City of Los Angeles.

Read third time and passed.

Assembly bill No. 61, an Act to define the Term of Office of the District Judge of the Fifteenth Judicial District, and to fix his salary.

Considered engrossed, read third time, and passed.

On motion of Mr. Berland; the House adjourned at half past 2 o'clock, P. M.

IN ASSEMBLY.

FRIDAY, February 8, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present.

Leave of absence granted to Mr. Hunt for three days.

Journal of yesterday read and approved.

Mr. Sterritt presented petitions praying the establishment of Summit county.

Read, and referred to delegations from Sierra, Yuba, and Plumas.

Mr Farley introduced petitions from residents of Amador county, praying the passage of an Act for the better observance of the Sabbath in this State.

Read, and referred to Committee on Vice and Immorality, with instructions to report a bill.

Mr. McGehee introduced a bill for an Act to prevent certain Animals from unlawfully running at large.

Read first and second times, and referred to Committee on Elections.

Mr. Rhodes introduced a bill for an Act to amend an Act entitled an Act to suppress Gaming, passed April 17, 1855.

Read first and second times, and, on motion, referred to a select committee, consisting of Messrs. Rhodes, Lippincott, and Davis

Mr. Weir gave notice of a bill concerning Hogs running at large.

Mr Kelly gave notice of a bill in relation to Legal Distances from each County Seat in this State to the Capitol at Sacramento, the Lunatic Asylum at Stockton, and the State Prison at San Quentin.

Mr Hunter gave notice of a bill for an Act to divide the Fourth and Eighth Senatorial Districts, composed of the Counties of San Joaquin, Contra Costa, Alameda, and Santa Clara.

Mr. Brent gave notice of a bill for the relief of Wheeler Morgan

Mr. Pugh gave notice of a bill to amend an Act entitled, an Act to provide for the Indigent Sick of the State, passed March 16, 1855.

Mr. Heiskell gave notice of a bill to punish Persons interfering with the removal of Indians.

Mr. Coombs gave notice of a bill concerning the Salaries of the County Treasurer and Supervisors of Alameda county.

Mr. Coombs gave notice of a bill to encourage the destruction of ferocious and and wild Animals.

Mr Stout gave notice of a bill providing for the Survey of the Boundaries of Placer County.

Mr Sherrard made the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred substitute for Assembly bill No. 36, a bill for an Act entitled, an Act concerning appeals in certain cases, have had the same under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

R. B. SHERRARD.
Chairman.

Mr. Rhodes made the following report:

Mr. Speaker:

The Committee on Claims, to whom was referred an Act to authorize the issue of School Land Warrants to Thomas Baker, have had the same under consideration, and beg leave to report the bill back without amendments, and recommend its passage.

G H. RHODES,
Chairman.

Mr Stevenson made the following report:

Mr Speaker:

The Committee on Accounts and Expenditures have had under consideration

the claim of Thomas B. Eldridge, for translating into the French language the Governor's message, and appendix, as well as the State Controller and Treasurer's Reports, and beg leave to recommend that he be allowed seven hundred dollars for said services, which, after a careful examination, we find to be at the rate of $1 25 per folio.

A. M. STEVENSON,
Chairman.

Mr. Williams, from Committee on Counties and County Boundaries, reported back Assembly bill No 64, an Act to settle the boundary line between the counties of Klamath and Humboldt, and recommend its passage without amendment.

Mr. Sellick made the following report:

Mr. Speaker:

The Committee on Enrollment have compared Assembly bill No 44, locating the county seat of Alameda county, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Stout made the following report:

Mr. Speaker:

The Engrossing Committee have examined and found correctly engrossed, bill No 6, an Act appointing an Agent to exhibit the evidence of the contracting of the War Debt of this State to the Secretary of War of the United States.

Also, No 38, an Act making appropriations for the Civil Expenses of the government of this State.

LANSING STOUT,
Chairman.

Mr. Rathburn made the following report:

Mr. Speaker:

The delegation from Sonoma and Marin counties, to whom was referred Senate bill No 47, to provide for settling the Boundary Line between the Counties of Sonoma and Marin, have had the same under consideration, and report it back without amendment, and recommend its immediate passage.

J. S. RATHBURN,
Chairman.

Mr. Hawes made the following report:

Mr. Speaker:

The Committee on Commerce and Navigation, to whom was referred the bill No. 54, for an Act to be entitled an Act authorizing David Gherkey and others to build a Wharf at Santa Cruz, beg leave to report the same back to the House, with the following amendment, and recommend its passage as amended.

In section 2, line 1, strike out the words "and that."

The same Committee, to whom was referred the bill No 55, for an Act to be entitled an Act authorizing J E. Davis and A P Jourden and others to construct a Wharf at Santa Cruz, beg leave to report the same back, with the following amendment, recommending its passage as amended.

In section 2, line 1, strike out the words "and that"

H HAWES,
Chairman.

The following communication from the Governor was read:

EXECUTIVE DEPARTMENT,
Sacramento, February 6, 1856.

To the Assembly of California:

I have this day approved of the bill, originating in the Assembly, entitled an Act concerning the office of District Attorney for the county of Los Angeles.

I have the honor to be,
Your obedient servant,

J. NEELY JOHNSON.

The following message was received from the Senate:

SENATE CHAMBER, February 8, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate yesterday concurred in Assembly Concurrent Resolution, instructing the Standing Committees of the two Houses to visit the Insane Asylum at Stockton.

Very respectfully,

W. BAUSMAN,
Secretary of Senate.

Mr. Leihy introduced the following resolution:

Resolved, That the Secretary of State be requested to furnish the House

with any and all information in possession of his office, respecting Public Grounds and Buildings belonging to the State.

Adopted.

The following report from S. H. Marlette, Ex-Surveyor General, was read:

SACRAMENTO, February 7, 1856.

Hon. J. T. FARLEY, *Speaker of the Assembly:*

SIR—

Finding it necessary to delay a day or two longer than was anticipated the sending in of my report, I have drawn up the annexed statement of the "manner and for what purposes the contingent funds" of the Surveyor General's office have been expended during the past year. Also, a statement of the purposes for which a deficiency appropriation is required, which I respectfully transmit in compliance with the Assembly resolution recently passed.

Annexed may be found, in Exhibit A, a statement of the expenditures of the Surveyor General's office, (during my term,) since February 1, 1855, including the expenditures necessarily incurred by me since the expiration of my term of office.

Total in scrip, $7,831 43; in cash, $7,830 78; equal to about $18,000 in scrip, or $13,700 in cash.

Exhibit B. shows the deficiencies, and to whom due.

Total in cash, $6,977 30; in scrip, $4,915 20; equal to about $14,000 in scrip, or $10,500 in cash.

(NOTE.—This is exclusive of about $2,000 in scrip for advertising; including the latter, the deficiency would equal about $16,000 in scrip, or $12,000 in cash.)

Exhibit C shows for what purposes the contingent fund has been expended.

Exhibit D shows the amount due me for cash expenditures for the State, beyond the appropriations, as equal to $855 35, to which I have added $400, for services since the expiration of my term of office. Total, $1,255 37 cash.

Exhibit E consists of certified accounts of Jesse Hackett, George H. Goddard Thomas Tennent, the United States Surveyor General, and Ferris Forman, all for cash; it having been understood that they were to be paid in cash or its equivalent. Total, $5,722 30 cash.

It also contains certified accounts of Sherman Day, James Langley, Wm. L. De Witt, Nevett & Co., A. Konamen, James Allen, and Edwin Billings, all for scrip; it having been understood that they were to be paid with the same. Total, $3,992 scrip.

It contains also Milton Ferrell's account for $120, of which I have recommended $100 to be paid.

Exhibit F consists of Silas Wilcox's account for the survey of the boundary line between the counties of Stanislaus and Tuolumne, ordered by the last Legislature, for $481.

I am of the opinion that Mr. W. is entitled to charge eight (most certainly

six) dollars, instead of four, per mile. I would, therefore, recommend that his bill be paid as made out by him.

Exhibit G consists of C. D. Semple's account for survey of boundary line between Colusi and Yolo Counties, authorized by me under the Act concerning the office of Surveyor General, for $342 20.

His account should have been certified to by the Board of Supervisors and the County Judge, yet, as the work has undoubtedly been done, I recommend that he be paid.

My approximate estimate, scrip $24,000, of December 15, contained $7,000 for County Boundary Surveys; whereas this statement includes less than $1,000. Returns for the balance have been, or probably will be, received by my successor.

I have the honor to be,
Very respectfully,
Your obedient servant,

S. H. MARLETTE.
Ex-Surveyor General.

[A]

EXPENDITURES OF SURVEYOR GENERAL'S OFFICE.

WAGON ROAD.

	Scrip.	*Cash.*
For reconnoissance of routes, including Eastern Boundary Survey,	$1,537 20	$2,781 91
For survey of Wagon Road,	1,456 00	225 17
Totals,	$2,993 20	$3,007 08

Equal to about $5,300 cash; of which about $1,000 was expended in purchasing instruments.

STATE LANDS.

For U. S. Township plats,		$3,200 00
" copying do		367 00
" do do, and Swamp Land returns,	$1,230 00	
Advertising and printing, about,	2,000 00	
Totals,	$3,230 00	$3,567 50

Equal to about $5,600 cash,

County Boundary Surveys,	$823 20	
State Prison Ground Survey and Map,	112 00	
Office rent,	426 33	$85 00
Contingent expenses,	246 70	771 20

Equal to about $900 cash.

For my own services since the expiration of term of office, I have reported, - - - -		400 00
Totals, - - - - - -	$7,831 43	$7,830 78

Equal in cash to about $13,700 00
do scrip " 18,000 00

[B]

CASH.

Deficiencies of Surveyor General's Office.

Due S. H. Marlette, - - - - - -	$1255 00
Jesse Hackett, - - - - - -	237 00
George H. Goddard, - - - - - -	1882 25
Thos. Tennent, - - - - - -	259 00
U. S. Surveyor General, - - - - -	3200 00
F. Forman, - - - - - -	144 00
Total deficiency to be paid in cash, - - - -	6977 30

SCRIP.

Due Sherman Day, - - - - - -	$2600 75
James Langley, - - - - - -	714 00
William L. De Witt, - - - - -	516 00
Nevett & Co., - - - - - -	59 25
A. Koneman, - - - - - -	71 00
James Allen, - - - - - -	17 00
Edwin Billings, - - - - - -	14 00
Milton Ferrell, - - - - - -	100 00
Silas Wilcox, - - - - - -	481 00
C. D. Semple, - - - - - -	342 20
Total deficiency to be paid in scrip, - - - -	$4915 20

NOTE.—To the above must be added for certified accounts for advertising and printing, about $2000 in scrip, if not otherwise provided for.

Total deficiency, including $2000 scrip, for advertising, equal in cash to about $12,000.

Equal in scrip to about $16,000.

[C]

State of California in Account with Surveyor General's Office.

1855. CR.

By appropriation for contingent expenses, - - $2,000 00

DR.

April 17,	To W. G. Chambers, for porterage, - -	$26 50		
30,	To expenditures of Surveyor General on trip to San Francisco, to consult U. S. Surveyor General about Map, - - -	41 25		
	To D. W. Ap Jones, for Monk's Map of U. S.	25 00		
	To James Gudgeon, for wood, - - -	6 25		
May 1	To Chas. Binney, for stationery, - - -	36 00		
4	To James Anthony, for Sacramento Union, -	12 00		
17	To A. Koneman, for candles and matches, -	17 87		
25	To J. W. B. Barkley, for horse, - -	301 20		
June 6	To. A. B. Youmans, for rent for June, -	83 33		
11	To H. Rivett, for awning, - - - -	55 83		
16	To Rivett & Co., for matting, and for moving office fixtures, - - - - - -	26 00		
				631 23
	Balance, - - - - -			$1,368 77
The above was drawn July 2, and sold at 75 per cent., realizing, - - -		$1,026 58		
Add amount realized June 2, from sale of warrant for $34 91, at 60 per cent., from Quartermaster General, for stove, &c.,		20 95		
				$1,047 53
May 25	To cash paid Williams, for bringing horse, and for keeping same, &c, - - - -	8 00		
	To balance on horse to J. W. Barkley, to meet loss on scrip, - - -	39 16		
	To cash paid Roth for saddle, bridle, &c, -	55 00		
	" " for whip, and mending bridle,	2 50		
June 26	To table, hone, matting, and oil cloth, -	17 25		
July 2	To cash to George H. Goddard, - -	18 50		
	do to A. B. Youmans, for rent, -	18 50		
	do do for shelves, -	10 00		
	do to Chas. Binney, stationery, - -	37 90		
3	do to George H. Goddard, - -	50 00		
7	do do - -	11 50		
	do to Pacific Express Co., - -	20 00		
10	do to Chas. Pace, altitude and azimuth disk, - - - - -	600 00		
	do to Gillig & Co, for sprinkler, -	1 25		
12	do to Smith & Barkley, horse keeping and shoeing, - - -	47 50		
13	do to F. Forman, postage and box rent,	42 00		
15	do for blankets, saddle bags, &c., for Carson Valley expedition, - -	19 00		
16 to 26	do expenditures on C. V. expedition, -	12 00		
28	do to Carr & Winans, pedestal in Observatory, - - - -	25 00		
			$1,066 06	
	Deduct credit as above, -		1,047 53	
	Excess of expenditures, July 28,		18 53	

[D]

State of Californato S. H. Marlette, DR.

1855.

July 28,	To cash expended beyond appropriation as above,		$ 18 53
Aug. 1,	do	paid George H. Goddard,	7 50
2,	do	" for tent for Mr. Goddard's Expedition,	12 00
	do	" rope and wool for do	2 25
	do	" oiled silk case for altitude and azimuth instruments,	9 00
	do	" Stage Co., and others, for freight on saddle and sundries,	2 50
3,	do	" Geo. H. Goddard,	30 00
4,	To note given to Wm. Schmolez, for barometer,		55 00
6,	To cash paid Geo. W. Ricker & Co, for observatory, drafting desk and stand for altitude and azimuth instruments,		100 00
13,	do	Geo. O. Whitney, for desk stool,	2 50
14,	do	A. B. Youmans, for office rent,	50 00
15,	do	Sherman Day,	50 00
21,	do	expenditures on trip to Placerville,	8 00
Sept. 7,	do	J. W. B. Barclay, horse keeping, shoeing, etc.	62 50
12,	do	C. Binney, stationery,	25 00
14,	do	for repairing theodolite,	1 00
	do	Sherman Day,	20 00
20,	do	do	80 00
24,	do	do	19 00
25,	do	do	30 00
	do	to Michener, for tent duck and drill,	23 22
Oct. 1,	do	Sherman Day,	10 00
	do	Mr. Schmolez, for leveling rod,	20 00
2,	do	Geo. W. Hancock, (for assisting Mr. Day,)	21 00
	do	Seth Eustin, for do do	21 00
3,	do	Fare, etc. of Mr. Goddard and self from Placerville,	5 75
4,	do	For telegraph charges, etc.	3 80
13,	do	Geo. H. Goddard,	20 00
17,	do	Wines & Co.'s Express charges on map;	50
19,	do	Eye glass, keel pencils, &c., for Mr. Day,	22 30
31,	do	George H. Goddard,	60 00
Nov. 1,	do	J. W. B. Barclay, horse keeping, shoeing, etc.	60 00
Oct. 31, to Nov. 9,	To cash paid expenditures on trip to Calaveras, on wagon road business,		40 00
Nov 14,	To cash paid J. Gudgeon, for wood,		4 50
15,	do	Geo. H. Goddard,	20 00
Dec. 1,	do	Mr. Murray, rent of office for December,	50 00
4,	do	J. W. B. Barclay, horse keeping and medicine for horse,	21 00
5,	do	Geo. H. Goddard,	50 00
	do	Jesse Hackett, porterage,	25 00

Dec. 9,	To cash paid J. Gudgon, for wood, - - -		$ 9 00
28,	do do do - - - -		4 50
	do Geo. H. Goddard, - - - - -		50 00
1856.			
Jan. 1,	do do - - - -		100 00
4,	do J. Gudgeon, for wood, - - - -		4 50
7,	do Mr Murray, for office rent, - -		15 00
	do D. Woods, and Wormsen, Brothers, interest on money used for State during last year. Add interest to be paid to David Woods, March 1st, 1856, on notes for $380, used for State, - - - -		81 00
			$1319 85

Cr

Aug. 14,	By cash realized from sale of warrant for $133 33, at 75 per cent, from rent fund for office rent for July and Aug.	$100 00	
17,	By cash realized from sale of warrant for $83 33 at 72 per cent, transferred from rent fund for office rent for June	60 00	
Dec. 5,	By cash received of Wm. Higlby, for horse, saddle, bridle, etc, belonging to State, sold early in November,	335 00	405 00
	Balance due S. H. Marlette, in cash, Jan 7th, 1856,		$824 85

I certify the above bill to be correct,

S H. MARLETTE,
Surveyor General.

State of California to S H. Marlette

1856. Dr.

Jan. 7	To cash expended for State in Surveyor General's office, as above, - - -	$824 85	
9	To cash paid for cartage in moving part of office fixtures, &c., - - - -	6 00	
20	To cash paid to J. Gudgeon, for wood, -	4 50	
26	To cash paid J. Morrill for office rent from Jan. 9th to Feb. 9th, 1856, - -	20 00	
	Total cash expenditures for State to Jan. 26,	$855 35	
	Add for one month's services since expiration of term of office, (from Jan. 7, to Feb. 7,) say	400 00	
	Total, - - - - - -	$1,255 00	

I certify the above bill to be correct.

S. H. MARLETTE,
Surveyor General.

SACRAMENTO, Feb. 6, 1856.

[E]

State of California to Jesse Hackett

Dr.

To porterage from the middle of May, 1855, to 7th of Jan. 1856, at $30 per month, - - - - $232 00

Cr.

By cash from S. H. Marlette, Dec. 5, 1855, - - 25 00 — $207 00

I certify the above bill to be correct,

S. H. MALRETTE,
Surveyor General.

Add for services from Jan. 6th to Feb. 7th, - . - - 30 00

$237 00

I certify the last charge to be correct,

S. H. MARLETTE.

Sacramento, Feb. 7, 1856.

State of California to George H. Goddard.

1855.		Dr.	
Aug.	1	To salary in Surveyor General's office, from June 26 to Aug. 1, at $250 per month, (cash), - - -	$291 00
		To cash expenditure at sundry times, - - -	76 50
Oct.	1	To salary on Wagon Road Exploration and Boundary Survey, 2 months at $300, (cash), - - -	600 00
		To cash expenditures at sundry times, - - -	62 25
1856.			
Jan.	7	To salary in Surveyor General's office from 1st Oct. to Jan. 7th, at $300, (cash), - - - -	970 00
		Total, . - - - - -	$1,999 75

Cr.

By cash received of S. H. Marlette at sundry times, - - 417 50

Balance due Mr. Goddard in cash, January 7, 1856, - - $1,582 25

I certify the above bill to be correct,

S. H MARLETTE,
Surveyor General.

Add one month's salary from Jan. 7 to Feb. 7. at same price, - 300 00

Total in cash, - - - - $1,882 25

I certify that during the last month, Mr Goddard has been necessarily and most faithfully employed in completing his map, profiles, report, etc.

S. H. MARLETTE.

Sacramento, Feb. 6, 1856.

State of California to Thomas Tennent

1855. DR.

From July 9th to Nov. 12th.	To repairing altitude and azimuth instrument and Theodolite; also, to Barometer, Thermometer, chains, etc., and hire of Chronometers, as per bill, in cash, - - - - - -	$259 00

I certify the above bill to be correct,

S. H. MARLETTE,
Surveyor General.

Sacramento, Jan. 7, 1856.

State of California to U. S. Surveyor General.

DR.

	To furnishing the State Surveyor General's Office with 300 township plats, at sundry times, cost $8 each—(an account for the above was certified to, and presented to and rejected by the Controller, October 9, on the ground that there was no appropriation to meet it,) - - - - - -	$2,400 00
Jan. 7.	To furnishing 100 township plats, at sundry times, at $8, - - - - - - - -	800 00
	Total, - - - - - - - -	$3,200 00

The above should be paid in cash.

I certify the above bill to be correct.

S. H. MARLETTE,
Surveyor General.

The State of California to Ferris Forman.

DR.

To unsettled postage and box rent for last three quarters of 1855, for which accounts have been certified to by the undersigned, (cash,) $144 05.

S. H. MARLETTE,
Surveyor General.

Sacramento, January 7, 1856.

State of California to Sherman Day.

1855. DR.

To services surveying and making map of State Prison and grounds, in June, 1855, seven days, at $16 per day,		$120 00
To services in making reconnoissance of Immigrant Wagon Road routes, in June, July, August and September, seventy-one days at $16 per day,		1,136 00
To expenditures on do,		72 75
To services surveying Wagon Road in September, October, November, December, and January, ninety-one days, at $16 per day,		1,456 00
To expenses on do.,		33 00
Total,		$2,809 75

CR.

By cash received of S. H Marlette, during reconnoisance,	$169 00	
By cash of do., during survey,	40 00	
		209 00
Balance due Mr. Day, January 7, 1856.		$2,600 75

I certify the above bill to be correct,

S. H. MARLETTE,
Surveyor General.

SACRAMENTO, January 7, 1856.

State of California to James Langley.

1855. DR.

From July to Dec For 102 days' service in Surveyor General's Office, copying maps, documents, etc, at $7, (scrip,) $714 00.

I certify the above bill to be correct.

S. H. MARLETTE,
Surveyor General.

SACRAMENTO, December 27, 1855.

State of California to W. L. De Witt

DR.

To services in Surveyor General's Office, drafting, etc., from the 12th of Nov. 1855, to the 7th of Jan. 1856, 43 days, at $12 (scrip,) $516 00

I certify the above bill to be correct.

S. H. MARLETTE,
Surveyor General.

State of California to Nevitt & Co.,

DR.

To Stove and fixtures for Surveyor General's Office, in scrip, $59 25.

I certify the above bill to be correct.

S. H. MARLETTE,
Surveyor General.

SACRAMENTO, Jan. 7, 1856.

State of California to A. Koneman

DR.

So candles, matches, rope, box of soap, &c., from June 2, 1855, to January 2, 1856, in scrip, $71 00

I certify the above bill to be correct.

S. H. MARLETTE,
Surveyor General.

SACRAMENTO, January 7, 1856.

State of California to James Allen.

DR.

To State Tribune, for Surveyor General's office, from April 8, 1855, to January 1, 1856. - - - - - - - - $17 00

I certify the above bill to be correct.

S. H. MARLETTE,
Surveyor General.

SACRAMENTO, January 7, 1856.

State of California to Edwin Billings

DR.

To California Chronicle, for Surveyor General's office, seven months, in 1855, - - - - - - - - $14 00

I certify the bill to be correct.

S. H. MARLETTE,
Surveyor General.

SACRAMENTO, January 7, 1856.

State of California to Milton Ferrell

DR.

To services of self and two horses from Sept. 15th to 22d, inclusive, 8 days at $15, on Wagon Road and Boundary Survey, - - $120 00

The above services were rendered, and I would recommend that Mr. Ferrell be allowed $100 for the same.

S. H. MARLETTE,
Surveyor General.

SACRAMENTO, Jan. 7th, 1856.

[F]

STATE OF CALIFORNIA,
Stanislaus Co., August 8, 1855.

State of California in account with Silas Wilcox.

To distance run in the Survey of the County Line between Stanislaus and Tuolumne counties:

27 miles, 151 feet,	$109 00
21 monuments erected on line,	63 00
20 miles to place of beginning,	10 00
3 maps of the line,	9 00
Recording,	2 00
Assistance on the line, 36 days,	288 00
	$481 00

I do hereby certify the above account to be correct.

Signed,

SILAS WILCOX,
County Surveyor.

We, the majority of the Board of Supervisors of Stanislaus county, have examined the foregoing account of S. Wilcox, Surveyor of this county, charged by him for running the county line between this and Tuolumne county, and believe it to be correct, and the charges reasonable.

Witness our hands, this 8th August, A.D. 1855.

Signed,

DAVID B. GARDNER,
JNO. M. NEVISON.

I hereby certify, that the above work has been performed to the best of my information and knowledge.

Signed,

H. W. WALLIS,
County Judge.

August 8, 1855.

[G]

COLUSI, July 38, 1855.

State of California to H. D. Semple.

DR.

For ascertaining and running the boundary line between the Counties of Colusi and Yolo:

29 miles and 12 chains, at $10 for first mile, and $8 for each subsequent mile,	$235 00
To hire of two chainmen and one workman, four days, at $3 per day,	36 00
To hire of wagon, team, and driver, to break down tule, two days, at $10 per day,	20 00
Board of hands, at $3 per day,	42 00
Plat and Certificate,	3 00
Recording,	2 00
Traveling to place of beginning, eight miles,	4 00
	$342 20

Signed,

C. D. SEMPLE,
County Surveyor.

I hereby certify that the above account is just and true, and that the disbursements therein named were made.

Given under my hand, the date above.

Signed,

C. D. SEMPLE,
County Surveyor, Colusi County.

Report referred to Committee on Claims.

Special order, Assembly bill No. 15, an Act to create a Board of Commissioners to revise, reform, and properly codify the Laws of the State of California, was taken up.

On motion, made the special order for Tuesday, February 12, 1856.

Assembly bill No. 13, an Act amendatory of an Act entitled an Act to regulate Fees of Office, approved April 10, 1855.

Amendments adopted. Bill made the special order for Wednesday, February 13, 1856.

Assembly bill No 54, an Act authorizing David Gherky and others to build a Wharf at Santa Cruz.

Laid on the table.

Assembly bill No. 55, an Act authorizing J. E. Davis, A. P. Jordan, and others, to construct a Wharf at Santa Cruz,

Laid on the table.

Substitute for Assembly bill No. 34, an Act entitled an Act to change and fix the County Seat of Butte County.

Read third time and passed.

Assembly bill No. 53, an Act to amend an Act concerning Notaries Public, passed April 30, 1853.

Mr. Gray offered the following amendment:

For the county of San Francisco strike out "thirty," and insert in lieu thereof, "any number the Governor may deem qualified to discharge the duties of Notaries Public," provided the number shall not exceed twenty-five.

Lost.

Mr. Hawes offered the following amendments:

And provided further, that in the county of San Francisco the existing Notaries Public shall continue in office until their respective terms of office expire, or they be removed for official misconduct, according to the laws regulating the removal of civil officers, otherwise than by impeachment.

And also, for county of San Francisco strike out "thirty" and insert "twenty."

Lost.

Mr. Brent offered the following amendment:

SEC. 3. The Governor shall issue no commissions to Notaries Public under the provisions of this Act, until after the next general election, at which time the people of the respective counties shall elect the number of Notaries Public allowed to each of the counties by the first section of this Act, which said Notaries Public shall be only commissioned by the Governor, and shall hold their offices for the term of two years from the day of their election, and until their successors are elected and qualified.

Pending debate, Mr. Gage moved the previous question, which, on division of the House was not sustained—Ayes 22, Noes 33.

Mr. Sellick moved to indefinitely postpone the amendment.

The Speaker decided the motion out of order.

The question then recurred on the passage of the amendment, upon which Messrs. Gray, Lewis, and Taliaferro demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Boring, Brent, Brush, Bynum, Callbreath, Covarrubias, Downey, Ewalt, Gray, Hawes, Heald, Holland, Kendrick, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Swan, Taliaferro, Weir, Winsor – 23.

NOES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Cart-

ter, Cone, Curtis, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Kelley, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathbun, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Welch, White, Mr Speaker--46.

So the amendment was lost.

Mr. Heald moved to amend, by inserting after the proviso for the counties of Sonoma and Mendocino, the words "But the Notaries now in office in said counties, shall not be removed until the expiration of the term of their appointment, unless for misconduct in office, as prescribed by law."

The amendment was lost.

The following amendment was proposed by Mr. Hunter:

Amend so as to read four (4) for the county of San Joaquin.

Adopted.

Mr. Hawes moved to insert "ten," in place of twenty, for the county of San Francisco.

Lost.

The question then recurred on the passage of the bill as amended.

Whereupon, Messrs. Taliaferro, Oliver and Beatty, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Carter, Cone, Curtis, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathbun, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Winsor, Winston, Mr. Speaker—49.

NOES.

Messrs, Beatty, Boring, Brent, Brush, Bynum, Callbreath, Coombs, Covarrubias, Downey, Ewalt, Gray, Hawes, Heald, Holland, Kendrick, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Swan, Taliaferro—22.

So the bill as amended was read a third time and passed.

Title approved.

On motion of Mr. Lamon, the House adjourned at half-past two o'clock, P. M.

IN ASSEMBLY.

SATURDAY, February 9, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

On motion, leave of absence was granted to Mr. Turner for two days, and Messrs. Davis and Williams for three days, each.

Journal of yesterday was read and approved.

Mr. Haile presented a remonstrance, signed by citizens of Napa county, against any alteration being made in the boundaries of that county.

Referred to Committee on Counties and County Boundaries.

Also, a petition signed by twelve citizens of the State of California, praying for the repeal of an Act entitled, an Act to discourage the immigration to this State of persons who cannot become citizens thereof.

Also, of an Act to amend an Act to provide for the protection of foreigners, and to define their liabilities and privileges.

Referred to Committee on Mines and Mining Interests.

Mr. Wohler presented a petition from Edward Dekler, praying that the sum of five thousand dollars be allowed him for damage done to himself and property by a number of convicts who had escaped from the State Prison.

Referred to Committee on Claims.

Mr. Weir presented a petition from the Board of Supervisors of San Joaquin county, praying that the time of holding the Court of Sessions and County Court, be changed, &c.

Referred to Delegation from Stanislaus and San Joaquin counties.

Mr. McDonald introduced a bill for an Act granting George Durgin and Samuel P. Dorsey, the right to construct a toll bridge across the North and South Forks of Salmon river, immediately above their junction.

Read first and second time, and referred to Committee on Corporations.

Mr. George introduced a bill for an Act for securing liens to mechanics and others.

Read first and second time and ordered printed, and referred to Judiciary Committee.

Mr Lippincott introduced a bill for an Act to amend an Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State, approved April 29, 1855.

Referred to Committee on Public Lands.

Mr. George moved the reading of the bill be dispensed with, and that the usual number of copies be printed.

Upon which, Messrs. Stout, Gage, and Sellick demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Bowe, Brent, Brunton, Brush, Bynum, Carter, Castro, Calbreath, Cone, Covarrubias, Curtis, Dark, Downey, Dustin, Ewalt, George, Gray, Hawes, Heald, Heiskell, Kendrick, Holland, Kelly, Lamon, Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Oliver, Pearson, Peck, Pugh, Rhodes, Sherrard, Stephenson, Sterritt, Swan, Taliaferro, Upton, Van Dusen, Wagner, Weir, White, Winsor, Winston, Wohler, Mr. Speaker—57.

NOES.

Messrs. Borland, Gage, Gaston, Haile, Hoover, Leihy. Oxley, Rathburn, Reed, Reynold, Ricks, Sellick, Shearer, Stout, Taylor—15.

So the motion was adopted, and the bill ordered printed.

Mr. Brunton introduced a bill for an Act to provide for the erection of a Jail in the county of Tuolumne.

Read a first and second time, and referred to delegation from Tuolumne.

Mr. Kelly introduced a bill for an Act amendatory of, and supplementary to an Act, entitled, an Act defining the legal distance from each county seat in the State of California, to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, passed May 15th, 1854.

Read first and second times, and referred to Committee on Mileage.

Mr. Weir gave a notice of a bill for an Act, entitled an Act to amend an Act concerning the office of Treasurer of State.

Mr. Oxley gave notice of a bill for an Act to prevent Judges of the county Courts in this State from practicing as attorneys in the District Courts.

Mr. Gaston gave notice of a bill to provide for the better enforcement of the law against duelling.

Mr. McFarland gave notice, that in accordance with the requirements of the joint rules of the Senate and Assembly, that he would on Friday next, or at an early day thereafter, introduce a bill to amend an act entitled, an Act in relation to personal mortgages in certain cases, passed May 11, 1853, proposing the same amendments which have been lately rejected by the Senate.

Mr. Sherrard made the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred Senate bill No. 50, entitled an Act to repeal an Act entitled an Act concerning the Fees of Public Administrators, passed April 28, 1851, and for other purposes, have had the same under consideration, and respectfully ask leave to submit that the title of said bill, containing more than one object, is, in the opinion of your Committee, unconstitutional. (See Constitution, Art. 4, Sec. 25.) Your Committee further report, that after strict investigation and diligent search, we are unable to find any enacting clause in the said bill; and having discovered by examination of the Constitution (see Art. 4, Sec. 1) of this State, that a form is there given, to be used in every Act of the Legislature, we infer that the framers of the Constitution regarded it as essential, and having heard that an Act without the same would be of no validity, and, having heard motions made in this body to strike out the enacting clause, for the purpose of defeating a bill or Act, yet with all these reasons, it is with the greatest diffidence that we feel constrained to differ with the Judiciary Committee of the Senate, to whom the said bill was referred, and by whom reported back to the Senate, with a recommendation that it should pass that honorable body. So glaring an omission as the want of an enacting clause, could not have escaped the legal penetration of that able and talented Committee, and hence we are forced to the conclusion, that they, after due consideration, deem the enacting clause entirely superfluous. We have heard that St. Denis travelled with his head under his arm; but the body of the Senate bill travels without being accompanied by any head at all. We could scarcely believe the former, regarding it as a tale of the marvelous; but to believe the latter would be a stretch of credulity beyond our power, had we not have seen its locomotive powers exhibited in its transit from the Senate to this House. In consideration of the magnitude of the question of difference, and the difficulty of its solution, that there may be no question open to puzzle lawyers or judges hereafter, ask leave to report the said Senate bill No. 50 back to this House, together with a substitute therefor, and recommend the passage of the substitute.

The same Committee, to whom was referred Assembly No. 66, a bill for an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May 17, 1853, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and ask that it may be referred to the Committee on Hospitals.

R. B. SHERRARD,
Chairman.

Mr. Peck, from the Committee on Public Lands made the following report:

Mr. Speaker:

The Committee on Public Lands, to whom was referred Assembly bill No 26, proposing an Act amendatory to an Act entitled an Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt county, passed April 27, 1855, have had the same under consideration, and report said bill back to the House, and recommend its passage.

GEORGE PECK,
Chairman.

Mr. Sellick, from Committee on Enrollment, made the following report:

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill No. 30, amendatory of an Act to fund the Debt of the County of San Diego, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Stout, from the Committee on Engrossment, made the following report:

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed, bill No. 61, for an Act to define the Term of Office of the District Judge of the Fifteenth Judicial District, and to fix his salary.

Also, bill No. 50, for an Act to incorporate the Town of San Luis Obispo.

LANSING STOUT,
Chairman.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
February 8th, 1856.

To the Honorable the Assembly of California:

I have this day approved the bill originating in the Assembly, entitled an Act to locate the seat of justice of Alameda county, and amendatory of an Act to create the county of Alameda, and establish the seat of justice therein, to define its boundaries, and to provide for its organization.

I have the honor to be
Your obedient servant,

J. NEELY JOHNSON.

Mr. Gray offered the following resolution:

Resolved, That the Controller be requested to furnish to this House, at as early a day as practicable, the aggregate amount of the accounts against the State Marine Hospital that have been audited by the Board of Trustees, in pursuance of an Act of April 16th, 1855; how much of the same has been paid in Controller's warrants or otherwise, and how much (if any) still remains unpaid, and to whom payable, with a concise statement of the nature of the accounts that are on file in his office.

Adopted.

Mr. Heald offered the following joint resolutions, which lay over under the rules:

Resolved, by the Senate and Assembly of the State of California, That our Senators be instructed and our Representatives be requested to use their influence to obtain a modification of the Act of Congress of 1851, organizing the United States Board of Land Commissioners for this State, so far as to prevent the issuance of a patent to claimants in all cases where the right of the claimant was imperfect, inchoate and incomplete, at the date of the conquest of California.

Resolved further, That they be requested to urge the adoption of such measures by legislation or otherwise, as will prevent the location of all unlocated or floating grants on other than unoccupied lands.

Resolved further, That they be requested to urge the adoption of such measures, by legislation or otherwise, as will make the duties of United States Surveyors fixed and certain, giving them no discretion in locating grants.

Resolved further, That they be requested to urge the adoption of such measures by legislation or otherwise, as to bring into market all the agricultural lands of this State, the legal title to which is in the United States.

Resolved further, That they be requested to urge the adoption of such measures, by legislation or otherwise, as to secure a subdivision of all the agricultural lands of this State, irrespective of any claim of title in private parties.

Resolved further That his Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

On motion, the House resolved itself into Committee of the Whole, to take into consideration the resolution authorizing the Secretary and Controller of State to audit the account of Thomas R. Eldridge, for translating the Governor's Message, and accompanying documents, into the French language.

House in Committee of the Whole, Mr. Beatty in the Chair.

Committee rose, reported the resolution back, with the following amendment: Add after the word Assembly, provided the amount does not exceed seven hundred dollars, and asked to be discharged

Report adopted.

The resolution, as amended, was adopted.

Mr. Brunton introduced the following resolution:

Resolved, That the Committee on Accounts and Expenditures be instructed to ascertain and report to this House, on Tuesday next, the amounts charged by the State Translator for translating each one of the following documents: Governor Johnson's Inaugural, Ex-Governor Biglers' Annual Message, and Appendix, the report of the State Controller, and the report of the Secretary of State.

Adopted.

Assembly bill, No. 38, an Act making appropriation for the civil expenses for the government of the State was read a third time and passed.

Title approved.

The following message was received from the Senate:

SENATE CHAMBER, Feb. 9, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on this day indefinitely postponed Assembly bill No. 42, an Act to change the name of William Henry Clark to that of William Clark Penton.

Also, on the 8th inst., rejected Assembly bill No 8, an Act entitled an Act in relation to personal mortgages in certain cases, passed May 11th, 1853.

And amended Assembly bill No. 19, for an Act making an appropriation for the temporary support of the State Prison, and passed the same as amended.

Respectfully submitted,

R. BIVEN,
Assistant Secretary Senate.

On motion, the amendment made by the Senate to the Assembly bill No. 19, was concurred in.

Mr. Callbreath introduced the following resolution:

Resolved, That the Engrossing Clerk be authorized to employ one assistant clerk.

Adopted.

Mr. Batchelder offered the following resolution:

Resolved, That no bills hereafter presented to this House, shall be ordered printed previous to their having been referred to the appropriate committee, except by a vote of two-thirds of the members of this House present.

Indefinitely postponed.

Mr. George moved to have the report of the Judiciary Committee, in relation Senate bill No. 50, printed.

Upon which, Messrs. Stout, Haile, and Rathburn, demanded the ayes and noes, with the following result:

AYES.

Messrs. Bell, Brent, Castro, Covarrubias, Downey, Ewalt, George, Gray, Kelly, Lamon, Lewis, Lippincott, McDonald, McFarland, Moulthrop, Oxley, Pearson, Peck, Reynolds, Rhodes, Sterritt, Swan, Mr. Speaker—23

NOES.

Messrs. Andrews, Batchelder, Beatty, Blackburn, Boring, Borland, Bowe, Brunton, Brush, Cartter, Callbreath, Cone, Dick, Dustin, Gage, Gaston, Haile, Heald, Heiskell, Holland, Hoover, Kendrick, Leihy, Mathews, McGehee, Meloney, Oliver, Rathburn, Read, Ricks, Sellick, Shearer, Sherrard, Stephenson, Stout, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Winsor, Winston, Wohler—45.

So the motion was lost.

Mr. Downey moved to adjourn until Tuesday.

Upon which, Messrs. Bell, Haile, and McFarland, demanded the ayes and noes, with the following result:

AYES.

Messrs Bynum, Downey, Ewalt, Kendrick, Rhodes, Sherrard, Stephenson, Winsor, Winston, and Wohler—11.

NOES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Bowe, Brent, Brunton, Brush, Cartter, Callbreath, Cone, Covarrubias, Curtis, Dick, Dustin, Gage, Gaston, George, Gray, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Kelly, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Oliver, Oxley, Pearson, Peck, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Sterritt, Stout, Swan, Taylor, Upton, Van Dusen, Wagner, Welch, White, and Mr. Speaker—59.

So the motion was lost.

Mr. ——— offered the following resolution:

Resolved, That the Commissioner of Immigrants of the port of San Francisco be required to report to this House, at the earliest possible period, the number of foreigners, ineligible to citizenship, that have arrived at the port of San Francisco since the first day of September last; also the amount of tax collected from the same, under an Act passed April 28, 1855; also, the number of said persons that have shipped from that port since the said first day of September, 1855.

Mr. Lamon offered the following resolution:

Resolved, That the State Printer be required to *print in italics*, the names of all persons who demand the Ayes and Noes on the question to adjourn, and also on the question to *print* the usual number of copies of any paper.

Lost.

Mr. Ricks offered the following resolution:

Resolved, That from and after Monday next, that this House do adjourn at 3 o'clock, on each day, unless by the unanimous consent of the House to adjourn at an earlier hour.

Indefinitely postponed.

Mr. Bell offered the following:

Resolved, That the Reporters of the House be requested to report in each day's proceedings the name of the member moving, the time of adjournment, and if any unfinished business remains on the Clerk's desk.

Pending the question upon the adoption of the resolution—

On motion of Mr. Taylor, the House adjourned at half past 1 o'clock, P.M.

IN ASSEMBLY.

MONDAY, February 11, 1856.

House met at 10 o'clock, A. M.

Speaker in the chair.

Prayer by the Rev. Mr. Graham.

Roll called, and quorum present.

Leave of absence for one day was granted to Mr. Taliaferro.

Journal of Saturday read and approved.

Mr. Farley presented fourteen memorials, signed by two thousand and six hundred and seventy citizens and voters of Amador county, praying that the County Seat of Amador may be removed to Volcano

Mr. Wagner presented a remonstrance against the petitions in regard to the removal of the County Seat of Amador county, numerously signed by citizens of that county.

The petitions and remonstrance were referred to the Committee on Counties and County Boundaries,

Mr. Bell introduced a bill for an Act to amend an Act entitled an Act concerning the Salaries of Officers and Pay of Members of the Legislature, passed May 11, 1855.

Read a first and second times, and referred to Committee on Accounts and Expenditures.

Mr. Weir introduced a bill for an Act to amend an Act entitled an Act concerning the Office of Treasurer of State, approved March 16, 1855.

Read a first and second time, and referred to Committee on Public Grounds and Buildings.

Mr. Weir gave notice of a bill relative to the sixteenth and thirty-sixth sections of the Public Lands of this State.

Mr. Winston made the following report:

Mr. Speaker.

The Committee on Roads and Highways, to whom was referred Assembly bill No 2, a bill for an Act to amend an Act entitled an Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads, passed May 12, 1853, have had the bill under consideration, and respectfully beg leave to report the same back to the House and recommend its passage without amendment.

JOSEPH WINSTON,
Chairman.

Mr. Weir presented the annual report of the Superintendent of the State Insane Asylum.

On motion of Mr. Weir, the report was ordered printed and referred to the Committee on Hospitals.

Joint Resolutions introduced by Mr. Holland, Feb. 11, 1856:

Whereas, It has become a common practice in the Atlantic Ports of the United States in clearing vessels engaged in the California trade to manifest a large proportion of their cargoes under the designation of "merchandise," or some other term equally general and indefinate, designed to conceal the articles comprising such cargoes, which practice is highly detrimental to the interest and commerce of this State; therefore, be it

Resolved, (by the Senate and Assembly of the State of California,) That our Senators and Representatives in Congress be requested to use their endeavors to

procure such amendments of the existing Revenue Laws of the United States, as to require that all goods, wares and merchandise, shipped from the Atlantic to the Pacific Ports of the United States, shall be entered or discribed on the manifest of vessels conveying the same, in such manner as to indicate the quantity and kind of property shipped.

Resolved, That a copy of this resolution be forwarded without delay to our Senator and Representatives in Congress

Read a first and second time and referred to Committee on Commerce and Navigation.

Mr. Callbreath moved to take from the table the resolutions of instruction to our members of Congress in relation to a modification of the Act of Congress of 1851, organizing the United States Board of Land Commissioners, etc.

Lost.

Senate bill No. 47, an Act to provide for settling the boundary line between the Counties of Marin and Sonoma.

Read third time and passed.

Senate bill No. 36, an Act concerning appeals in certain cases.

Read third time and passed.

Assembly bill No. 47, an Act to authorize the issue of a School Land Warrant to Thomas Baker.

Ordered engrossed

Assembly bill No. 64, an Act entitled an Act to settle the boundary line between the counties of Klamath and Humboldt.

Considered engrossed, read third time and passed.

Assembly bill No. 50, an Act to incorporate the town of San Luis Obispo.

Read third time and passed.

Assembly bill No. 66, an Act amendatory of an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May 17, 1853.

Referred to Committee on Hospitals.

Assembly bill No. 26, proposing an amendment to an Act entitled an Act to provide for the disposal of Lots in the Towns and Villages in Humboldt county.

Considered engrossed, read third time, and passed.

Assembly substitute for Senate bill No. 50, an Act to repeal an Act entitled

an Act concerning the Fees of Public Administrators, passed April 28, 1851, and for other purposes.

Substitute adopted, and ordered engrossed.

Assembly bill No. 21, an Act to amend an Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads, passed May 12, 1853.

Considered engrossed, read third time, and passed.

By leave of the House, Mr. Cartter introduced a bill for an Act to regulate the business of Bankers.

On motion the reading of the bill was dispensed with. It was ordered printed, and referred to Judiciary Committee.

Mr. Hawes moved that the House resolve itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 2, being San Francisco consolidation bill.

A division of the House was called, and the motion lost—ayes 22, noes 26.
Mr. Peck moved the House adjourn.

Messrs. Stout, Bell and Hawes demanded the ayes and noes with the following result:

AYES.

Messrs. Batchelder, Boring, Borland, Bowe, Brush, Castro, Callbreath, Cone, Coombs, Curtis, Downey, Ewalt, George, Gray, Heiskell, Holland, Hoover, Hunter, Kelly, Kendrick, Lamon, Leihy, Lewis, Lippincott, McDonald, Meloney, Oliver, Pearson, Peck, Pugh, Read, Rhodes, Ricks, Shearer, Sherrard, Stephenson, Sterritt, Swan, Taylor, Weir, Welch, and Winston—42.

NOES.

Messrs. Bell, Blackburn, Brunton, Bynum, Carter, Covarrubias, Dustin, Gage, Gaston, Haile, Hawes, Heald, Mathews, McFarland, McGehee, Oxley, Rathburn, Reynolds, Sellick, Stout, Wagner, Winsor, and Wohler—23.

So the House adjourned at 12 M.

IN ASSEMBLY.

TUESDAY, February 12, 1856.

House met at 10 o'clock, A. M.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and all the members present.

Mr. Boring was granted leave of absence for one week, Mr. Van Dusen for two days, and Messrs. Turner and Taliaferro for one day each.

Mr. Andrews presented a petition from the Board of Supervisors of Shasta county, praying the enactment of a law giving them special authority to levy a tax for the support and maintenance of the indigent sick of that county.

Read and referred to Committee on Hospitals.

Mr. Bowe presented a petition from citizens of El Dorado county, praying that some suitable compensation be granted certain parties for arresting Mickey Free and George Wilson.

Read and referred to Committee on Claims.

Mr. Bynum presented a petition from John Van Arnam, praying for release from any further liability on the bond of one Alexander Chisholm.

Read and referred to Committee on Claims.

Mr. Weir introduced a bill for an Act relative to the 16th and 36th sections of the Public Lands of this State.

Read first and second times, ordered printed and referred to Committee on Public Lands.

Mr. Leihy introduced a bill for an an Act to encourage the Agricultural and Mining interest of this State.

Read first and second times and referred to a select committee of five.

The Speaker appointed Messrs. Leihy, Bynum, Bell, Sterritt and Brunton as the committee.

Mr. Heiskell introduced a bill for an Act to fund the Indebtedness of the

State in the form of Controller's warrants drawn upon the Treasurer of State, between the 30th day of July, 1855 and the 9th day of January, 1856.

Upon motion the reading of the bill was dispensed with, it was ordered printed, and referred to the Judiciary Committee.

Mr. Haile introduced a bill for an Act to fund the debt of the county of Napa and provide for the payment of the same.

On motion the reading of the bill was dispensed with, and it was referred to the Committee on Ways and Means.

Mr. Bowe introduced a bill for an Act for the better observance of the first day of the week, commonly called Sunday, in certain counties.

On motion the reading of the bill was dispensed with, and it was referred to the Committee on Vice and Immorality.

Mr. Leiby offered Assembly bill No. 87, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May 1, 1851.

Read first and second times, and referred to Judiciary Committee.

Mr. Bynum offered Assembly bill No. 88, an Act to release John Van Arnam, of Washington, Yolo county, from any farther liabilities as surety on the official bond of Alexander Chrisholm, late County Treasurer of Yolo county.

Read first and second times and referred to Committee on Claims.

Mr. Farley introduced Assembly bill No. 89, an Act to submit the question of removal and the location of the county seat of Amador county to the choice of the voters of the county.

Read first and second times and referred to Committee on Counties and County Boundaries.

Mr. Reynolds gave notice of a bill for an Act entitled an Act to amend an Act entitled an Act to provide for the support of the Government of this State, passed May 15, 1854, and to amend the several Acts amendatory thereunto.

Mr. Brush gave notice of a bill concerning Hogs running at large in the county of Marin.

Mr. Andrews gave notice of a bill for an Act to authorize the Board of Supervisors of Shasta county to levy an additional tax, for Hospital purposes, in said county.

Mr. Sellick gave notice of a bill entitled, an Act to amend an Act to regulate proceedings in Civil Cases in Courts of Justice of this State, passed April 29, 1851.

Mr. Heald gave notice of a bill for an Act concerning Roads and Highways.

Mr. Batchelder gave notice of a bill in relation to Mortgage of Personal Property.

Mr. Hunter gave notice of a bill for an Act to amend an Act concerning Estrays.

Mr. Hawes gave notice of a bill for an Act to be entitled, an Act concerning Real Property, and actions for the recovery thereof.

Mr. Stout made the following report:

Mr. Speaker:

The Committee on Engrossment have examined and find correctly Engrossed:

An Act making an appropriation for the temporary support of the State Prison.

An Act to incorporate the town of Eureka.

An Act to repeal an Act concerning the per diem of officers of the Senate and Assembly.

An Act to exempt and except the county of Klamath from any and all provisions of an Act entitled an Act to regulate Fees of Office, approved April 10, 1855.

An Act to amend an Act entitled an Act to punish vagrants, vagabonds, and dangerous and suspicious persons, approved April 30, 1855.

An Act entitled an Act to change the County Seat of Klamath county.

An Act to amend an Act entitled, an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, approved May 5. 1855.

An Act to repeal an Act entitled, an Act to create a Board of Supervisors or the county of Alameda, and to provide for the government of said county.

LANSING STOUT,
Chairman.

Mr. Leihy made the following report:

Mr. Speaker:

The committee to whom was referred Assembly bill No. 81, an Act to amend an Act concerning the Treasurer of State, have had the same under consideration, and beg leave to report the same back to the House, respectfully recommend its passage.

G. W. LEIHY,
Chairman.

Mr. Leihy made the following report:

Mr. Speaker:

The Sacramento Delegation to whom was referred Assembly bill No. 69, an Act to amend an Act, entitled an Act to create a Board of Supervisors in the counties of this State, and define their duties and powers, have had the same

under consideration, and report the same back without amendment, and respectfully recommend its passage.

G. W. LEIHY,

Chairman.

The following communication was received from the Judges of the Supreme Court, and referred to Judiciary Committee.

To the Senate and Assembly of the State of California:

The undersigned, Judges of the Supreme Court, are under the necessity of making the following statement:

A few months ago, being aware that no preparation was making for the publication of the Supreme Court Reports since the third volume, one of us sought an interview with H. P. Hepburn, who was then Reporter. In that conversation, Mr. Hepburn stated that he could not further report under the present system; that he had received no adequate compensation for the report of the second volume, and none whatever for the third.

At this time, nearly two volumes of Reports were on hand, many cases were coming up on appeal, the principles of which had already been determined, but the decision of which the professional men throughout the State had no means of knowing. Under these circumstances, it was thought proper to urge upon Mr. Hepburn to go on with the reports; and to induce him to do so, he was promised that the Judges would present the subject to the Legislature, and ask for him a fair remuneration; and the opinion was expressed to him that he was reasonably entitled to receive four thousand dollars for reporting each volume, and the cost of printing and binding the volume, upon delivering the whole edition to the State.

Acting upon this inducement, Mr. Hepburn undertook to prepare and publish the fourth volume of Reports, which is now nearly ready for delivery, but declined taking the risk of proceeding with the succeeding volume.

In order to obtain an early publication of the fifth volume, we applied to J. G. Baldwin; and with the same reasons as given in the case of Mr. Hepburn, we induced him to undertake the report and publication of that volume. It is now in course of preparation, and may be expected to be ready for delivery in a short time.

These two gentlemen have undertaken the heavy labor and expense which is necessary, upon the supposition that the opinion of the Judges would have some weight with the Legislature in determining in their favor the grant of a just compensation.

It is needless for us to add that all the provisions heretofore made by law for the publication of the reports, have proved totally inadequate.

We believe that the importance of this matter will be as evident to all the members of your department of the Government as it is to us.

H. C. MURRAY,
S. HEYDENFELDT.

Mr. Oxley offered the following resolution:

Resolved, That the Chief Clerk of the Assembly is hereby authorized to em-

ploy such additional aid as he may deem necessary; provided that no writing that may be done under the direction of the Chief Clerk shall be paid for except per folio; and all such writing shall be certified to by the Chief Clerk and Speaker, and drawn by the Sergeant-at-Arms, as for their clerical services.

Mr. Bell offered to amend by adding: Provided that the amount paid shall not exceed twenty-five cents per folio.

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

Carried.

Mr. Weir offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to examine the Express and Mail bags every day, before the same leaves the House, and take all matter therefrom not endorsed by the members of this House.

Mr. Cone offered the following concurrent resolution:

Resolved, (the Assembly and Senate concurring,) That our Representatives in Congress be and are hereby instructed to use their influence to secure the passage of the law amendatory of the Act of 1851, organizing a Board of Land Commissioners for California, in the following particulars:

1st. Let the Act be so modified as to prevent the perfection of all imperfect grants, leaving the claimant of the land to stand upon the same footing as the claimant of personal property. If he has a title, let it stand; if he has not a title, full and complete take away the power to make it complete.

2nd. Take away the power to locate and unlocate grants unless on unoccupied land.

3d. Take away the discretion from the Surveyor General, giving him only power to survey while the data and boundary lines and corners are all furnished and fully established.

4th. Modify such Act so far as to put the claimant in his full and legal right.

Referred to Committee on Public Lands.

Mr. Taylor offered the following resolution:

Resolved, That the joint committee to examine the books and accounts of the late Treasurer of State be allowed a clerk.

Adopted.

Mr. Bell offered the following resolution:

Resolved, That the Standing Committee on Military Affairs be requested to

visit all the military posts in this State and be allowed mileage for the same, if *the distance exceed twenty-five thousand miles travel.*

Indefinitely postponed.

Mr. Heald introduced the following resolution:

Resolved, That this House take a recess each day, from 15 minutes past 12 o'clock until 15 minutes past 1 o'clock, unless the House shall finish its regular business and adjourn before that time.

Lost.

Mr. Lamon moved the House take a recess this day, for one hour, from half past twelve o'clock.

Lost.

Mr. Hunter offered the following resolution:

Resolved, That W. B. Winsor, (of Yuba,) be and is hereby added to the Committee on Hospitals.

Adopted.

Assembly bill No. 81, an Act to amend an Act entitled an Act concerning Treasurer of State, approved March 16, 1855.

Read a third time and passed.

Assembly bill No. 69, an Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers.

On motion, the third section of the bill was stricken out, and the bill referred to the Judiciary Committee.

Assembly bill No. 19, an Act making an appropriation for the temporary support of the State Prison.

Read a third time and passed.

Assembly bill 39, an Act entitled an Act to change the County Seat of Klamath county.

Read third time and passed.

Assembly bill No. 41, an Act to except and exempt the County of Klamath from any and all provisions of an Act entitled an Act to regulate Fees in Office, approved April 10, 1855.

On motion, bill was referred to the Delegation from Klamath, with instructions to report a substitute.

Assembly bill No. 45, an Act to repeal an Act entitled an Act to create a Board of Supervisors for the county of Alameda, and to provide for the government of said county.

On motion, the word district was inserted where the word township occurs.

The bill was read third time and passed.

Assembly bill No. 58, an Act to incorporate the town of Eureka.

Bill was amended, read a third time, and passed.

On motion of Mr. Rhodes, the special order of the day, Assembly bill No. 15, an Act to create a Board of Commisssoners to revise, reform, and properly codify the Laws of the State of California, was taken up.

Mr. Stephenson moved to strike out the name of Joseph Hoge, and insert that of B. C. Whitman, in the first section of the bill.

Mr. Hawes called for a division of the question.

The vote was then taken on striking out the name of Joseph Hoge.

Upon which, Messrs. Gray, George, and Wohler, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Borland, Brunton, Bynum, Castro, Gaston, Haile, Heiskell, Hunter, Lamon, Rhodes, Ricks, Sellick, Shearer, Stephenson, Taylor, White, Winsor, Winston, and Mr. Speaker—20.

NOES.

Messrs. Batchelder, Beatty, Bell, Bowe, Brent, Callbreath, Cone, Coombs, Covarrubias, Curtis, Dick, Downey, Dustin, Ewalt, Gage, George, Gray, Heald, Holland, Hoover, Hunt, Kelly, Kendrick, Leiby, Lewis, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Oliver, Pearson, Peck, Pugh, Rathburn, Sharp, Sherrard, Stout, Swan, Upton, Wagner, Welch, and Wohler—45.

So the motion was lost.

Mr. Weir offered a substitute for Assembly bill No. 15, which was read.

On motion of Mr. Beatty, the bill was made the special order for Tuesday, March 4, 1856, at 12 o'clock, M.

Mr. Weir, from the special Committee, to whom was referred the petition of the Supervisors of San Joaquin county, introduced a bill for an Act relative to the Court of Sessions and Board of Supervisors of San Joaquin county.

Read first and second times, and referred to Delegations from San Joaquin and Stanislaus.

On motion of Mr Lewis, at half past 12 o'clock, the House adjourned until to-morrow, at 11 o'clock, A. M.

IN ASSEMBLY.

WEDNESDAY, February 13, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave, and Committee duties.

Journal of yesterday read and approved.

Mr Farley presented a petition, signed by the ladies of the town of Volcano, in the County of Amador, praying for the enactment of a law prohibiting the manufacturing and sale of all kinds of produce and merchandise on Sunday.

Also, a petition to the same effect, signed by citizens of Amador county.

Both petitions were read, and referred to Committee on Vice and Immorality.

Mr. Heald introduced a bill for an Act concerning Roads and Highways.

Read a first and second time, and referred to Committee on Roads and Highways.

Mr. Reynolds introduced a bill for an Act entitled an Act to amend an Act to provide for the Support of the Government of this State, passed May 15, 1854, and to amend the several Acts amendatory thereto.

Read a first and second times, referred to Committee on Ways and Means, and ordered printed.

Mr. McFarland introduced a bill for an Act defining the Time of commencing Civil Actions in certain Cases.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Lemon introduced a bill for an Act supplementary to and amendatory of an Act concerning Public Ferries and Toll Bridges, approved April 28, 1855.

Read a first and second time, and referred to Committee on Roads and Highways.

Mr. Brunton gave notice of a bill to amend an Act entitled an Act concerning the Secretary of State, passed May 15, 1854.

Mr. Oliver gave notice of a bill authorizing County Supervisors to cause County Prisoners to be engaged in such Public Work as may from time to time by them be deemed necessary.

Mr. Winston gave notice of a bill to incorporate the Plumas Water Company.

Mr. Heald gave notice of an Act to repeal an Act concerning the trespassing of Animals upon Private Property.

Also, of an Act to amend an Act concerning the Office of County Treasurer.

Mr. Bynum gave notice of a bill to amend an Act entitled an Act to regulate Fees in Office, passed April 10, 1855.

Mr. Swan gave notice of a resolution, changing the first standing rule of the House.

The following reports from committees were then received and read.

Mr Sherrard made the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 63, a bill for an Act to constitute the Sheriff of Tuolumne county the legal Collector of all taxes for licenses authorized by existing laws to be granted in said county of Tuolumne, have had the same under consideration, and respectfully beg leave to report the same back to the House, with a substitute, and recommend the passage of the substitute.

The same committee to whom was referred Senate bill No 37, a bill for an Act entitled an Act in relation to the sureties on the official bonds of H E. Swope, late Sheriff of Tuolumne county, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

R. B. SHERRARD,
Chairman.

Mr. Brunton made the following report:

Mr. Speaker:

The Committee on Elections, to whom was referred Assembly bills Nos. 10 and 13, after a careful consideration of the matter to which they pertain, viz: the Election Laws, ask leave to report them back to House, and recommend a substitute, which is herewith submitted

They would also state that after careful examination of Assembly bill No. 73, although of opinion that the bill was not referred to the proper committee, they find it embraces subject matter that has engaged the attention of the Legislatures of other States, and which your committee believe should be considered by the law-making power of California; they therefore respectfully report the bill back to the House, without amendment, and recommend its passage.

T. C. BRUNTON,
Chairman.

Mr. Hawes made the following report:

Mr Speaker:

The Committee on Commerce and Navigation, to whom was referred the accompanying joint resolutions, in relation to manifests of cargoes shipped from the Atlantic to the Pacific ports of the United States, have had the same under consideration, and beg leave to report the same to the House, and unanimously recommend the adoption of said resolutions.

HORACE HAWES,
Chairman.

Upon motion of Mr. Holland, the Joint Resolutions referred to, were taken up read a third time, and passed.

Mr. Winston made the following report:

Mr. Speaker:

The Committee on Roads and Highways to whom was referred Senate bill No. 26, an Act amendatory of an Act entitled an Act to provide for the incorporation of Wagon Road Companies, passed April 22, 1853, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

JOSEPH WINSTON,
Chairman.

Mr. Meloney made the following report:

Mr. Speaker:

The Committee on Enrollment have carefully compared Assembly bill No 19, an Act making an appropriation for the temporary support of the State Prison, and find the same correctly enrolled.

A. R MELONEY,
Chairman pro tem.

Mr. Stout made the following report:

Mr. Speaker:

The Committee on Engrossing have examined and found correctly engrossed, bill No. 21, an Act to amend an Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads, passed May 12, 1853.

Bill No. 47, an Act to authorize the issue of a School Land Warrant to Thomas Baker.

Bill No. 50, an Act to regulate the fees of office of the Public Administrators.

Bill No. 64, an Act entitled an Act to settle the boundary line between the counties of Klamath and Humboldt.

Bill No. 81, an Act to amend an Act concerning the office of State Treasurer.

LANSING STOUT.
Chairman.

Mr Sellick made the following report:

Mr. Speaker:

The Committee on Enrollment have carefully compared Senate bill No 36 an Act concerning appeals in certain cases, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

The following report was received from the Sergeant-at-Arms of the House:

To the Honorable Members of the Assembly of the State of California:

The undersigned, Sergeant-at-Arms, in accordance with the requirements of your honorable body, begs leave to submit the following report of the expenses for forwarding the mail matter, documents and packages of this House, from the 26th of January to 9th day of February, inclusive:

Total amount in scrip at par is - - -	$878 40
Total amount in cash, - - -	795 70

POST OFFICE ACCOUNT.

To postage on letters, from Jan 26 to Feb. 9, - -	$ 54 20
To postage on newspapers and documents, - -	128 44
Total amount, - - - - -	182 64

I will add 25 per cent to the above account, it being the discount on scrip at the present prices, making the account $228 30.

PACIFIC EXPRESS CO.'S ACCOUNT.

To carrying papers, packages and letters, at 8c each, from January 26 to February 9, inclusive,	$373 62

WELLS, FARGO & CO'S ACCOUNT.

To carrying 143 letters at 8c each,	$ 11 44
To carrying 1119 packages and documents,	89 52
To carrying 1459 papers,	116 72
Total,	217 68

G. H. WINES & CO.'S EXPRESS ACCOUNT.

To carrying letters, papers, packages, etc., from Jan. 26 to February 9, inclusive.	$21 76

LANGTON'S PIONEER EXPRESS CO'S ACCOUNT.

To 463 letters, packages and papers, from January 26 to February 9,	$37 04

RECAPITULATION.

Post Office account in scrip at 75c on dol.,	$228 30
Pacific Express Co's. account in scrip at par,	373 62
Wells, Fargo & Co "	217 68
G. H. Wines & Co "	21 76
Langton's Pioneer Express, "	37 04
Total,	878 40
Deduct 25 per cent discount on scrip,	219 60
Amount in cash,	$658 80

The above Express bills have been greatly augmented by the large quantities of papers, documents, and packages, which have been smuggled in by wholesale from the Senate.

In compliance with the resolution of your honorable body, passed yesterday, I examined the Express bags, and removed all matter that was not endorsed by members of the Assembly. The above accounts show a reduction in the expenditures for transporting Mail matter of five thousand and five hundred dollars for the same length of time last session.

All of which is respectfully submitted,

E. GATES,
Sergeant-at-Arms.

February 13, 1856.

Mr Stephenson introduced the following resolution:

Resolved, That the Chief Clerk of the Assembly be instructed to recall and countermand so much of the order to print that portion of the report of the Su-

perintendent of the Insane Asylum, as relates to the table of Meteorological Calculations and Observations.

Adopted

On motion, the special order of the day, Assembly bill No 43, an Act amendatory of an Act entitled an Act to regulate Fees of Office, approved April 10, 1852, was taken up, amended, considered engrossed, read a third time, and passed.

Mr. Sellick introduced the following preamble and resolution:

Whereas, This House being strictly opposed to the detestable practice now in vogue, of caricaturing those illustrious Americans who have made this great Confederacy the land of liberty and the birthplace of freedom, and who have ever strictly adhered to the integrity of the Union; therefore, be it

Resolved, That the Sergeant-at-Arms be, and is hereby, instructed to remove, at his earliest convenience, the caricature of the illustrious HENRY CLAY, that now *adorns* the walls of this Assembly chamber.

On motion, the resolution was indefinitely postponed.

On motion, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 2, an Act to repeal the several Charters of the city of San Francisco, etc.

House in Committee of the Whole—Mr. Peck in the chair.

The committee having made some examination of the bill, recommended that the amendment proposed by Mr Holland to the second section be deferred until the amendments agreed upon by the delegation should be acted upon

Committee rose, reported progress and asked leave to sit again.

Report adopted.

Mr. Brunton introduced the following resolution:

Resolved, That the Chief Clerk of the Assembly is hereby authorized to employ such additional aid as he may deem necessary; *provided* that no writing that may be done under his direction shall be paid for except per folio: and all such writing or accounts therefor, shall be certified by the Clerk and Speaker of the House, and drawn by the Sergeant-at-Arms of the Assembly, as for other clerical services; *provided*, the amount per folio shall not exceed twenty-five cents.

Mr. Reynolds moved as a substitute, that the following proposition from Henning & Jones, be accepted:

To the Honorable the Assembly of California:

The undersigned beg leave to submit to your honorable body a proposition to perform well, faithfully, and promptly, all the copying, engrossing, or other writing that your honorable body may require during its present session. We

will perform the work in our own office, or in any other place that may be designated by your honorable body; and for such remuneration as your liberality may suggest, or for one half the amount heretofore paid for the same work.

Your obdt servants,

HENNING & JONES,
88 J Street, Sacramento.

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

Upon division of the House, the motion was lost: Ayes 25—Noes 31.

Mr. Bell moved that the House do now adjourn.

Upon division of the House, the motion was lost: Ayes 23—Noes 33.

On motion of Mr. Stephenson, the House adjourned at half past 2 o'clock, P. M, to 11 o'clock, A M, to-morrow.

IN ASSEMBLY.

THURSDAY, February 11, 1856.

House met, pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

Roll called and members all present, except those absent on leave and committee duties.

Journal of yesterday read and approved.

Mr. Wagner presented a remonstrance from citizens of the county of Amador, praying the Legislature to refuse to grant the prayer of a certain memorial, purporting to emenate from the citizens of Amador county, in which it is falsely represented, by parties interested, that a majority of the tax payers and voters of Amador county are opposed to the County Seat remaining at the town of Jackson.

On motion, the reading of the remonstrance was dispensed with, and it was referred to the Committee on Counties and County Boundaries.

Mr. Gaston presented a remonstrance from citizens of Sierra county, against the division of said county.

Read and referred to Delegations from Sierra, Yuba, and Plumas.

Mr. Oliver presented a petition from the ladies of El Dorado county.

Also one from the citizens of the same county, praying the enactment of a special law for the better observance of the Sabbath.

Read and referred to Committee on Vice and Immorality.

Mr. Heald introduced a bill for an Act to repeal an Act, entitled an Act to prevent the trespassing of animals upon private property.

Read a first and second time, and referred to Committee on Agriculture.

Also introduced a bill for an Act to amend an Act, concerning the office of County Treasurer.

Read a first and second time, and referred to Committee on Ways and Means.

Mr Heiskell introduced a bill for an Act to aid the officers of the Indian Department appointed by the General Government for the State of California, in the discharge of their duties.

Read a first and second time, and referred to Committee on Indian Affairs.

Mr. Dick introduced a bill for an Act to carry out the constitutional provision of instruction of their Representatives, by the people, in certain cases.

Read a first and second time, and referred to Committee on Elections.

Mr. Davis introduced a bill for an Act to legalize the incorporation of the town of Santa Clara.

Read a first and second time, and referred to Committee on Corporations.

Mr Williams gave notice of a bill for an Act to abolish the office of Harbor Master for the Port of San Francisco, and for the appointment of two Dock Masters in lieu thereof.

Mr. Sherrard made the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 69, a bill for an Act, entitled an Act to amend an Act, entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, have had the bill under consideration, and respectfully beg leave to report the same back to the House, with a substitute, and recommend the passage of the substitute.

R. B. SHERRARD,
Chairman.

Mr. Rhodes made the fo'lowing report:

Mr. Speaker:

Your Committee on Claims, to whom was referred the petition and bill for the release of John Van Arman from a judgment held against him by the State, have had the same under consideration, and are of the opinion that it is but just and proper, under the circumstances, that the said release should be granted, and therefore beg leave to report the bill back to the House, without amendment, and recommend its passage.

GEORGE H. RHODES,
Chairman.

Mr. Williams made the following report:

Mr. Speaker:

Your Committee, to whom was referred Assembly bill No. 36, an Act entitled an Act to amend an Act entitled an Act dividing the State into counties, and establishing the Seats of Justice therein, passed April 25, 1851, having had the same under consideration, beg leave to report the same back, with the following amendments, and recommend its passage as amended.

Amendments in twenty-ninth line of Section 1st, after lake, insert valleys; also, after thence, insert South.

R. L. WILLIAMS,
Chairman.

Mr. Weir made the following report:

Mr. Speaker:

The Committee, to whom was referred the bill relative to the Court of Sessions and Board of Supervisors of San Joaquin county, have had the same under consideration, and ask leave to report the same back without amendment.

B. G WEIR,
Chairman.

A communication was received from the Controller of State, in reply to a resolution adopted on the 9th instant, furnishing a statement of the aggregate amount of the accounts against the State Marine Hospital that have been audited by the Board of Trustees, in pursuance of the Act of April 6, 1855; also a list of the amounts remaining unpaid.

The report was referred to the Committee on Claims.

Mr. Sharp introduced the following resolution:

Resolved, That all messages from the Senate, and reports of Committees, lay over for one day after the same are presented, unless otherwise ordered by the unanimous consent of the House.

Laid upon the table.

Mr. Rathburn offered the following resolution:

Resolved, That for all services performed by Assistants appointed by the Chief Clerk for this House, be paid for at the rate of —— cents per folio, and no more; the same to include all the Clerks employed by this House, except the Chief Clerk and his Assistant, and the Engrossing and Enrolling Clerks.

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

Lost.

Mr. Bell offered the following as a substitute:

Resolved, That a special Committee of three be appointed to examine into the necessity of employing more clerical assistance, and report in full the amount of labor and work done, the time employed, the cost of work already done, estimating the same per diem; also the amount if paid for by the folio, at legal rates, and report at the earliest possible time.

On motion of Mr. Sellick, the whole subject matter was laid upon the table.

Mr Sherrard offered the following resolution:

Resolved, That the Sergeant-at-Arms be allowed an Assistant, and that his compensation be fixed at twelve dollars per day.

Adopted.

On motion of Mr. Weir, the Joint Resolutions introduced by Mr. Heald were taken from the table, and referred to a select Committee.

The Speaker appointed Messrs. Rathburn, Leihy, Callbreath, Stout, and Heald, as committee.

Mr. Cartter introduced the following Concurrent Resolution:

Resolved, (the Senate concurring,) That there be a joint Committee of four, two from the Senate and two from the House, appointed to examine the books, vouchers, and moneys, in the hands of the County Treasurer of San Francisco county; also the books of the Commissioners of Emigrants for the port of San Francisco; and to inquire into the reason why the said Treasurer did not pay over, on the seventh day of January, moneys in his hands, to the State Treasurer, as is required by law, and still withholds the same; also, why the Commissioner of Immigrants has not settled with the Treasurer of State since July last.

Laid over, under the rule, for one day.

On motion of Mr. Hawes, the special order of the day was taken up, being Assembly bill No. 35, an Act to provide for the more effectual enforcement of public taxes and assessments, and creating a lien therefor.

Mr. Bynum offered the following amendment to the bill:

SECTION 6. The following requisites shall be deemed the only ones essential to the validity of sales of real estate hereafter made for public taxes and assessments.

1. That the property was assessed for such taxes, or that such assessments were imposed under authority of the law.

2. That the taxes or assessments upon such property remained delinquent and unpaid at the time the same was sold.

3. That the said property was advertised for sale, and sold at public auction, according to law, and by the proper officer.

SEC. 7. The deed executed in pursuance of such sale, shall specify the aforesaid requisites, and that the same have been complied with, and shall be *prima facie* evidence of the facts so recited.

SEC. 8. If the recitals in such deeds of compliance with the requisites specified in the two preceding sections, shall be known to the officer executing the said deed to be false, he shall forfeit to the owner of the property sold double the value thereof, and to the purchaser, double the amount paid therefor, with interest, to be recovered before any court of competent jurisdiction; and such officer and his sureties shall be liable on his official bond for the amount so recovered.

Adopted.

Mr. McDonald offered the following resolution:

Resolved, That his Excellency the Governor be requested to give information to this House, what action he has taken in the matter of a Joint Resolution, calling out a company of fifty volunteers for the protection of our citizens in the northern portion of Klamath county.

Adopted.

Mr. Curtis gave notice that he would, on to-morrow, move a reconsideration of the vote by which the resolution allowing the Sergeant at-Arms an assistant was passed.

At half past 2 o'clock, P. M., on motion of Mr. Taliaferro, the House adjourned until 11 o'clock, A. M.

IN ASSEMBLY.

FRIDAY, February 15, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and members all present except those absent on leave and committee duties.

Mr. Sellick was granted leave of absence for two days, and Mr. Moulthrop indefinite leave of absence on account of indisposition.

Mr Coombs presented a peti ion from citizens of Alameda County, praying for the relief of Jotham S. Marston, former Treasurer of said county.

Read and referred to Committee on Ways and Means.

Mr. Ratburn introduced a bill for an Act to authorize Jno H Hill, administrator of the estate of W. H. Burns, a lunatic, to sell and convey by private sale the real estate of said Burns.

Read a first and second time and referred to delegations from Napa and Sonoma.

Mr. Andrews introduced a bill for an Act to provide for the better maintenance of the Indigent Sick of Shasta County.

Read a first and second time and referred to Committee on Hospitals.

Mr. Curtis introduced a bill for an Act supplementary to an Act entitled an Act making an appropriation for the temporary support of the State Prison, approved February 14, 1856.

Read a first and second time, when,

On motion, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Bynum introduced a bill for an Act to amend an Act entitled an Act to regulate fees of office, passed April 10, 1855.

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

Mr McDonald gave notice of a bill for the relief of citizens of Klamath and Humboldt Counties, and for the pay of volunteer companies for services rendered in subduing Indian hostilities during the winter of 1855.

Mr. Winston gave notice of a bill to change the time of holding the District Court in Plumas County.

Mr. Borland gave notice of a bill to compel the late County Recorder of the County of San Francisco to deliver all books and papers of that office to the present Recorder.

Mr Cone gave notice of a bill for an Act to authorize the Board of Supervisors of Sacramento County to build a Work House in connection with the County Jail.

The following reports were received and read:

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed, bill No. 26, an Act amendatory to an Act entitled an Act to provide for the disposal of lots in the towns and villages on the Public Lands in Humboldt County, passed April 27, 1855.

Bill No 43, an Act amendatory of an Act to regulate Fees of Office, approved April 10, 1855.

Joint Resolution No. 1.

L. STOUT,
Chairman.

Mr. Speaker:

The Committee on Enrollment have examined the following Assembly bills and find the same correctly enrolled:

No 61, an Act to define the term of office of the District Judge of the 15th Judicial District, and to fix his salary.

No 39, an Act entitled an Act to change the County Seat of Klamath County.

A. R. MELONEY,
Chairman pro tem.

Mr. Swan introduced the following resolution:

Resolved, That the first Standing Rule of the House be so amended as to read, the House shall meet each day of sitting at 11 o'clock, A. M, unless the House adjourn to some other hour.

Upon the adoption of the resolution, Messrs. Lamon, Lippincott, and Stout demanded the ayes and noes, with the following result:

AYES.

Beatty, Blackburn, Brent, Brush, Bynum, Castro, Coombs, Covarrubias, Curtis, Downey, Ewart, Gray, Holland, Hunt, Lewis, Lippincott, McDonald, McFarland, Meloney, Pearson, Reynolds, Rhodes, Sharp, Sherrard, Stephenson, Sterritt, Swan, Upton, Williams, Wriston, Wohler, Mr. Speaker—33.

NOES.

Andrews, Batchelder, Bell, Borland, Bowe, Brunton, Carter, Callbreath, Cone, Davis, Dick, Gage, Gaston, George, Haile, Hawes, Heald, Heiskell, Hoover, Kelly, Kendrick, Lamon, Leihy, Matthews, McGehee, Oliver, Peck, Pugh, Rathburn, Reed, Ricks, Shearer, Stout, Taliaferro, Turner, Wagner, Weir, Welch—38.

Lost.

Mr. Taliaferro gave notice that he would move a re-consideration of the vote just taken.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, Cal., February 14, 1856.

To the Hon. the Assembly of California:

I have this day approved the following entitled Acts, to wit:

A bill for an Act making an appropriation for the temporary support of the State Prison.

Also, an Act to amend an Act, entitled an Act to fund the debt of the county of San Diego, and to provide for the payment of the same, approved May 4th, 1855.

Very respectfully,
Your obedient servant,

J. NEELY JOHNSON.

The following message was received from the Senate, and the resolution therein referred to, concurred in:

SENATE CHAMBER, February 14, 1856.

Mr Speaker:

I am directed to inform the Assembly that the Senate this day passed the following Concurrent Resolution:

Resolved, by the Senate, the Assembly concurring, That the action of the Board of Navy Officers, under the Act of Congress to promote the efficiency of

the Navy, approved February 28, A. D. 1855, in relation to Lieutenants Thomas H Stevens and Fabius Stanley, was not only unjust to those officers, but injurious to the public service.

Resolved, That in consideration of the irreproachable characters of the said Thomas H. Stevens and Fabius Stanley, as citizens of this State, and of their well known good conduct and efficiency in their country's service, our Senators are instructed, and our Representatives in Congress requested, to use all proper efforts to remedy the injustice committed by the said Board towards those officers, and to repair the injury which the action of the said Board is calculated to produce to the Navy of the United States.

Also, indefinitely postponed Assembly bill No. 53, an Act to amend an Act concerning Notaries Public, passed April 30, 1853.

Also passed Senate bill No. 46, an Act amendatory of an Act concerning Corporations, passed April 22, 1850.

Also, passed Assembly bill No 61, an Act to define the Term of Office of the District Judge of the Fifteenth Judicial District, and to fix his salary

Also, passed substitute to Senate bill No 14, an Act to amend an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed May 21, 1851.

Also, passed Senate bill No 15, (substituted by the Committee on Claims,) an Act to reduce and establish the Salaries of Officers and Pay of Members of the Legislature.

Also, Assembly bill No. 81, an Act to amend an Act concerning the Office of State Treasurer.

Also, Assembly bill No. 39, an Act entitled an Act to change the County Seat of Klamath County.

Also, Assembly bill No. 37, an Act concerning the Corporate Name of the City of Los Angeles.

Also, indefinitely postponed Assembly bill No 20, entitled an Act in relation to Public Officers.

Also, passed Senate bill No. 64, an Act to amend an Act to fix the Time of holding the District Court in the Third Judicial District.

RASEY BIVEN,
Ass't Sec'y of Senate.

On motion of Mr. Brunton, the following resolution was taken up:

Resolved, That the Chief Clerk of the Assembly is hereby authorized to employ such additional aid as he may deem necessary, provided that no writing that may be done under the direction of the Chief Clerk shall be paid for, except

per folio; and all such writing shall be certified to by the Chief Clerk and Speaker, and drawn by the Sergeant-at-Arms, as for other clerical services; provided the same does not exceed twenty-five cents per folio.

Mr. McFarland offered the following substitute:

Resolved, That the Chief Clerk of the House be authorized to employ two additional assistants.

Mr. Turner moved to lay the subject on the table.

Lost.

Mr. Rhodes moved the previous question.

Not sustained.

The substitute was then adopted.

Mr. Gaston offered the following amendment to the substitute:

Provided, that such clerks so appointed shall receive pay only from the date of their appointment.

Adopted.

Mr. Stout moved to amend so as to have one clerk.

Lost.

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

Lost.

The question then recurred on the adoption of the substitute as amended.

Upon which Messrs Gage, George and Haile demanded the ayes and noes with the following result:

AYES.

Messrs. Beatty, Bell, Borland, Brent, Brush, Bynum, Castro, Coombs, Covarrubias, Curtis, Ewalt, Gaston, Gray, Heald, Hunt, Kelly, Lamon, Lewis, Lippincott, Mathews, McDonald, McFarland, Meloney, Pearson, Peck, Reynolds, Rhodes, Ricks, Sharp, Sherrard, Stephenson, Sterritt, Swan, Tahaferro, Turner, Wagner, Winston, Wohler and Mr. Speaker—38.

NOES.

Messrs. Andrews, Batchdler, Blackburn, Bowe, Brunton, Cartter, Cone, Davis, Dick, Downey, Gage, George, Haile, Hawes, Heiskell, Holland, Hoover,

Kendrick, Leihy, McGehee, Pugh, Rathburn, Read, Shearer, Stout, Welch and White—27.

So the substitute was adopted as amended.

Mr. Brent offered the following:

Resolved, That the Treasurer of State be requested to submit to this House, at an early date as possible, a statement of the aggregate amount of unfunded Controller's Warrants drawn on the Treasurer of State, and registered on the Books of Treasury, outstanding on the 15th Feb. 1856, specifying and designating in said statement the various funds upon which said Warrants may have been drawn, the amount of Warrants outstanding of a date previous to the 1st July, 1855, and the amount of State Prison Warrants, the registration of which may have been canceled in pursuance of the provisions of the Act of the Legislature, passed at its present session, directing the same.

Adopted.

Mr. Bowe offered the following resolution:

Resolved, That the Secretary of State be requested to furnish to the House a statement, at what time the copy of the Laws and Journals of the last Legislature were furnished to the State Printer, and at what time said Laws and Journals were printed and received by him for distribution.

Mr. Lamon moved a call of the House.

Carried.

Upon motion of Mr. McFarland, the proceedings under the call were dispensed with.

On motion, the substitute reported by the Committee on Agriculture for Assembly bill No. 27, an Act concerning Estray Animals, was taken from the table, read, and adopted.

Mr. Pugh moved to strike out "twenty days" in the first section of the bill, and insert sixty days.

Lost.

On motion of Mr. Stout, the substitute was ordered printed.

Mr. George made a motion to take from the table Assembly bill No. 35.

Which, on division of the House, was not agreed to: Ayes 17, Noes 24.

On motion of Mr. Rhodes, the Concurrent Resolution, introduced by Mr. Cartter, in relation to appointing a Committee to examine the Books, &c, of the County Treasurer of San Francisco county, also the Books of the Commissioner of Immigrants for the Port of San Francisco, was taken from the table.

On motion of Mr. Stephenson, the resolution was so amended as to read, "three from the Judiciary Committee of the House."

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

Lost.

Mr. George offered an amendment, authorizing the same Committee to examine the accounts of the officer appointed to settle the affairs of the State Marine Hospital.

Mr. Hawes offered to amend the amendment so as to instruct the same Committee to visit the City and County Hospital of the City and County of San Francisco, and ascertain how many of the patients treated therein are from other counties, and proper subjects to be provided for at the expense of the State.

Mr. Turner moved to indefinitely postpone the whole subject.

Lost.

Mr. Beatty moved to strike out all after the word resolved.

Lost.

The question then recurred on the passage of the resolution, as amended.

Pending which, Mr Bowe moved the House adjourn.

Upon which, Messrs. Beatty, Gage, and Gaston, demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Bell, Blackburn, Bowe, Brush, Bynum, Cone, Davis, Dick, Gray, Haile, Heald, Heiskell, Hoover, Hunt, Kelly, Kendrick, Leihy, Mathews, McFarland, Meloney, Oliver, Peck, Pugh, Read, Reynolds, Ricks Sterritt, Swan, Turner, Van Dusen, Welch, and Mr. Speaker—34.

NOES.

Messrs. Andrews, Beatty, Brent, Brunton, Callbreath, Coombs, Ewalt, Gage, Gaston, George, Hawes, Holland, Lewis, McDonald, McGehee. Pearson, Rathburn, Rhodes, Sharp, Shearer, Sherrard, Stephenson, Stout, Wagner, White, Williams, Winston, and Wohler—30.

So the House adjourned at 2 o'clock, P. M.

IN ASSEMBLY.

SATURDAY, February 16, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, following members absent:

Messrs. Batchelder, Covarrubias, Lamon, Shearer, Taliaferro, Upton, White.

On motion, Mr. Lamon was granted leave of absence for one day.

Mr. Winston presented a petition from citizens of Plumas county, praying that the present law regulating fees in office may be amended, so as to make provision for the payment of Grand Jurors.

Read and referred to Judiciary Committee.

Mr. Gaston presented a remonstrance from citizens of Sierra county, against any division of that county.

Read, and referred to delegations from Sierra, Yuba, and Plumas.

Mr. Cartter presented a petition from residents on and near the Sacramento river, praying that the law in regard to Swamp and Overflowed Lands, passed at the session of 1855, may be so far modified, as to permit each settler to purchase the lands occupied and improved by him, as settled under the State laws, whether they conform to the United States survey or not.

Read and referred to Committee on Public Lands.

Mr. Ricks presented petitions from citizens of Humboldt county, praying the passage of a law locating the Seat of Justice of that county at the town of Eureka; and also praying the passage of a joint resolution instructing our Senators and Representatives in Congress to urge the passage of an Act of Congress creating a new Collection District, with its port of entry at the town of Bucksport, on Humboldt Bay.

Read, and referred to Committee on Counties and County Boundaries.

Mr. Bowe introduced a bill for an Act fixing the compensation of extra Clerks in the Senate and Assembly.

Read a first and second time, and referred to Committee on Accounts and Expenditures.

Mr. Wohler introduced a bill for an Act in relation to the Supreme Court.

Read a first and second time, and referred to the Judiciary Committee, and, on motion of Mr. Sharp, ordered printed.

The following reports from Committees were received and read:

Mr. Speaker:

Your Committee on Claims, to whom was referred a report from the State Controller, relating to the State Marine Hospital, have had the same under consideration, and beg leave to report the same back to the House, and recommend it be referred to the Committee on State Hospital.

GEO. H. RHODES,
Chairman.

Mr. Speaker:

Your Committee on Counties and County Boundaries, to whom was referred Assembly bill No 90, entitled an Act to submit the question of the removal and location of the County Seat of Amador county to the choice of the voters of the county, have had the same under consideration, and recommend its passage, without amendment.

R L. WILLIAMS,
Chairman.

Messrs. Wagner and Beatty made the following minority report:

Mr. Speaker:

We, the undersigned, a minority of the Committee on Counties and County Boundaries, deeming ourselves compelled after a full and careful examination of all the facts and circumstances, to differ in opinion with the majority of the committee in reference to a bill for the referring the removal of the County Seat of Amador to a vote of the people thereof, beg leave to make the following report:

The County Seat of Amador was located at Jackson, under a contract with the citizens thereof.

The terms of the contract were, that in consideration of the County Seat being located at that place, the citizens thereof were to furnish the county with a Court House, free of any cost, which terms have been complied with in good faith.

The County Seat was located at Jackson, with the above understanding, by a vote of the people, and confirmed by an Act of the Legislature of 1854, and also 1855.

You will therefore, perceive that certain provisions of this bill are unconstitutional, a breach of faith, and a recision of a contract.

We would also state, that should a removal be ordered, it would be a heavy burthen and unnecessary expense upon the tax payers of the county.

And lastly, which is as good a reason as could be adduced, that there are a great many more signers to the remonstrance than to the petition.

We, therefore, recommend that this bill be indefinitely postponed.

Respectfully, &c.

GEO. W. WAGNER,
E. T. BEATTY.

Mr Speaker:

The Committee on Indian Affairs, to whom was referred Assembly bill No. 98, an Act to aid the officers of the Indian Department, appointed by the General Government for the State of California, in the discharge of their duties, have had the same under consideration, and have instructed me to report the same back with amendments, and recommend its passage as amended.

C. S. RICKS,
Chairman.

Mr. Speaker:

A majority of the Select Committee, comj osed of the delegation from Sonoma and Napa counties, to whom was referred Assembly bill No. 1.1, entitled, an Act to authorize John H. Hill, (Guardian of W. K. Burns,) to sell at private sale the real estate of his ward, beg leave to report that they have had the same under consideration, and recommend that it do not pass.

R. C. HAILE,
H. G. HEALD,
Of Delegation.

The following communication was received from the Commissioner of Immigrants:

To the Honorable the House of Representatives of the State of California:

GENTLEMEN:

Agreeably to your resolution, passed February 9th, calling on me for information of the number of passengers ineligible to citizenship, who have arrived at the port of San Francisco since the passage of the Fifty dollars Act, I will state that the arrival of ninety-six Chinese passengers have been reported at this office since the 1st of September last, and in no one instance has the fifty dollars head money been collected, as every merchant in this place, and all others who know anything of the laws of the United States, are fully aware of the unconstitutionality of the said law, passed by the last Legislature, it being a direct tax, instead of being in commutation of bonds The act is also merely accumulative, and does not repeal any of the former acts, and consequently, merchants who had consignments of ships from China with passengers, had the right, and did in most cases give bonds, that the said passengers would not become a charge upon the State for the period of one year. The total amount collected in the office from the 1st of September last to the 1st day of February 1856, has been $1,830—much less than the expenses of the office during that period. A full and complete list of all the arrivals I herewith transmit you. The amount paid into the State Treasury last year was about $30,000—this year it will

scarcely amount to that many hundreds. The number of Chinese who have left the State during that period has been much greater than the arrivals; but it does not form a part of the duties of the office to keep a record of the departures. But information can probably be obtained by addressing the Collector of the port.

Yours, &c.

EDWARD McGOWAN,
Commissioner of Immigrants.

The communication and report was referred to the Committee on Mines and Mining Interests.

Mr. Speaker:

The Committee on Enrollment have examined the following Assembly bills, and find the same correctly enrolled:

No. 37, an Act concerning the corporate name of the city of Los Angeles.

No. 81, an Act to amend an Act concerning the office of State Treasurer.

L. S. WELCH,
Chairman.

The Speaker presented a minority report from the Board of Directors of the State Prison, made in conformity with a resolution passed on the 1st inst.

On motion of Mr. Callbreath, the reading of the report and accompanying documents were dispensed with and they were ordered printed.

On motion of Mr. Rhodes, the rules were suspended, and Assembly bill No. 89, an Act for the relief of John Van Arnam, of Washington, Yolo county, was considered engrossed, read a third time and passed.

Mr. Weir offered the following concurrent resolution:

Resolved, (by the Assembly, the Senate concurring,) That this House adjourn *sine die* on Saturday the 15th day of March, at 12 o'clock, M.

Laid over one day.

On motion of Mr Turner, Assembly bill No. 55, an Act to provide for the more effectual enforcement of public taxes and assessments and creating a lien therefor was taken up and referred to Committee on Public Lands.

Assembly bill No 36, an Act to amend an Act entitled an Act dividing the State into counties and establishing the Seats of Justice therein, passed April 25th, 1851.

Committee's amendments adopted and bill ordered engrossed.

Assembly bill No. 47, an Act to authorize the issue of a School Land Warrant to Thomas Baker, read a third time and passed.

Senate bill No. 50, an Act to regulate the fees of office of the Public Administrators, read a third time and passed.

Assembly bill No. 63, a bill to constitute the Sheriff of Tuolumne county the legal collector of all taxes for licenses authorized by existing laws, to be granted in said county of Tuolumne.

Substitute adopted, and bill ordered engrossed.

Senate bill No. 37, an Act in relation to the sureties on the official bond of Henry K. Swope, late Sheriff of Tuolumne county.

Mr. Bruntou offered amendments to the first and second sections, which were adopted.

The bill was read third time and passed as amended.

The following message was read from the Senate:

SENATE CHAMBER,
February 16, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on yesterday passed the following bills:

Senate bill No. 35, an Act to authorize the State Treasurer to issue a duplicate land warrant to George W. Coffee.

Assembly bill No. 50, an Act to incorporate the town of San Luis Obispo.

Also, Senate bill No 66, an Act to amend an Act fixing the time of holding the several Courts, authorized to be held by the County Judges, in the counties of Shasta, Santa Clara, and Monterey.

Also passed Assembly bill No. 46, an Act to amend an Act entitled an Act to punish vagrants, vagabonds and dangerous and suspicious persons, approved April 30, 1856.

Respectfully submitted,

RASEY BIVEN.
Asst. Secretary of Senate.

Assembly substitute for Assembly bills Nos. 10 and 13, an Act to amend an Act entitled an Act to regulate elections, passed March 23, 1850, and to amend an Act entitled an Act to amend an Act to regulate elections, passed March 23, 1850, and approved April 27th, 1855.

Ordered printed.

On motion of Mr. Hawes the House resolved itself into Committee of the Whole to take into consideration Assembly bill No. 2, being San Francisco Consolidation bill

House in Committee of the Whole.

Mr. Gray in the Chair.

Committee rose, reported progress and asked leave to sit again.

Report adopted.

In accordance with notice, Mr. Taliaferro moved a reconsideration of the vote by which Mr. Swan's resolution to change the first standing rule of the House was lost.

The vote was then reconsidered.

Mr. Taliaferro then moved the adoption of the resolution, upon which, Messrs. Stout, Gage, and Cone, demanded the ayes and noes, with the following result:

AYES.

Mesrs. Batchelder, Beatty, Bell, Brent, Brunton, Brush, Bynum, Castro, Callbreath, Coombs, Ewalt, Gaston, George, Gray, Holland, Hunt, Lewis, Lippincott, McDonald, McFarland, Moulthrop, Pearson, Peck, Read, Reynolds' Rhodes, Sharp, Sherrard, Stephenson, Sterritt, Swan, Taliaferro, Wagner· White, Williams, Winston—36.

NOES.

Messrs. Borland, Bowe, Cone, Davis, Gage, Haile, Hawes, Heiskell, Kelly, Kendrick, Leihy, Matthews, Meloney, Oliver, Pugh, Shearer, Stout, Weir, Welch, Mr. Speaker—20.

It requiring a two thirds vote to change one of the standing rules of the House, the resolution was lost.

On motion of Mr. Lewis, the House adjourned at one o'clock, P. M.

IN ASSEMBLY.

MONDAY, February 18, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and all absentees granted leave of absence.

On motion, Messrs Leihy, Weir, Taliaferro, Upton, Curtis, George, Hawes, Sharp and Wohler were each granted leave of absence for one day, and Mr. Meloney for two days.

The Journal of Saturday was read, and,

On motion of Mr. Haile, so amended as to read, after the vote on Mr. Swan's resolution, as follows:

"Ayes 36, Noes 20. It requiring a two-third vote to change one of the standing rules of the House, the resolution was lost."

The Journal, as amended, was approved.

Mr. Lewis presented a petition from citizens of the county of Colusi, remonstrating against any division of that county.

Referred to the delegation from Butte, Colusi and Shasta.

Mr. Coombs presented a petition from citizens of Alameda county, praying for the passage of an Act to provide for the removal of certain obstructions to navigation in Beards' Creek.

Referred to Committee on Internal Improvements.

Mr. Callbreath presented a petition from citizens of Stanislaus county, praying to have that county embraced in the Thirteenth Judicial District and removed from the Fifth.

Referred to the delegation from Stanislaus, Mariposa and Tulare.

Mr. Bynum presented a petition from citizens of the county of Yolo, praying the passage of an amendment to the Act passed at the last session of the Legislature in regard to Swamp and Overflowed Lands.

Referred to Committee on Public Lands.

Mr. McDonald introduced a bill for an Act entitled an Act to regulate the Fees of certain Officials in the County of Klamath.

Read a first and second time and referred to the Judiciary Committee.

Mr Mathews introduced a bill for an Act to amend an Act granting Joseph R. Beals and others the right to construct a toll bridge across the Pajaro River.

Read a first and second time and referred to Committee on Internal Improvements.

Mr. Batchelder introduced a bill for an Act amendatory of an Act concerning fraudulent Conveyances and Contracts.

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

Mr. Beatty, on leave, introduced bill No. 110, an Act to amend an Act entitled an Act to regulate Fees of Office, approved April 10, 1855.

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

Mr. Coombs introduced Assembly bill No. 111, an Act to provide for the Donation of Land for the construction of a Wharf at Alameda.

Reap a first and second time, and referred to Committee on Commerce and Navigation.

Mr. Ricks introduced Assembly bill No. 112, an Act to establish the County Seat of Humboldt County.

Read first and second tlmes, and referred to Committee on Counties and County Boundaries.

Mr. Coombs introduced Assembly bill No. 113, an Act to encourage the Destruction of Ferocious and Wild Animals.

Read first and second times, and referred to Committee on Vice and Immorality.

Mr. Winston introduced bill No. 114, an Act to amend an Act to establish the Salaries of the Judges of the Thirteenth, Fonrteenth, and Fifteenth Judicial Districts, and to define the Time of holding Courts in said Districts, approved April 28, 1855.

Read first and second times, and referred to Judlciary Committee.

Mr. Brunton introduced bill No. 115, an Act to amend an Act entitled an Act concerning the Secretary of State, passed May 15, 1854.

Read first and second times, and referred to Judiciary Committee.

Mr. Stout gave notice of a bill to amend an Act concerning Roads and Highways, approved April 28, 1855.

Also, an Act concerning Persons convicted of Infamous Crimes.

Mr. McFarland gave notice of a bill for an Act to amend an Act entitled an Act concerning Jurors, passed May 3, 1852.

Mr Sellick gave notice of a bill to amend the 24th Section of Article IV, of the Constitution of the State of California.

Mr. Ricks gave notice of a bill to authorize the District Attorneys of the several Counties in this State to appoint Deputies.

Mr. Bowe gave notice of a bill for an Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases, in the Courts of Justice of this State, passed April 29, 1851.

Mr. Kelly gave notice of a bill to prohibit Incompetent Persons from Practising Medicine in this State.

The following reports were received from Committees:

Mr. Speaker:

The Committee on Public Lands, to whom was referred Assembly bill No. 52, an Act amendatory of an Act entitled an Act to provide for the Sale of Swamp and Overflowed Lands belonging to this State, passed April 28, 1855, have had the same under consideration, and would report said bill back to the House, amended, by adding the second section, and respectfully recommend its passage, as amended.

GEORGE PECK,
Chairman.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill No. 50, an Act to incorporate the Town of San Luis Obispo, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

The following message, with accompanying documents, was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, February 16, 1856.

To the Assembly of California:

The Resolution of Inquiry adopted by your Honorable body on the 14th inst., calling on me for information as to what action had been taken in the matter of

a Joint Resolution, calling out a Company of fifty Volunteers "for the protection of our Citizens in the northern portion of Klamath county," was received this day, and I hasten to comply with such request.

At the time I was notified of such Joint Resolution, (the 19th ult.,) by information derived from the newspapers, I was induced to believe a military force of United States troops had been despatched to the locality mentioned in said resolution, subsequent to the information on which, doubtless, the two branches of the Legislature relied on its adoption; and whilst sincerely desirous of rendering all needful aid in the protection of the person and property of our citizens, yet, at the same time, that the State should not be needlessly subjected to an expenditure of money for this purpose, I deemed it proper to communicate first with the officer in command of the Pacific Division of the U. S. Army, (General John E. Wool,) for the purpose of ascertaining whether my conjectures were correct, that troops had been stationed at the point designated.

In pursuance of this object, and the apparent necessity of an early reply, I despatched Adjutant Gen. Kibbe with a communication to General Wool, desiring information on this subject. As will be seen by the reply of that officer, (herewith submitted as Exhibit "A") the wishes of the Legislature had been fully anticipated, by the presence of an adequate military force in that vicinity. Therefore, conceiving that ample protection would be afforded the citizens of that portion of the State, without subjecting her to the expense attendant on maintaining a Volunteer Company, I consequently declined to issue orders in furtherance of such resolution.

Very respectfully,
Your obedient servant,

J. NEELY JOHNSON.

EXHIBIT A.

BENICIA, HEAD QUARTERS OF THE PACIFIC,
San Francisco, Jan. 21, 1856.

To his Excellency, J. NEELY JOHNSON,
Governor of California:

SIR—

I had the honor to receive on yesterday, through Gen Kibbe, your communication of the 19th inst., relative to the protection of the people of Crescent City. In reply it affords me pleasure to say that not only your wishes but those of the people of that city were anticipated some two months since, when I ordered a detachment of fifty men for their protection This force is now there under the command of Capt. D. F. Jones, a very efficient officer, who will, no doubt, be able to defend them in any attack that may be meditated by the few Indians remaining in that section of California. I would further remark that it is my intention, should it be deemed necessary, to send another company for the protection of the inhabitants of that region, and of Rogue River Valley These, with the three companies now at Forts Lane and Jones, one at Humboldt and another at Port Orford, constituting a force of more than four hundred regulars, will, I trust, be all sufficient to protect the people of Southern Oregon and Northern California from Indian barbarities, without the aid of volunteers.

and especially as I am well informed that there are not to exceed one hundred, or, at most, one hundred and twenty five Indians in arms against the whites in all that region.

In conclusion, I have only to remark that I shall ever be ready to co-operate with your Excellency in any measure that will, in any respect whatever, tend to preserve tranquility and to protect the inhabitants of the frontiers of California from Indian barbarity.

I have the honor to be,
With considerations of the highest respect,
Your most obedient servant,

JOHN E. WOOL,
Major General.

The following communication was received from the Secretary of State:

OFFICE OF SECRETARY OF STATE.
Sacramento, Feb. 18, 1856.

To the Hon. the Assembly:

In reply to the resolution of February 8, 1856, in regard to public buildings and grounds, I beg leave to state, that I find upon the records of this office a deed from B. R Buckalew to the State of California, for twenty acres of land at Point San Quentin, in Marin county, upon which is located the State Prison. I have written to Stockton for a copy of the deed or deeds for the property upon which is located the Insane Asylum, to which I have not yet received a reply. I have procured from the Recorder of this county the original deed from the city of Sacramento to the State for the block of land known as the Plaza, between I and J, and Ninth and Tenth streets. I know of no other property belonging to the State that would come within the meaning of your resolution.

I am, very respectfully,

DAVID F. DOUGLASS,
Secretary of State.

The following message was received from the Senate;

SENATE CHAMBER,
February 18, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate on Saturday, the 16th inst., adopted the following resolution:

Resolved, (by the Senate, the Assembly concurring,) That the Superintendent of Public Instruction be and he is hereby instructed to include in the next apportionment of school moneys to the county of Santa Barbara, an amount equal to the sum said county would be entitled to under the last apportionment

of school moneys, the same as though the returns for said county had been received within the legal time.

Also, indefinitely postponed Assembly bill No. 3, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 10, 1855.

Also, amended and passed Assembly bill No. 89, an Act to release John Van Arnan, of Washington, Yolo county, from any further liability as surety on the official bond of Alex Chisholm, late county Treasurer of Yolo county.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

On motion, the resolution referred to in Senate message, in relation to the school funds of Santa Barbara county, was referred to Committee on Education.

Senate amendment to Assembly bill No. 89, for the relief of John Van Arnan, was concurred in.

Assembly bill No. 67, an Act to repeal an Act entitled an Act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852.

Laid on the table.

Mr. Rathburn introduced the following resolution:

Resolved, That the Committee of Conference appointed to confer with a like Committee from the Senate, in regard to amendments to a bill originating in the Assembly, concerning the per diem of officers of the Senate and Assembly be, and they are hereby requested to report at as early a day as practicable, the result of their conference.

Adopted.

Mr. Ricks offered the following concurrent resolution:

Resolved, (by the Senate and Assembly,) That our Senator be instructed, and our Representatives be requested to use their exertions to procure a collection district in the northern portion of this State, and to establish the Port of Entry at Bucksport, Humboldt Bay.

Resolved, That the Governor be requested to forward a copy of this resolution to each of our Senators and Representatives.

Under the rule laid over for one day.

Mr. Williams introduced the following resolution:

Resolved, (by the Senate and Assembly.) That our Senator be instructed and our Representatives requested, to use their exerrions to procure the establishment of a mail route from Iowa Hill, in Placer county, to Canada Hill, (twenty-six miles.) in the same county, *via* Green Valley and Strong's Diggings.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the above resolution to our Senator and Representatives in Congress.

Under the rule laid over for one day.

Mr. Stout offered the following resolution:

Resolved, That no bill shall be open to amendment after it has been engrossed for a third reading, except by being recommitted to a committee with special instructions.

The report from the Controller of State, which was referred to the Committee on Claims on the 14th instant, and reported back by them on the 16th instant, was, on motion, recommitted to the Committee on Hospitals.

Assembly bill No. 73, an Act to prevent certain Animals from unlawfully running at large.

On motion, placed at the foot of the calendar.

Senate bill No. 26 was taken up.

On motion, reported back to the Senate, for the purpose of having an enacting clause inserted in the bill.

Assembly bill No. 91, an Act relative to the Court of Sessions and Board of Supervisors of San Joaquin County.

On motion, placed at the foot of the calendar.

The substitute reported by the Judiciary Committee for Assembly bill No. 69, an Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and define their duties and powers.

On motion of Mr. McDonald, made the special order of the day for Thursday, 21st instant, at 12 o'clock, M.

On motion of Mr. Rhodes, Senate bill No. 15, an Act to reduce and establish the Salaries of Officers and Pay of Members of the Legislature, was made the special order of the day for Wednesday, 20th instant, at 12 o'clock, M.

Senate bill No. 46, an Act amendatory of an Act concerning Corporations.

Read a first and second time, and referred to Committee on Corporations.

Senate bill No 64, an Act to amend an Act to fix the time of holding the District Court in the Third Judicial District.

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

Senate bill No. 14, an Act to amend an Act dividing the State into Counties and establishing the Seats of Justice therein.

Read a first and second time, and referred to Committee on Counties and County Boundaries.

On motion of Mr. Rhodes, Assembly bill No. 33, an Act relative to Escheated Estates, was placed at the foot of the calendar.

Senate bill No. 35, an Act to authorize the State Treasurer to issue a duplicate Land Warrant to Geo. W Coffee.

Read a first and second time and referred to Committee on Claims.

Senate bill No. 66, an Act to amend an Act fixing the time of holding the several Courts authorized to be held by the County Judges in the counties of Shasta, Santa Clara and Monterey.

Read a first and second time and referred to Judiciary Committee.

On motion of Mr. Haile, Assembly bill No 101, entitled an Act to authorize John H Hill, administrator of the estate of William H Burns, a lunatic, to sell and convey by private sale, the real estate of said Burns, was indefinitely postponed.

On motion, the amendments reported by the Committee on Indian Affairs, to Assembly bill No. 98, an Act to aid the officers of the Indian Department appointed by the General Government for the State of California, in the discharge of their duties, were concurred in, and the bill ordered engrossed.

The following message was received from the Senate:

SENATE CHAMBER, Feb. 18, 1856.

Mr Speaker:

I am directed to return to the Assembly, Senate bill No. 26, an Act amendatory of an Act entitled an Act to provide for the incorporation of Wagon Road Companies, passed April 22, 1853, with the necessary enacting clause before omitted.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

The bill was read a first and second time, and referred to Committee on Corporations.

On motion of Mr. Rhodes, the House adjourned at one o'clock, P. M., to meet to-morrow at 11 o'clock, A. M.

IN ASSEMBLY.

TUESDAY, February 19, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

On motion, Messrs. Leihy, Weir, and Cartter, were each granted leave of absence for one day.

Journal of yesterday was read and approved.

The El Dorado Delegation presented petitions numerously signed by citizens of that county, praying the enactment of a law for the better observance of the Sabbath.

Read and referred to the Committee on Vice and Immorality.

Mr. Oxley presented a petition from citizens of Tuolumne county, praying the enactment of a special Act of the Legislature, releasing the sureties on the official bond of Thomas E. Brunton, late Public Administrator of that county.

Read and referred to Committee on Claims.

Mr. Cone presented a petition from citizens of Solano and Sacramento, praying the passage of an Act allowing John M. Sidwell the privilege of erecting a wharf at Sidwell's Landing, in Sacramento county.

Read, and referred to Delegation from Solano, Yolo, and Sacramento.

Mr. Stout introduced Assembly bill No. 116, an Act to amend an Act concerning Roads and Highways, approved April 28, 1855.

Read a first and second time, and referred to the Committee on Roads and Highways.

Mr. Hunter gave notice of a bill for an Act to amend an Act concerning the office of District Attorney of San Joaquin county.

Mr. Haile gave notice of a bill to reduce the Fees of Officers and others, in criminal cases, in the county of Napa.

Mr. Batchelder gave notice of an Act amendatory of an Act, to extend the time of commencing the construction of certain Railroads, approved April 25th, 1855.

Mr Coombs gave notice of a bill to amend an Act entitled an Act to amend an Act to provide for the support of the government of this State, approved April 27th, 1855.

The following reports were received from committees:

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 114, a bill for an Act entitled an Act to amend an Act entitled an Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth, and Fifteenth Judicial Districts, and to define the Time for holding Courts in said Districts, approved April 28, 1855, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

R. B. SHERRARD,
Chairman.

Mr. Speaker:

Your Committee on Counties and County Boundaries, having had under consideration Assembly bill No. 112, entitled an Act to establish the County Seat of Humboldt County, beg leave to report back a substitute, and recommend its passage.

R. S. WILLIAMS,
Chairman.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill No. 46, an Act to amend an Act entitled an Act to punish Vagrants, Vagabonds, and dangerous and suspicious persons, approved April 30, 1855, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker :

The Committee on Mileage, to whom was referred the bill for an Act amendatory of an Act entitled an Act defining the Legal Distances from each County Seat in the State of California, to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, have had the same under consideration, and ask leave to report it back to the House, with amendments, and recommend its passage as amended.

DANIEL DUSTIN.
Chairman.

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed, the following mentioned bills:

Bill No 36, an Act to amend an Act entitled an Act dividing the State into Counties, and establishing Seats of Justice therein.

Bill No 63, an Act to authorize the Sheriffs of the Counties of Tuolumne and Trinity, to collect Licenses in said counties.

Bill No 89, an Act to release John Van Arnum, of Washington, Yolo county, from any further liability, as surety on the official bond of Alexander Chisholm, late County Treasurer of Yolo county.

Bill No. 98, an Act to aid the Officers of the Indian Department, appointed by the General Government for the State of California, in the discharge of their duties.

LANSING STOUT,
Chairman.

Mr. Speaker,

The Committee on Corporations to whom was referred Assembly bill No. 100, an Act to legalize the incorporation of the town of Santa Clara, have had the same under consideration, and beg leave to report the same back to the House with amendments, and recommend its passage as amended.

All of which, is respectfully submitted.

T. W. TALIAFERRO,
Chairman.

Mr. Sherrard offered the following resolution:

Resolved, That the Sergeant-at-Arms be, and is hereby authorized and required to certify to the account of Thos. F. W. Price, for three days' service as door-keeper of the Assembly, prior to the organization of the same.

Adopted.

Mr. Sellick introduced the following resolution:

Resolved, That seven hundred and fifty copies of the Minority Report of the State Prison Directors be ordered printed, in addition to the number previously ordered.

Laid over one day under the rule.

The Speaker announced the first bill on the calendar to be Assembly bill No. 90, an Act to submit the question of removal and location of the County Seat of Amador county, to the choice of the Voters of the county.

Mr. Lippincott moved that the bill be made the special order of the day for the 26th inst., at 12 o'clock, M.

Lost—Ayes 14—Noes 45.

Mr. Oxley moved that the rules be temporarily suspended, for the purpose of considering the bill engrossed—Ayes 45—Noes 14.

So the rules were suspended, and the question recurring on the passage of the bill, Mr. McFarland moved its indefinite postponement.

Pending discussion, Mr. Haile moved the previous question.

Sustained.

The question then recurring on the passage of the bill, Messrs. Bell, Wagner, and Haile, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Blackburn, Borland, Bowe, Brunton, Brush, Bynum, Cartter, Cone, Covarrubias, Davis, Dick, Dustin, Gage, Gaston, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lamon, McDonald, Moulthrop, Pugh, Rathburn, Read, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Taylor, Turner, Upton, Williams, Winsor, Winston, Mr. Speaker—44.

NOES.

Messrs, Beatty, Bell, Brent, Callbreath, Gray, Hunt, Kendrick, McFarland, Pearson, Wagner, Welch, White, Wohler—13.

So the bill was read a third time and passed.

Title approved.

Assembly bill No. 52, an Act amendatory of an Act entitled an Act to provide for the sale of Swamp and Overflowed Lands belonging to this State, passed April 28, 1855, was taken up, and ordered engrossed for a third reading.

On motion of Mr. Hawes, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 2

House in Committee of the Whole.

Mr. Stout in the chair.

Committee rose, reported progress, and asked leave to sit again.

Adopted.

Assembly bill No. 36, an Act to amend an Act entitled an Act dividing the

State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

On motion, was taken up, read a third time and passed.

Title approved.

The following communication was read:

Hon. J T. FARLEY, *Speaker of the Assembly:*

SIR:

I am instructed by the Board of Directors of the Sacramento Valley Railroad Company, to request the pleasure of your company, and the members and officers of the House of Representatives, at the opening of the Sacramento Valley Rail road, on Tuesday, 22d inst.

Very respectfully,

H. R PAYSON,
Sec. S. V. R. R. Co.

On motion of Mr. Van Dusen, the House adjourned at half-past two o'clock, until 11 o'clock, A. M., to-morrow.

IN ASSEMBLY.

WEDNESDAY, February 20, 1856.

House met pursuant to adjournment.

Speaker in the Chair

Prayer by the Chaplain.

Roll called and members all present except those absent on leave.

Journal of yesterday was read and approved.

Mr. Sherrard presented a petition from citizens of the county of Sutter, praying that the County Seat of that county may be removed from Nicholas to Yuba City.

Read and referred to Committee on Counties and County Boundaries.

Mr. McDonald presented a petition from citizens of Humboldt county remonstrating against the removal of the County Seat of that county.

Read and referred to Committee on Counties and County Boundaries.

Mr Brush introduced bill No 127, an Act concerning Hogs found running at large in the county of Marin.

Read a first and second time, and referred to Committee on Agriculture.

Mr. Gaston introduced bill No 118, an Act to define the time when the county officers of Sierra county shall enter upon the discharge of their duties.

Read and referred to the Judiciary Committee.

Mr. Turner introduced bill No. 119, an Act to suppress Gambling.

Read a first and second time, and referred to Committee on Vice and Immorality.

Mr. Brent introduced bill No. 120, an Act for the relief of Horace L. Wheler.

Read a first and second time, and referred to Committee on Claims

Mr. Weir introduced bill No. 121, an Act appropriating moneys for the benefit of the Orphan Asylums of San Francisco.

Read a first and second time, and referred to Committee on Ways and Means.

Mr. Davis introduced bill No. 122, an Act to authorize the county authorities to work convicts in certain cases.

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

Mr. Sellick introduced bill No. 123, an Act to amend an Act to regulate proceedings in civil cases in Courts of Justice of this State, passed April 29th, 1851.

Read a first and second time and referred to the Judiciary Committee.

Mr. Hunter introduced bill No. 124, an Act concerning the office of District Attorney for the county of San Joaquin.

Read a first and second time and referred to Judiciary Committee.

Mr Winston introduced bill No. 125, an Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854, and also an Act which passed April 30, 1855, amendatory of the above recited Act.

Read a first and second time and referred to Judiciary Committee.

Mr Sherrard gave notice of a bill for an Act to submit the question of the location of the County Seat of Sutter county to a vote of the people.

Mr. Covarrubias gave notice of a bill to provide for the payment of the debt of Santa Barbara county.

Mr. Coombs gave notice of a bill to provide for the salary of the County Treasurer of Alameda county.

Mr. Rhodes gave notice of a bill for an Act dividing the State into Congressional Districts.

The following reports from committees were received and read.

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No 88, a bill for an Act entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1st, 1851, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment

The same committee, to whom was referred Assembly bill No 85, a bill for an Act entitled an Act to fund the indebtedness of the State, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its reference to the Committee on Ways and Means.

The same committee have also had under consideration Assembly bill No 104, a bill for an Act entitled an Act to amend an Act entitled an Act to regulate the Fees of Office, passed April 10, 1855, and respectfully beg leave to report the same back to the House and recommend its passage without amendment.

R B. SHERRARD,
Chairman.

Mr. Speaker:

The Committee on Ways and Means have instructed me to report the following bills, without amendment, and recommend their passage.

The bill for an Act to fund the debt of Napa county, and to provide for the payment of the same.

Also, the bill for an Act for the relief of Jotham S. Marsten, late Treasurer of Alameda county, and his sureties.

A majority of the same committee have instructed me to report the bill for an Act to amend an Act concerning the Office of County Treasurer, passed March 27, 1850, and recommend its passage.

W. W. UPTON,
Chairman.

Mr. Speaker:

The Committee on Mines and Mining Interests, to whom was refered the report of the Commissioner of Immigrants for the Port of San Francisco beg leave to report that: whereas, one Edward McGowan, the Commissioner of Immigrants for the Port of San Francisco, did, in a communication addressed to this House, in answer to a resolution adopted by this body, calling upon him to inform this House of the amount of taxes collected from Immigrants incapable of becoming citizens of this State, arriving at the said Port, declare, in substance, that he had disregarded and neglected to fulfil the duties required of him by positive law; and whereas, it appears therefrom that he has assumed to himself to decide upon the constitutionality of a certain Act entitled an Act to discourage the Immigration to this State of persons who cannot become citizens thereof, passed April 28, 1855, thereby arrogating to himself Judicial powers which belong exclusively to the Courts of this State, as well as to defy the legislative power, and for said contempt, report the following resolution, and recommend its passage.

Resolved, (the Senate concurring,) That his Excellency, the Governor, be earnestly requested forthwith to remove from office the said Commissioner, and also cause suit to be commenced against the said McGowan, on his official bond, for malfeasance in office, and his Excellency is also requested to appoint a proper person to fill said office, who has the ability, honesty, and loyalty so evidently wanting in the present incumbent.) to faithfully fulfil the duties of said office of Commissioner as required by the sovereign will of the people constitutionally expressed.

J. E. BOWE,
Chairman.

Mr. Curtis, from Committee on State Prison, presented a report:

On motion of Mr. Stevenson, the reading of the report was dispensed with, the rules suspended, and one thousand copies ordered printed.

Mr. Speaker:

The Committee on Enrollment have compared Assembly bill No. 89, an Act to release John Van Arnum, of Washington, Yolo county, from any further liability as surety on the official bond of Alexander Chisholm, late County Treasurer of Yolo county, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Committee on Engrossment have examined and find correctly engrosed, an Act amendatory of an Act entitled an Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State, passed April 28, 1855.

LANSING STOUT,
Chairman.

Mr. Speaker:

The Committee on Vice and Immorality, to whom was referred Assembly bill No. 87, an Act for the better observance of the first day of the week, commonly called Sunday, in certain counties, have had the same under consideration, and beg leave to report the same back, with a substitute, making it a general law, (excepting certain counties therein stated,) and recommend its passage.

W. G. BELL,
Of the majority of said Committee.

Mr. Speaker:

The undersigned, a minority of the Committee on Vice and Immorality, to whom was referred Assembly bill No. 87, entitled an Act for the better Observance of the first Day of the Week, called Sunday, in certain Counties, having had the said bill under consideration, would respectfully report the same back without amendment, and recommend its passage.

J. M. COVARRUBIAS,
WM. BLACKBURN.

The following message was received from the Senate:

SENATE CHAMBER, February 20, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on yesterday the 19th inst, passed Senate bill No. 42, an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Also, concurred in Assembly amendment to Senate bill No. 35, an Act to authorize a Duplicate Land Warrant to George W. Coffee.

Also, passed Assembly Joint Resolution No. 1, relative to Manifests of Vessels from Atlantic Ports bound to San Francisco.

Also, amended and passed Assembly bill No. 58, an Act to incorporate the Town of Eureka.

Also, passed Senate bill No. 72, an Act to authorize the Board of Supervisors of Calaveras County to pay the Current Expenses of said County.

Also, on the 19th instant, passed Senate bill No. 43, an Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,
February 19, 1856.

To the Honorable the Assembly of California:

I have this day approved of the following bills, which originated in the Assembly, viz:

An Act entitled an Act to change the County Seat of Klamath County.

An Act concerning the Corporate Name of the City of Los Angeles.

An Act to incorporate the Town of San Luis Obispo.

An Act to amend an Act entitled an Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons, approved April 30, 1855.

Very respectfully,
Your obedient serv't

J. NEELY JOHNSON.

Mr. Beatty moved to take from the table a Concurrent Resolution introduced by Mr. Weir on the 16th instant, in relation to the adjournment of the Legislature.

Lost.

The hour having arrived for the special order of the day, being Senate bill No. 15, an Act to reduce and establish the Salaries of Officers and Pay of Members of the Legislature, it was taken up.

On motion of Mr. Hawes, it was made the special order of the day for Wednesday, 27th instant, at 12 o'clock, M.

On motion of Mr. Ricks, the Concurrent Resolution introduced on the 18th inst., instructing our Senators and Representatives in Congress to use their exertions to have a Collection District in the northern portion of this State, with its Port of Entry at Humboldt Bay, etc., was taken up and adopted.

Senate bill No 42, an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

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

Senate bill No. 43, an Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

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

Senate bill No. 72, an Act to authorize the Board of Supervisors of Calaveras County to pay the Current Expenses of said County.

Read a first and second time, and referred to the Delegation of Calaveras.

Mr. Oliver presented an account from —— Doherty.

Referred to Committee on Claims.

On motion of Mr. Sellick, the resolution in regard to printing 750 copies of minority report relative to State Prison, in addition to the number before ordered printed, was taken up

The motion to adopt the resolution was lost.

Assembly bill No. 112, an Act to establish the County Seat of Humboldt County.

Recommitted to Committee on Counties and County Boundaries.

Assembly bill No 98, an Act to aid the Officers of the Indian Department, appointed by the General Government for the State of California, in the discharge of their duties.

Read third time and passed.

Substitute for Assembly bill No. 63, an Act to authorize the Sheriffs of the Counties of Tuolumne and Trinity to collect licenses in said counties.

Read third time and passed.

Assembly bill No. 91, an Act relative to the Court of Sessions and Board of Supervisors of San Joaquin county.

Read third time and passed.

Assembly bill No. 73, an Act to prevent certain Animals from unlawfully Running at Large, recommitted to Committee on Elections.

On motion, House resolved itself into Committee of the Whole, to consider Assembly bill No. 2, being San Francisco City and County Consolidation bill.

Mr. Stout in the chair.

Committee rose, reported progress, and asked leave to sit again.

Adopted.

Mr. Van Dusen moved to adjourn until to-morrow, 11 o'clock, A. M.

Mr. Gage moved to amend by adjourning until 10, A. M.

Mr. Beatty moved to adjourn until 9 o'clock, A. M. The amendments were lost, and the House adjourned at half-past 2 o'clock, P. M, until 11 o'clock, A.M., to-morrow.

IN ASSEMBLY.

THURSDAY, February 21, 1856.

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

Journal of yesterday was read and approved.

Mr. Heiskell was granted leave of absence for one day, and Mr. Lamon for two days.

Roll called, and members all present except those absent on leave.

Mr. Bell presented a petition from the citizens of Eureka township in Nevada County, remonstrating against having that township added to Sierra County.

Read and referred to Committee on Counties and County Boundaries.

Mr. Peck presented a petition from the Mayor and Common Council of the city of San Jose, praying the passage of an Act authorizing the Funding of the Debt of that city.

Read and referred to the Delegation from Santa Clara.

Mr. Weir presented a petition numerously signed by residents of the State engaged in Agricultural Pursuits, praying the repeal of all laws requiring Fences for the protection of such pursuits, and the enactment of a general law allowing damages for all trespasses on growing crops, etc.

Read and referred to Committee on Agriculture.

Mr. Lippincott presented a petition from J. H & R. L Robertson, praying remuneration for Coals furnished to the State Marine Hospital at San Francisco, during the years 1853 and 1854

Read and referred to Committee on Claims.

Mr. Coombs introduced bill No. 126, an Act to provide for the Salary of the Treasurer of Alameda County.

Read a first and second time, and referred to Committee on Judiciary.

Mr. Peck introduced bill No 127, an Act to authorize the Funding of the Debt of the city of San Jose, and to provide for the payment of the same.

Read a first and second time, and referred to the Santa Clara Delegation.

Mr. Batchelder introduced bill No. 128, an Act to amend an Act entitled an Act to extend the time of commencing the Construction of certain Railroads, approved April 25, 1855.

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

Mr Sherrard introduced bill No 129, an Act supplementary to an Act entitled an Act concerning the office of Reporter, passed April 12, 1850.

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

Mr. Coombs introduced bill No. 130, an Act to amend an Act entitled an Act to amend an Act to provide for the support of the Government of this State, approved April 27, 1855.

Read a first and second time, and referred to Committee on Ways and Means.

Mr. Bowe introduced bill No. 131, an Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

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

Mr. Brunton introduced bill No. 132, an Act regulating and defining the per diem of Clerks, the Sergeant-at Arms, Door keeper Porters and Pages of the Assembly.

Read a first and second time, and referred to Committee on Ways and Means.

Mr. Curtis introduced bill No. 133, an Act for the relief of George Waterman.

Read a first and second time, and referred to Committee on Claims.

Mr. Reynolds gave notice of a bill for an Act to authorize the Sheriffs to collect the Quarterly Licenses in the several counties of this State.

Mr. Oxley gave notice that he would present for consideration of this Legislature, the several amendments to the Constitution of this State, which were introduced and passed upon by the last session of the Legislature of this State.

Mr. Ricks gave notice of a bill declaring Butcher's Slough, and Big Slough, in Humboldt county Navigable.

The following reports were received from committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred Senate bill No. 66, a bill for an Act to amend an Act entitled, an Act to fix the times of holding the several Courts authorized to be held by the county Judges, in the counties of Shasta, Santa Clara, and Monterey, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

R. B. SHERRARD,
Chairman.

Majority report of the Committee on Claims:

Mr. Speaker:

The Committee on Claims to whom were referred the petitions of citizens of El Dorado county, praying for the reward of David L. Stansberry, and others, for the arrest of Mickey Free and George Wilson, two notorious robbers and murderers, have had the same under consideration, and beg leave to report to the House the following facts, as shown before the committee:

It appears that David L Stansberry, John Hackley, George McCrary, Franklin Robinson, Edmond Greenwood, and Raymon L Baker, did arrest and bring to justice, the said Mickey Free and George Wilson, and that at the time of said arrest, there was in and about the towns of Mud and Diamond Springs, one of the most formidable organizations of thieves, robbers, and murderers, that ever infested any portion of this State; so well organized indeed, that they had secret grips, signs, and passwords; the fact of which, was drawn from the said George Wilson, as States' evidence, and corroborated by actual experiment upon persons who were known to belong to the gang, by the officers of that county; so formidable indeed were they, in and about those towns, that the honest and peaceable citizens dared not risk an altercation with them, lest they thereby subject their towns to the torch of the incendiary. That inasmuch as the said George Wilson's confession has not been published, and as many important facts are thereby locked up with the proper officers at Coloma, awaiting further developments, it is therefore impossible for the committee to judge of the real merits of the claims to its fullest extent; sufficient has however been shown, to satisfy the committee that the claim is not only founded in justice, but that in extreme cases like the present, and especially when crime and murder are daily on the increase, that it would be bad policy on the part of the State to refuse to reward liberally, those who have thus braved the dangers to which all subject themselves in ferreting out and bringing to justice, members of regularly organized bands of robbers and murderers.

It appears, that upon the testimony of the said George Wilson, four desperadoes have been brought to justice, two of them are now in the States' Prison —one has been executed, and the other is now under sentence of death—the last mentioned is Stuart Kelly, for whose arrest the Governor paid a reward of one thousand dollars.

Thus, it appears that by the arrest of said parties, the band has been broken up to a great extent, though it is well known to the citizens of said towns, that there are yet left among them members of the said organization. In view of services rendered, as appears from the above facts, the said David L. Stansberry

and others, represent and hold, that they are entitled to a reward of at least five thousand dollars, in consideration of services rendered the State, money expended, time lost, and the responsibilities and dangers to which they have subjected themselves, by incurring the displeasure of this formidable band of robbers

The committee, in view of all the facts before them, are of the opinion that Twenty Four Hundred Dollars would be but a just and reasonable reward to the said parties, for which amount they report a bill, and recommend its passage.

GEORGE H. RHODES,
J E BOWE,
A R ANDREWS,
Majority Committee on Claims.

February 21, 1856

Minority report Committee on Claims:

Mr. Speaker:

The minority of the committee to whom was referred the petition of John Hackler, Franklin D Robinson, Raymond L Baker, Edward Greenwood, Geo. McCray, and David L Stansberry, of El Dorado county, praying to be remunerated for services rendered in arresting and delivering over to the proper authorities, the bodies of Mickey Free and George Wilson, have had the same under consideration, and beg leave to make the following report:

Your committee have had but little evidence before them to base an opinion upon, in the premises, save the petition, and a document executed by the constable of Mud Spring township, and the certificate of the county Clerk of El Dorado county, to the same

Your committee is of the opinion that there is only one fact established before them, the simple fact that the petitioners did arrest and deliver over to the legal authorities the persons named in the petition.

The petitioners have not shown to us that they have made any outlay of money, loss of property, or time, while they were engaged in making the arrest. They ask to be remunerated for their devotion to the interest and honor of the State.

Your committee is of the opinion that every good citizen should be devoted to the interest and honor of the State, and if your petitioners have done more than the duty of faithful and praiseworthy citizens, your committee would recommend their claim to the favorable consideration of the Board of Supervisors of El Dorado county. But, so far as the State is concerned, your committee would recommend that the petition be indefinitely postponed.

U B WINSOR,
CASWELL DAVIS,
Committee.

Mr. Speaker:

The Committee on Agriculture, to whom was refered Assembly bill No 51, being a bill for 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 back to the House with a substitute, and recommend the passage of the substitute.

The same Committee, to whom was referred Assembly bill No. 96, being a bill for an Act to repeal an Act concerning the Trespassing of Animals upon Private Property, have had the same under consideration, report the bill back to the House with an amendment, and recommend the passage of the bill as amended.

SARSHEL BYNUM,
Chairman.

Mr. Speaker:

Your Committee on Counties and County Boundaries, to whom was recommitted a bill entitled an Act to establish the County Seat of Humboldt county, having had the same under consideration, beg leave to report the same back to the House without amendment, and recommend its passage.

R. L. WILLIAMS,
Chairman.

Mr. Speaker:

The Committee on Enrolment have compared Assembly Joint Resolution No. 1, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Committee on Engrossment have examined and find correctly engrossed, bill No. 90, for an Act to submit the question of the Removal and Location of the County Seat of Amador county to the choice of the Voters of the county.

LANSING STOUT,
Chairman.

Mr. Speaker:

The Calaveras Delegation, to whom was referred Senate bill No. 72, an Act to authorize the Board of Supervisors of Calaveras county to pay the Current Expenses of said County, have had the same under consideration, and report the same back to the House without amendment, and recommend its passage.

T. W. TALIAFERRO,
Of Delegation.

Mr Speaker:

The Select Committee, to whom was referred Assembly bill No. 60, of an Act entitled an Act to create the County of Tehama, to define its Boundaries and provide for its Organization, have had the same under consideration, and beg

leave to report the same back to the House, and recommend its passage as amended.

E. J. LEWIS,
Chairman.

Mr. Lamon introduced the following preamble and resolution:

Whereas, The members of this House entertain the most profound veneration for the memory of GEORGE WASHINGTON, and will ever cherish it with filial affection:

And whereas, to-morrow is the anniversary of his birthday—a day of national rejoicing and sacred to every American; therefore, be it

Resolved, When the Assembly adjourns to day, that it stands adjourned till Monday, the 25th instant.

Several amendments were proposed, and substitutes offered, when, on motion of Mr. Davis, the whole subject matter was laid on the table.

On motion of Mr, Taliaferro, Senate bill No. 72, an Act to authorize the Board of Supervisors of Calaveras county to pay the Current Expenses of said County was taken up, read a third time, and passed.

Mr. Cartter introduced the following preamble and resolution:

Whereas, To morrow being the anniversary of the Birthday of Washington, that the members of this Legislature may return to their homes, and celebrate the day in an appropriate manner, due to his memory and our appreciation of the great good conferred upon us by the Father of our Country; be it, therefore,

Resolved, That this Legislature, the Senate concurring, adjourn to meet again on Tuesday next, 26th inst., at 11 o'clock, A. M.

Mr. Bowe moved to amend the resolution by striking out Tuesday, 26th, and inserting Monday, 25th.

Pending debate, Mr. George moved the previous question, which was sustained.

The question then being on the adoption of the amendment to the resolution.

Messrs Davis, Bowe and White demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Bell, Boring, Borland, Bowe, Davis, Dick, Gage, Gaston, Heald. Hoover, Lamon, Leihy, McFarland, McGehee, Meloney, Moulthrop, Pearson, Read, Sellick, Sterritt, Stout, Weir, Welch, White—25.

NOES.

Messrs Batchelder, Beatty, Blackburn, Brent, Brunton; Bynum, Cartter, Castro Callbreath, Cone, Coombs, Covarrubias, Curtis, Dustin, Ewalt, George, Gray, Haile, Hawes, Holland, Hunt, Hunter, Kelly, Kendrick, Lewis, Lippincott, McDonald, Oxley, Peck, Reynolds, Rhodes, Shearer, Sherrard, Swan, Tur-

Turner, Upton, Van Dusen, Wagner, Williams, Winsor, Winston, Wohler and Mr. Speaker—43.

So the amendment was rejected.

The question then recurring on the passage of the resolution, on motion of Mr. Bell, the rules were temporarily suspended and the resolution adopted.

Mr. Peck offered the following resolution:

Resolved, That a committee of five be appointed to examine into the qualifications of the Engrossing Clerk, and report at the earliest opportunity, and also, whether or not one Clerk will be sufficient to perform the duties.

Adopted.

The Speaker appointed Messrs. Peck, Reynolds, Curtis, Hunter and Winsor as committee.

On motion of Mr. Cone, the special order of the day, Assembly bill No. 69, an Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, was taken up and made the special order of the day for Tuesday next, at 12 o'clock, M.

Mr. Brent introduced the following resolution:

Resolved, That a select committee of five be appointed to investigate the cause and state of our public debt, and to ascertain whether the same is likely to be increased, and if, in the opinion of said committee, said debt is likely to be augmented; then to report to this House the result of their investigation, together with some suitable plan for avoiding the prospective increase of said debt.

Adopted.

The Speaker appointed Messrs. Brent, Cartter, Dick, Bowe and Dustin as committee under the resolution.

On motion of Mr. George, Assembly bill No. 54, an Act authorizing David Gherky, and others, to build a Wharf at Santa Cruz, was taken from the table.

The amendments reported by the Committee on Commerce and Navigation were concurred in, and the bill ordered engrossed.

Assembly bill No. 55, an Act to authorize J. E Davis and A. P. Jordan, and others, to construct a Wharf at Santa Cruz, was taken up.

The amendments reported by the Committee on Commerce and Navigation were concurred in, and the bill ordered engrossed.

On motion of Mr Stout, the resolution reported by the Committee on Mines and Mining Interests, requesting the Governor to remove from office Edward McGowan, Commissioner of Immigrants of the Port of San Francisco, on account of malfeasance in office, was taken up, and made the special order of the day for Wednesday next, at 12 o'clock, M.

On motion of Mr. Bell, the substitute (presented by the majority of the Committee on Vice and Immorality,) for Assembly bill No 87, an Act for the better Observance of the First Day of the Week, commonly called Sunday, in certain counties, was ordered printed.

On motion of Mr. Oliver, the concurrent resolution introduced by Mr. Hoover, authorizing the Secretary of State to transmit certain books to incorporated Libraries, &c, was taken from the table, and referred to Committee on Education

On motion of Mr. Taylor, at half-past two o'clock the House took a recess of fifteen minutes.

Assembly in session.

The following message was received from the Senate:

SENATE CHAMBER, Feb. 21, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate has concurred in Assembly resolution, adjourning till Tuesday next, at 11 A. M.

WM. BAUSMAN,
Secretary of Senate.

On motion of Mr. Lewis, the House adjourned at 3 o'clock, to meet on Tuesday, 26th instant, at 11 o'clock, A. M.

IN ASSEMBLY.

TUESDAY, February 26, 1856.

House met pursuant to adjournment.

The Speaker being absent, the House was called to order by the Chief Clerk.

On motion of Mr. Williams, Mr. Cartter was elected Speaker *pro tem.*

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

On motion, Messrs. Shearer, Turner, Dick, Dustin, Bell, Farley, Coombs, Kelly, and Read, were each granted leave of absence for one day.

Journal of Thursday, 21st inst, read and approved.

Mr. Lemon presented a petition numerously signed by citizens of Mariposa County, praying the passage of a law for the better Observance of the Sabbath.

Mr. Wagner presented a petition to the same effect from citizens of Amador County.

On motion, the reading of the petitions were dispensed with, and they were referred to the Committee on Vice and Immorality.

Mr Upton introduced bill No. 134 an Act to provide for Recording Lands of the United States occupied by inhabitants of this State.

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

Mr Sellick introduced bill No. 135, an Act entitled an Act to amend the Constitution of the State of California

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

Mr Coombs introduced bill No 136, an Act authorizing the Sheriff of Alameda County to proceed and collect the Delinquent Taxes assessed for the years 1854 and 1855.

Read a first and second time, and referred to the Delegation from Alameda.

Mr Moulthrop introduced bill No. 137, an Act entitled an Act to regulate Fares and Freights of Steamboats navigating the Waters of this State.

Read a first and second time, and referred to Committee on Commerce and Navigation.

Mr. Cone introduced bill No. 138, an Act to authorize the Board of Supervisors of the County of Sacramento, to establish a Workhouse in connection with the County Jail of said county.

Read a first and second time, and referred to the Delegation from Sacramento.

Mr. George introduced bill No 139, an Act concerning the Collection of Taxes now due in the County of San Francisco.

Read a first and second time, and referred to the Committee on Ways and Means, with instructions to report thereon, as soon as possible.

Mr. Haile introduced bill No. 140, an Act to regulate the Pay of Members and Officers of the Legislature.

Read a first and second time, and referred to Committee on Claims.

Mr. Meloney introduced bill No. 141, an Act concerning Roads and Highways.

Read a first and second time, and referred to Committee on Roads and Highways.

Mr. Curtis introduced bill No 142, an Act to repeal an Act entitled an Act authorizing Married Women to transact business in their own names as Sole Traders.

Read a first and second time, and referred to Committee on Judiciary.

Mr. Oxley introduced bill 143 entitled Proposed Amendments to the Constitution of the State of California.

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

Mr. Hawes gave notice of a bill for an Act concerning Official Bonds.

Also, a bill for an Act to provide for the better Security of Public Funds in the City and County of San Francisco.

Mr Brush gave notice of a bill concerning taxes now due in the county of Marin.

Mr. Weir gave notice of a bill making the 22d day of February a day of thanksgiving and prayer.

Mr Pugh gave notice of a bill to amend an Act entitled, an Act to regulate the fees of Grand Jurors, in the county of Sacramento.

Mr. Curtis gave notice of a bill to fund so much of the State indebtedness as accrued previous to the first day of July, 1855, and so much as may accrue up to the first day of October, 1856.

The following reports were received from committees:

Mr Speaker:

The Judiciary Committee to whom was referred Senate bill No. 64, a bill for an Act entitled, an Act to amend an Act to fix time of holding the District Court in the Third Judicial District, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

The same committee to whom was referred Assembly bill No. 125, a bill for an Act entitled, an Act amendatory of an Act concerning County Judges, passed April 30, 1854, amendatory of the above recited Act, have the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

R. B. SHERRARD,
Chairman.

Mr. Speaker:

The Committee on Claims, to whom was referred Senate bill No. 35, an Act to authorize the Treasurer of the State to issue a duplicate school warrant to

George W. Coffee, have had the same under consideration, and beg leave to report the same back to the House, without amendment, and recommend its passage.

Your committee have also had under consideration, the report of the State Controller, in relation to the outstanding claims against the State Marine Hospital, and beg leave to report a bill for an Act appropriating the amount required, and recommend its passage.

G. H. RHODES,
Chairman.

Mr. Speaker:

The Committee on Education, to whom was referred Concurrent Resolution relating to the apportionment of School moneys to the county of Santa Barbara, beg leave to report the same back to the House, without amendment, and recommend its passage.

W. H. TAYLOR,
Chairman.

Mr. Speaker:

The Committee on State Hospitals, to whom was referred a bill for an Act to provide for the better maintenance of the indigent sick of Shasta county, have had the same under consideration, and I am instructed to report the same back to the House, without amendment, and recommend its passage.

THOMAS J. OXLEY,
Chairman.

The following communication was received from the Secretary of State:

OFFICE OF SECRETARY OF STATE.
Sacramento, Feb. 26, 1856.

To the Honorable, the Assembly:

I have the honor to reply to the resolution of the Assembly relative to the delivery of the Laws and Journals of the last Legislature, adopted on the 15th inst., and received by me on the 21st inst.

The copies of the Laws and Resolutions of the last session of the Legislature were all delivered to the State Printer on the 16th day of May; all the proof sheets for indexing were not received at this office until the 2d day of July, at which time the Index was delivered to the State Printer. The number of copies of the Laws required to be delivered to the State, were printed and delivered to the Secretary of State, on the 1st day of September. The copies of the Journal are not furnished the State Printer from this office, but by the Secretary of the Senate and Clerk of the Assembly. The proof sheets of the Senate Journals were not all delivered to this office for Indexing until the 28th day of August, on which day the complete Index was delivered to the State Printer. The proof sheets of the Assembly Journals were not all received at this office until the 16th day of September, and on the same day the Index was delivered to the State Printer.

The Journals of the Senate and Assembly were not printed and received at this office until after the 5th day of November, the exact date of their delivery is not known by me, as no record of the fact appears to have been kept by my immediate predecessor

The Spanish Laws were not delivered at this office until January, 1856.

I deem it not improper to state that much delay was occasioned in making out the Indexes of the Laws and Journals, in consequence of the failure of the State Printer to deliver the proof sheets to this office as fast as they could be indexed.

I have the honor to be,
Very respectfully,

DAVID F. DOUGLASS,
Secretary of State.

On motion, referred to Committee on Printing.

The following communication was received from the State Treasurer:

TREASURY DEPARTMENT,
Sacramento, Feb. 25, 1856.

Hon. J. T. FARLEY,
Speaker of the House of Assembly:

SIR,

In compliance with a resolution of the House, requesting information, I have the honor to submit the enclosed abstract on the subject of inquiry, and am,

Very respectfully, your ob't servant,

HENRY BATES,
State Treasurer.
Per F. B. BUNKER,
Clerk.

July 1, 1855.	Controller's Warrants outstanding, - -		$296,769 30
Feb. 15, 1856.	Amount of issues since July 1, 1855, - -		609,953 38
			$906,722 68
Amount redeemed—			
Warrants issued prior to July, 1855, - -		$ 92 293 52	
Do. since - -		316,275 13	
			$408,568 65
Feb. 15, 1856.	Warrants on General Fund, outstanding,		$498,154 03

Of the above balance, warrants drawn on account of State Prison, compose the sum of $175,406 56.

HENRY BATES,
State Treasurer.
Per F. B. BUNKER,
Clerk.

On motion, referred to the Committee on Claims.

Mr. Upton, from Committee on Ways and Means, reported back Assembly bill No. 139, and recommended that the bill be referred to the San Francisco delegation.

On motion, the bill was so referred.

On motion of Mr. McFarland, Assembly bill No. 33, an Act relative to Escheated Estates, was taken from the general file and recommitted to the Judiciary Committee.

Mr. Upton presented the following resolution:

Resolved, That so much of the report of the Joint Committee on State Prison as relates to the future maintenance of convicts, be referred to the Committee on State Prison, with instruction to report a bill to provide for the economical maintenance and employment of such convicts.

Adopted.

On motion of Mr Pugh, the communication received from the Secretary of State, on the 18th inst, in regard to the property of the State was taken up.

Referred to the Committee on Public Lands.

Mr. Brent presented the following concurrent resolution:

Resolved, (by the Assembly the Senate concurring.) That our Senator and Representatives in Congress be and they are hereby requested to take all measures which may be necessary at Washington to obtain a complete and thorough exploration of the River Colorado, from Fort Yuma to its source.

Resolved, That his Excellency the Governor is hereby requested to forward copies of this resolution to our Senators and Representatives in Congress.

On motion, the rule was temporarily suspended and the resolution adopted.

Mr. George, from the San Francisco delegation, reported back Assembly bill No. 139, an Act concerning the collection of Taxes now due in the County of San Francisco, and recommended its passage without amendment.

Mr. George moved that the rules be temporarily suspended, for the purpose of considering the bill engrossed.

The motion was lost.

Whereupon, Mr. Lamon moved a reconsideration of the vote just taken.
The vote was reconsidered.

The question then recurring on the suspension of the rules, for the purpose of considering the bill engrossed,

Mr. George withdrew his motion.

On motion of Mr McFarland, the bill was then referred to the Judiciary Committee, with instructions to report thereon to morrow

The hour having arrived for the special order of the day, viz: Assembly bill No. 69, an Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, was taken up.

On motion, the substitute reported by the Judiciary Committee for Assembly bill No. 69, was adopted

Several amendments were made, when

On motion of Mr. Boring, the bill was made the special order of the day for Thursday, 28th inst, at 12 o'clock M.

The general file was then taken up.

Assembly bill No 86, an Act to Fund the Debt of the County of Napa, and provide for the payment of the same, was ordered engrossed.

Bill No 60, an Act to create the County of Tehama, to define its boundaries and provide for its organization.

Amendments reported by the Committee were concurred in.

Bill ordered engrossed.

Bill No. 79, an Act amendatory of and supplementary to an Act entitled an Act defining the distances from each County Seat in the State of California to the State Capitol at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, passed May 15, 1854.

Amendments were offered and adopted, and the bill re committed to the Committee on Mileage.

Bill No. 112, an Act to establish the County Seat of Humboldt County.

Substitute adopted.

Rules suspended and bill considered engrossed.

Read third time and passed.

Bill No 114, an Act to amend an Act entitled an Act to establish the salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the time for holding Courts in said Districts, approved April 28, 1855.

Ordered engrossed.

Bill No. 100, an Act to legalize the Incorporation of the Town of Santa Clara.

Amendments concurred in and bill ordered engrossed.

Bill No. 97, an Act to amend an Act concerning the office of County Treasurer.

Made special order for Friday, 29th inst., at 12 o'clock, M.

Assembly bill No 88, an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Mr. Hawes offered an amendment to the bill, which was adopted.

On motion of Mr. Beatty, the bill was made the special order of the day for Saturday, 30th inst.

Mr. Rhodes, at half past two o'clock P. M, moved that the House adjourn.

Upon which motion, Messrs Beatty, Weir and Rathburn demanded the ayes and noes with the following result:

AYES.

Messrs. Brent, Brush, Calibreath, Covarrubias, Curtis, Downer, Ewalt, George, Gray, Lamon, Leihy, Lewis, McDonald, Meloney, Rhodes, Ricks, Sellick, Sherrard, Stevenson, Sterritt, Swan, Turner and Winsor—23.

NOES.

Messrs. Andrews, Batchelder, Beatty, Blackburn, Boring, Borland, Bowe, Brunton, Bynum, Cartter, Castro, Cone, Davis, Gage, Gaston, Haile, Hawes, Heald, Heiskell, Kendrick, Mathews, McFarland, McGehee, Oliver, Pearson, Rathburn, Reynolds, Sharp, Stout, Tahaferro, Taylor, Upton, Van Dusen, Wagner, Weir, Welch and White—37.

So the motion was lost.

Assembly bill No. 104, an Act to amend an Act entitled an Act to regulate Fees of Office, passed April 10, 1855.

On motion of Mr. McDonald, the bill was so amended as to exempt the County of Klamath from any of the provisions of the Act.

The bill as amended was ordered engrossed.

On motion of Mr McFarland, the rules were temporarily suspended, and Senate substitute for Assembly bill No. 33, an Act making appropriations for the Civil Expenses of the Government of the State, was taken up.

On motion of Mr. McFarland, the House resolved itself into Committee of

the Whole, for the purpose of taking into consideration the Senate's substitute for Assembly bill No. 38.

House in Committee of the Whole, Mr. Stout in the Chair.

Committee rose, reported progress and asked leave to sit again.

Report received.

The Sergeant-at-Arms presented a report, detailing the amount due the Post Office and Expresses for transportation of papers and letters to and from the Assembly.

On motion of Mr. Weir, the House adjourned at half past three o'clock, P. M.

IN ASSEMBLY.

WEDNESDAY, February 27, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

The Journal of yesterday was read and approved.

Mr. Ewalt presented a petition from residents of the southern portion of the county of San Francisco, praying the formation of a new county out of portions of the counties of San Francisco and Santa Clara, which was read and referred to the Delegation from those counties.

Mr. Holland presented a petition signed by merchants of San Francisco, for the purpose of upholding and sustaining the Commissioner of Immigrants, in regard to his action in not carrying into effect an Act to discourage the Immigration to this State, of persons who cannot become citizens thereof, passed April 28, 1855.

The petition was read, and referred to the Committee on Mines and Mining Interests.

Mr. Brush introduced bill No. 144, an Act concerning the collection of taxes now due in the county of Marin.

Read a first and second times, and referred to the Delegation from Sonoma and Marin.

Mr. Ricks introduced bill No 145, an Act to authorize the District Attorneys of the several counties of this State to appoint Deputies.

Read a first and second times, and referred to the Judiciary Committee.

Mr. Hawes introduced bill No 146, an Act supplementary to an Act entitled, an Act concerning the Official Bonds of Officers, passed February 28, 1850

Read a first and second time, and referred to the Judiciary Committee.

Mr. Hawes introduced bill No. 147, an Act to provide for the safe custody of Public Moneys.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Sellick introduced bill No 148, an Act to prohibit the carrying of Concealed Weapons.

Read a first and second time, and referred to the Committee on Military Affairs.

Mr. McDonald gave notice of a bill to make the Taxes of Klamath county, receivable in County Scrip.

Mr. Stevenson gave notice of a bill for an Act to repeal the several Acts Exempting Firemen from Militia Service and Jury Duty, so far as the same extends to Solano county.

Mr. Davis gave notice of a bill defining the Jurisdiction of District Courts and Courts of Sessions in Criminal Cases.

Mr. McFarland gave notice of an amendment to the 49th standing rule of the Assembly.

Mr. Turner gave notice of a bill to change the 14th article of the Marysville and Benicia National Railroad.

Mr. Bell gave notice of a bill to prohibit gambling in this State.

Mr. Lippincott gave notice of a bill for an Act, amendatory of an Act entitled an Act to regulate the Fire Department of the City of San Francisco, passed April 5, 1850.

The following reports were received from Committees:

Mr. Speaker:

The Committee on Agriculture, to whom was referred the Memorial signed by some one hundred and forty persons, citizens of this State, engaged in Agri-

cultural Pursuits, asking for the enactment of a general law repealing all laws now existing, which require fences for the protection of crops, and to enact a law allowing damages to the full amount of all trespasses and depredations of stock upon growing crops in the counties where Agricultural Interests predominate, have had the same under consideration, and beg leave respectfully to report, that in the opinion of your committee, without enlarging upon the reasons which have brought them to this conclusion, the enactment of general laws of the character of those asked for, would be extremely prejudicial to the interests of the inhabitants generally, of the Agricultural portions of the State. But, as there may, perhaps, be a few particular localities where such laws would operate with less injury than benefit, and as some such locality may be, for aught your committee know, co extensive with some whole county, your committee request that the memorial receive a more proper consideration than we are able to give it, and with that view, we respectfully recommend that it be referred to the Delegation on this floor from San Joaquin county.

E. BYNUM,
Chairman.

Mr Stout, from the Committee on Engrossment, reported, that upon examination of Assembly bill No 112, which had yesterday been considered engrossed and passed, the committee found that the word "represented" had been omitted in the enacting clause, and desired to know what course the House would direct the committee to pursue in regard to the bill.

Upon motion of Mr. McFarland, the Committee on Engrossment were authorized to insert the word "represented" in the enacting clause of bill No. 112, an Act to establish the County Seat of Humboldt county.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill No 58, an Act to incorporate the town of Eureka, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Engrossing Committee have examined bills Nos 54 and 55, and recommend that they be referred to a committee, with instructions to correct errors; also, have examined and found correctly engrossed, bill No. 112, for an Act to establish the County Seat of Humboldt County.

LANSING STOUT,
Chairman.

Mr Speaker:

The Tuolumne Delegation, to whom was referred Assembly bill No 78, being an Act to authorize the issue of Bonds in Tuolumne County, for Jail purposes, have had the same under consideration, and beg leave to report the bill back to the House, with additional provisions to be added to, and become a part of the

1st, 4th, and 6th sections of the bill as amendments, and recommend its passage as amended.

T. C. BRUNTON,
Chairman.

Mr. Speaker:

The Committee on Public Lands, to whom was referred Assembly bill No. 17, an Act for the protection of Actual Settlers, and to Quiet Land Titles in this State, and for other purposes concerning real property, have had the same under consideration, and I am directed by your committee to report said bill as amended in the 8th, 9th and 11th sections, back to this House, and respectfully recommend its passage as amended.

GEO. PECK,
Chairman.

The following messages were received from the Senate:

SENATE CHAMBER, Feb. 27, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate yesterday concurred in Assembly Joint Resolution requesting our Senator and Representatives in Congress, to take measures for procuring an exploration of the Colorado River.

Also, concurred in Assembly concurrent resolution for the establishment of a Port of Entry at Bucksport, in Humboldt Bay.

Also, amended and passed Assembly bill No 64, an Act to settle the Boundary line between Klamath and Humboldt counties.

Also, indefinitely postponed Assembly substitute for Assembly bill No. 14, an Act to amend an Act to regulate proceedings in Criminal Cases, approved May 5th, 1855.

W. BAUSMAN,
Secretary of Senate.

SENATE CHAMBER, Feb 27, 1856.

Mr. Speaker :

I am directed by the Senate to inform the Assembly, that the Senate on the 26th inst., passed Senate substitute for Assembly bill No 38, an Act making appropriations for the Civil Expenses of the government of the State.

Also, passed Senate bill No 22, an Act to fix the time of holding the terms of the District Court in the 7th Judicial District.

Also, the following concurrent resolution:

Resolved, by the Senate, (the Assembly concurring,) That the officers of this State, in command of the several Expeditions against the hostile Indians, be

authorized to sign their names officially to such Muster-rolls as have not the certificate properly attached thereto.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

Mr. Weir presented the following Concurrent Resolution:

Resolved, (the Senate concurring,) That a committee of two from the Assembly, and — from the Senate be and are hereby appointed to examine and report upon a suitable location for the State Prison or Penitentiary, having regard, First, to suitable raw material to be worked by the convicts: Second, the advantages of carriage to and from said location by railroad or water, or both: Third, a market for the proceeds of the labor of the convicts: Fourth, all the advantages for and against said location, and that they be required to report at the earliest possible day.

On motion, the rule was temporarily suspended, and the resolution adopted.

Mr. White presented the following resolution:

Resolved, That each member be requested to furnish to the Sergeant-at-Arms, in sufficient time for him to incorporate the same into his semi-monthly report, a statement of the amount of mail matter sent by him by Mail or by Express, and the number of letters and papers sent by each.

Mr. Haile presented the following as a substitute for the resolution introduced by Mr. White:

Resolved, That from and after this date, the members of this House shall each pay for all the postage on mail matter sent or received by him.

Mr. McFarland moved to lay the whole matter on the table.

Lost.

Mr. Taliaferro moved to indefinitely postpone the whole subject matter.

Upon which motion, Messrs Haile, Meloney and Taliaferro demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Beatty, Boring, Borland, Bynum, Castro, Coombs, Covarrubias, Ewalt, Gage, Gaston, Heiskell, Hoover, Lewis, Lippincott, McDonald, McFarland, Oliver, Pearson, Reynolds, Rhodes, Ricks, Sharp, Shearer, Swan, Taliaferro, Taylor, Turner, Van Dusen, Wagner, Winsor, Wohler and Mr. Speaker—33.

NOES.

Messrs. Batchelder, Blackburn, Bowe, Brunton, Callbreath, Cone, Davis, Downey, George, Gray Hale, Hawes, Heald, Holland, Hunt, Kendrick, Larmen, Leahy, Mathews, McGehee Meloney, Moulthrop, Peck, Pugh, Rathburn, Read, Sellick, Stevenson, Stout, Weir, Welch and White—32.

So the whole subject matter was indefinitely postponed.

On motion of Mr. Stevenson, Senate bill No 22, an Act to fix the times of holding the terms of the District Court in the 7th Judicial District, was taken from the table.

Read a first and second time.

On motion, the rule was temporarily suspended.

The bill was read a third time and passed.

The hour having arrived for the special order of the day, viz: The report of the Committee on Mines and Mining Interests, relative to the Commissioner of Immigrants, &c, was taken up.

On motion, the consideration of the special order of the day was temporarily suspended, for the purpose of allowing the Judiciary Committee to make the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 139, a bill for an Act entitled an Act concerning the collection of taxes now due in the County of San Francisco, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage, with amendments.

R. B. SHERRARD,
Chairman.

On motion, the amendments proposed by the committee were concurred in.

Mr. Hawes offered the following amendment to bill No. 139, and moved its adoption:

Insert after Section 2d, Section 3:

No person engaged or interested in the business of Banking, in the county of San Francisco, shall be received as surety on such bond of the said Gorham, to be executed in pursuance of the provisions of this Act, nor shall any person be received as surety, unless he be worth twice the amount of his undertaking, over and above all sums for which he is already liable, or in any manner bound whether conditionally absolutely or otherwise.

Upon which Messrs. Callbreath, Gray, and Hawes demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Blackburn, Boring, Bowe, Brunton, Bynum, Calhoun, Cone, Davis, Gage, Gaston, George, Gray, Haile, Hawes, Heiskell, Hoover, Hunt, Lamon, Leihy, Mathews, McGehee, Meloney, Oliver, Pugh, Rathburn, Read, Sellick, Shearer, Stout, Taylor, Van Dusen, Wagner, Weir, Welch, White—38.

NOES.

Messrs. Bell, Brent, Castro, Coombs, Covarrubias, Dick, Downey, Ewalt, Holland, Kendrick, Lewis, Lippincott, McDonald, McFarland, Moulthrop, Pearson, Peck, Reynolds, Rhodes, Sharp, Sherrard, Stevenson, Sterritt, Swan, Talhaferro, Williams, Winsor, Mr. Speaker—28.

So the amendment was adopted.

Mr. Brent moved to amend the first section, by adding "Provided that the extension of time mentioned in this Act shall not be given, unless the said Gorham execute the bond provided for in the next section.

Carried.

On motion of Mr. Lewis, the bill as amended was recommitted to the Judiciary Committee, with instructions to report thereon, to-morrow.

On motion of Mr. Brent, the House adjourned at two o'clock, P. M., until 11 o'clock, A. M., to-morrow.

IN ASSEMBLY.

THURSDAY, February 28, 1836.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

Messrs. Sellick, Stevenson, and George, were each granted leave of absence for one day.

The Journal of yesterday was read and approved.

Mr. Heiskell presented a petition numerously signed by citizens of El Dorado county, praying the passage of an Act to remove the County Seat of that county from Coloma to the city of Placerville.

Read and referred to the Committee on Counties and County Boundaries.

Mr. Oxley presented a petition from citizens of the county of Tuolumne praying relief may be granted to the signers of the official bonds of Thos C Brunton, late Public Administrator of that county

Read and referred to the Committee on Claims.

Mr. Curtis introduced bill No. 149, an Act to fund so much of the State indebtedness as accrued previous to the first day of July, 1855, and so much as may accrue up to the first day of October, 1856.

Read a first and second time, ordered printed, and referred to Committee on Ways and Means.

Mr. Bell introduced bill No. 150, an Act to suppress gaming.

Read a first and second time, and referred to the Committee on Vice and Immorality.

Mr. Lippincott introduced bill No. 151, an Act amendatory of an Act entitled, an Act to regulate the Fire Department of the city of San Francisco, passed April 30, 1855.

Read a first and second time, ordered printed, and referred to the San Francisco delegation.

Mr. Gage gave notice of a bill for the removal of the Seat of Justice of El Dorado county from Coloma to Placerville.

The following reports were received from committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 115, a bill for an Act entitled an Act to amend an Act entitled, an Act concerning the Secretary of State, passed May 15, 1854, have had the bill under consideration, and respectfully beg leave to report the same back to the House, with amendments, and recommend its passage, as amended.

The same committee have had under consideration Assembly bill No. 124, a bill for an Act entitled an Act concerning the office of District Attorney of San Joaquin county, and respectfully beg leave to report the same back to the House, with a substitute, and recommend the passage of the substitute.

The same committee have had also under consideration Assembly bill No 118, an Act to define the time when the county officers of Sierra county shall enter

upon the discharge of their duties, respectfully beg leave to report the same back to the House, with amendments, and recommend its passage as amended.

They have also had under consideration, Assembly bill No 109, a bill for an Act entitled, an Act amendatory of an Act concerning Fraudulent Conveyances and Contracts, and respectfully beg leave to report the same back to the House, without recommendation.

The same committee, to whom was referred Assembly bill No 107, a bill for an Act, entitled an Act to regulate the fees of certain officers in the county of Klamath, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its indefinite postponement

The same committee, to whom was referred Assembly bill No. 110, a bill for an Act entitled an Act to amend an Act entitled, an Act to regulate Fees of Office, approved April 10, A. D. 1855, have had the bill under consideration, and respectfully beg leave to report the same back to the House, with the following amendment, and recommend its passage as amended.

Amend, by inserting in line four of Sec. 1, next after the word "read," the words "as follows"

The same committee, to whom was referred Assembly bill No. 126, a bill for an Act to provide for the Salary of the Treasurer of Alameda County, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its reference to the Alameda delegation.

R. B, SHERRARD,
Chairman.

Mr. Speaker:

Your Committee on Public Lands, to whom was referred Assembly bill No. 35, an Act to provide for the more effectual enforcement of Public Taxes and Assessments, and creating a lien therefor, have had the same under consideration, and report said bill with amendments back to the House, and would respectfully recommend said bill and amendments to the favorable consideration of this House.

GEORGE PECK,
Chairman.

Mr. Speaker:

The Engrossing Committee have examined, and found correctly engrossed, bill No 91, for an Act relative to the Court of Sessions and Board of Supervisors of San Joaquin County.

Bill No. 100, for an Act to legalize the Incorporation of the Town of Santa Clara.

Bill No. 104, for an Act to amend an Act entitled an Act to regulate Fees in Office, passed April 10, 1855.

Bill No. 114, for an Act to amend an Act entitled an Act to establish the Salaries of the Judges of the Thirteenth and Fourteenth Judicial Districts, and to define the Time for holding Courts in said Districts, approved April 28, 1855.

LANSING STOUT,
Chairman

Mr. Speaker:

The undersigned, Special Committee, to whom was referred Assembly bill No. 136, for an Act authorizing the Sheriff of Alameda County to proceed and collect the delinquent taxes assessed for the years 1854 and 1855, would respectfully report that he has had the same under consideration, and recommends the immediate passage of the same, with the amendments hereto attached.

He would represent, that from his own knowledge, the whole amount of taxes collected in the county of Alameda during the present year up to this time, upon the assessment of the present year and the delinquent taxes of the year 1854, amounts to only about the sum of twenty-five thousand dollars, leaving the sum of near thirty-five thousand dollars due and uncollected.

Your Committee is of the opinion, that if the time for collecting said taxes be extended as provided in the bill, a very large amount of the delinquency could be collected.

He would, therefore, most respectfully recommend (having in view the interest of the County and State,) the passage of the bill with the aforesaid amendments without delay.

All of which is respectfully submitted.

T M. COOMBS.

February 27, 1856.

Mr. Speaker:

The delegation from Santa Clara, to whom was referred Assembly bill No. 127, an Act authorizing the Funding of the Debt of the City of San Jose, have had the same under consideration, and report the same back, with amendment, and recommend the passage of the same as amended.

GEORGE PECK,
CASWELL DAVIS,
Delegation.

Mr. Speaker:

The Committee on Claims, to whom was referred the report of the State Treasurer containing information in relation to the Public Debt, have had the same under consideration, and beg leave to report it back to the House, and recommend that it be referred to the Select Committee on the Public Debt.

G. H. RHODES,
Chairman.

Mr. Speaker:

The Committee on Corporations, to whom was referred Senate bill No. 46, an Act amendatory of an Act concerning Corporations passed April 22, 1850, have had the same under consideration, and report it back to the House, without amendment, and recommend its passage.

T. W. TALIAFERRO,
Chairman.

Mr. Speaker:

By a resolution which passed the House on the 21st instant, the undersigned were appointed a committee to examine into the qualifications and duties of the Engrossing Clerk of the Assembly. After having the matter under consideration, and studiously examining the same, beg leave to make the following report:

Having obtained from the Chief Clerk of the House all the engrossed bills in his possession, together with the originals, we have carefully examined and compared the same, and though it is with regret, we are compelled to state that among the whole number of bills engrossed we are unable to find one done so in a proper and correct manner. In every bill examined, we find a want of punctuation; and, in many, bad orthography; and in one, an omission of a word, awkward erasions and interlineations, and in all, a general bad taste throughout.

Your Committee, therefore, in the discharge of the duties assigned them, report that, in their opinion, Thomas Moreland, the Engrossing Clerk of the Assembly, is wholly incompetent to discharge the duties of his office, and, therefore, recommend that the office of Engrossing Clerk of the Assembly be declared vacant.

We are also of the opinion that an assistant is not required, and would recommend that that appointment be dispensed with for the present.

GEORGE PECK,
U. B. WINSOR,
J. W. HUNTER,
E J. CURTIS,
G. A. REYNOLDS.

Assembly Hall, Feb. 28, 1856.

On motion of Mr. Peck, the rule was temporarily suspended, and Assembly bill No. 127, an Act to authorize the Funding of the Debt of the City of San Jose, and to provide for the payment of the same, was taken up.

The amendments reported by the committee were concurred in, and the bill considered engrossed, read a third time and passed.

Mr. Oxley presented the following resolution.

Resolved, That the Committee on Engrossment be instructed to correct all errors in orthography and punctuation, and that their powers shall not extend beyond the provisions of this resolution.

Adopted.

On motion of Mr. McFarland, the rule was temporarily suspended, and Assembly bill No 136, an Act authorizing the Sheriff of Alameda County to proceed and collect the Delinquent Taxes assessed for the years 1854 and 1855, was taken up

The amendments reported by the committee were concurred in, and the bill considered engrossed, read a third time and passed.

On motion of Mr Beatty, the House resolved itself into Committee of the Whole for the purpose of taking under consideration bill No. 69 an Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and define their duties and powers.

House in Committee of the Whole, Mr Beatty in the chair, made amendments, recommended the passage of the bill as amended, and asked to be discharged.

Amendments reported by committee were concurred in.

Mr. Ewalt moved to strike out the third section of the bill.

Pending discussion, Mr. Oxley moved to adjourn, upon which Messrs. Stout, Welch and Cone demanded the ayes and noes with the following result:

AYES.

Messrs. Andrews, Brent, Curtis, Downey, Lamon, Lewis, McDonald, Meloney, Oxley, Ricks, Sherrard, Turner, Upton, Van Dusen, Williams—15.

NOES.

Messrs Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Bowe, Brunton, Brush, Bynum, Cartter, Cone, Coombs, Covarrubias, Davis, Dick, Dustin, Ewalt, Gage, Gaston, Gray, Hale, Heald, Heskell, Holland, Hoover, Hunter, Kendrick, Leihy, Lippincott, Mathews, McFarland, McGehee, Moulthrop, Oliver, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Sharp, Shearer, Sterritt, Stout, Swan, Tahaferro, Taylor, Wagner, Weir, Welch, White, Winsor, Wohler, and Mr. Speaker—56.

So the motion to adjourn was lost.

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

Lost.

On the motion to reconsider the vote by which the third section was adopted, Messrs Gray, Wohler and Coombs demanded the ayes and noes, with the following result:

AYES.

Messrs, Andrews, Batchelder, Beatty, Bell, Boring, Borland, Bowe, Brent,

Brunton, Brush, Bynum, Carter, Castro, Cone, Coombs, Curtis, Davis, Dick, Downey, Ewalt, Gage, Gaston, Hale, Heald, Heiskell, Holland Hoover, Hunter, Kendrick, Lamon, Leahy, Lewis, Lippincott, Mathews, McDonald, McFarland McGehee, Moulthrop, Oliver, Oxley, Peck, Pugh, Read Reynolds, Rhodes, Ricks, Sharp, Sherrard, Stout, Taylor, Turner, Wagner, Weir, Welch, White, Williams, and Winston—57.

NOES.

Messrs Dustin, Gray, Meloney, Shearer, Sterritt, Swan, Wohlfer, and Mr. Speaker—8.

So the motion was reconsidered.

Mr. Beatty moved, in order to test the sense of the House, that the third section be inserted.

Lost.

The bill was then ordered engrossed.

Mr. Gray offered the following resolution:

Resolved, That the Committee on Ways and Means, are hereby directed to inquire into the expediency of reporting to this House, a bill taxing Mines and Mining Claims, as a means of increasing the revenue of this State.

Mr Lamon moved to indefinitely postpone the resolution.

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

Lost.

Mr. Rhodes moved the previous question.

Sustained.

The question then recurred on the indefinite postponement of the resolution, upon which, Messrs Oxley, Lamon and Dustin, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Bell, Blackburn, Boring, Borland, Bowe, Brent, Brunton, Carter, Castro, Covarrubias, Curtis, Dustin, Gage, Gaston, Heiskell, Hoover, Hunter, Lamon, Leahy, Mathews, McDonald McFarland, McGehee, Meloney, Moulthrop, Oliver, Oxley, Pearson, Pugh, Read, Reynolds, Rhodes, Sharp, Shearer, Sherrard, Sterritt, Stout, Taylor, Van Dusen, Wagner, Welch, Williams, Winsor, Winston, Mr. Speaker—46.

NOES.

Messrs Batchelder, Brush, Bynum, Cone, Coombs, Davis, Downey, Ewalt, Gray, Haile, Heald, Holland, Hunt, Kendrick, Lewis, Lippincott, Rathburn, Ricks, Taliaferro, Weir, White, Wohler—23.

So the motion was carried.

Mr Moulthrop gave notice that on to-morrow he would move a reconsideration of the vote just taken.

Mr. Winsor offered the following resolution:

Resolved, That the Office of Engrossing Clerk of the Assembly be, and the same is hereby declared vacant.

Mr. Ricks offered the following substitute:

Resolved, That the Engrossing Committee are hereby requested to report to this House, on to-morrow, the qualifications of the Engrossing Clerk.

Mr. Coombs offered the following amendment:

That the Committee of Engrossment, in their report, specify in which particular instance or instances the Engrossing Clerk has been chargeable with misfeasance or malfeasance.

Pending discussion, Mr. Bell moved the previous question.

Sustained.

The question being upon the passage of the substitute offered by Mr. Ricks, the ayes and noes were demanded by Messrs. Hunter, Winsor, and McDonald, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Bowe, Brent, Brunton, Brush, Bynum, Castro, Cone, Covarrubias, Davis, Dick, Downey, Dustin, Gage, Gaston, Gray, Haile, Heald, Heiskell, Hoover, Kendrick, Lamon, Leihy, Mathews, McDonald, Meloney, Oliver, Pearson, Pugh, Read, Selfick, Shearer, Swan, Taliaferro, Taylor, Van Dusen, White, Wohler—43.

NOES.

Messrs. Curtis, Ewalt, Holland, Hunt, Hunter, Lippincott, McFarland, McGehee, Moulthrop, Oxley, Peck, Rathburn, Reynolds, Sharp, Sherrard, Sterritt, Turner, Wagner, Weir, Williams, Winsor—21.

So the substitute was passed.

The Judiciary Committee, by leave, made the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 139, a bill for an Act entitled an Act concerning the collection of Taxes now due in the County of San Francisco, have had the bill under consideration, and respectfully beg leave to report the same back to the House with a substitute, and recommend the passage of the substitute.

R. B. SHERRARD,
Chairman.

On motion, the substitute reported by the Committee for Assembly bill No. 139, was received, and ordered engrossed for a third reading.

Mr. Moulthrop, by leave, introduced bill No. 152, an Act granting the privilege to Robt. Haley and others to erect a Wharf on the Ranch of San Pablo, in Contra Costa.

Read a first and second time and referred to Committee on Corporations.

On motion of Mr. Sharp, the vote by which the Judiciary Committee's substitute for Assembly bill 139, was ordered engrossed, was reconsidered.

Mr. Gray moved to amend the bill by striking out March 27, 1856, and inserting May 1, 1856.

Lost.

Mr. Holland moved that the bilbl e considered engrossed.

Carried.

The question then recurring on the passage of the bill, Messrs. Gray, Wagner and Wohler demanded the ayes and noes with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Bowe, Brunton, Brush, Bynum, Castro, Cone, Coombs, Covarrubias, Dick, Downey, Dustin, Ewalt, Gage, Haile, Heild, Heiskell, Holland, Kendrick, Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Oliver, Oxley, Pearson, Peck, Read, Rhodes, Ricks, Sharp. Sherrard, Stout, Swan, Taliaferro, Taylor, Turner, Upton, Van Dusen, Wagner, Welch, White, Winston, Wohler—53.

NOES.

Messrs. Borland, Cartter, Gray, Hoover, Hunter, Lamon, Leihy, Pugh, Rathburn, Reynolds, Shearer, Weir, Winsor, Mr. Speaker—13.

So the bill passed.

On motion of Mr. Coombs, the House adjourned at 3 o'clock, P. M., until 11 o'clock, A. M, to-morrow.

IN ASSEMBLY.

FRIDAY, February 29, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

Messrs. George, Baile, McFarland and Ewalt were each granted leave of absence for one day.

The Journal of yesterday was read and approved.

Mr. Curtis introduced bill No. 153, an Act to authorize the working of convicts in the County of Siskiyou.

Read a first and second time and referred to Judiciary Committee.

Mr Stevenson introduced bill No. 154, an Act to repeal the several acts exempting Firemen from Militia Service and Jury Duty, so far as the same extends to Solano County.

Read a first and second time and referred to Committee on Roads and Highways.

Mr. Weir introduced bill No. 155, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue bonds to provide for the payment of the funded indebtedness of the County, and to create a fund for the payment of the principal and interest of the same.

Read a first and second time and referred to delegation from San Joaquin and Stanislaus.

Mr, Selleck gave notice of a bill to amend an Act entitled an Act to suppress Gaming, approved April 17, 1855.

Mr. Meloney gave notice of a bill for an Act entitled an Act to incorporate the town of Martinez in the County of Contra Costa

Mr. Batchelder gave notice of a bill to amend the 61st section of an Act entitled an Act concerning Crimes and Punishments, approved April 16, 1850.

Mr. Hunter gave notice of a bill for an Act appropriating sixty thousand dollars for the enlargement of the State Insane Asylum.

The follow reports were received from Committees:

Mr. Speaker:

The Judiciary Committee, to whom was recommitted Assembly bill No. 33, a bill for an Act entitled, an Act relative to escheated estates, have had the bill again under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

The same committee, to whom was referred Assembly bill No. 129, a bill for an Act entitled an Act supplementary to an Act entitled, an Act concerning the office of Reporter, passed April 12, 1850, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

The same committee to whom was referred Assembly No. 145, a bill for an Act entitled, an Act to authorize the District Attorneys of the several counties of this State to appoint Deputies, have had the bill under consideration, and respectfully beg leave to report the same back to the House and recommend its indefinite postponement.

The committee have also considered Assembly bill No. 142, a bill for an Act entitled an Act to repeal an Act entitled an Act authorizing Married Women to transact business in their own names as sole traders, and respectfully beg leave to report the same back to the House, with amendment, and recommend its passage as amended.

R. B. SHERRARD.
Chairman.

Mr. Speaker,

The Committee on Public Printing, to whom was referred the report of the Secretary of State, have carefully examined the same in connection with section eighth of an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election, passed May 1, 1854, and would respectfully report that said statute has not been complied with in the delivery of the Laws and Journals of the Sixth Session of the Legislature, as provided in the statute above referred to. Governed by the order of the House, your committee does not feel authorized to investigate the cause of delay upon the part of the State Printer as exhibited by our Hon. Secretary of State. We, therefore, most respectfully refer the accompanying report back to the House for such further consideration as may be deemed expedient.

J. WING OLIVER,
Chairman.

Mr. Speaker:

The Committee on Corporations to whom was referred Senate bill No. 26, an Act amendatory of an Act entitled an Act to provide for the incorporation of wagon road companies, passed April 22, 1853, have had the same under consideration, and report the same back to the House without amendment, and recommend its passage.

T. W. TALIAFERRO,
Chairman.

Mr. Speaker:

The Engrossing Committee have examined and found correctly engrossed bill No. 136, for an Act authorizing the Sheriff of Alameda county to proceed and collect the delinquent taxes assessed for the years 1854 and 1855.

Also, bill No. 139, for an Act concerning the collection of taxes now due in the county of San Francisco.

LANSING STOUT,
Chairman.

Mr. Speaker:

The bill No. 108, entitled an Act to amend an Act entitled an Act granting Joseph R. Beal and others the right to construct a toll bridge across the Pajara river, passed May 13, 1854, which was referred to your committee has been duly considered and your committee respectfully ask leave to report the same back to the House, recommending its passage without amendment.

G. H. CARTTER,
Chairman.

Mr. Speaker:

The delegation to whom was referred Assembly bill No. 144, entitled an Act concerning the collection of taxes now due in the county of Marin, have had the same under consideration, and ordered me to report the same back to the House without amendment, and recommend its passage.

H. G. HEALD,
Of Delegation.

On motion of Mr. Brush, the rules were suspended and Assembly bill No. 144 was taken up, considered engrossed, read a third time and passed.

Mr. Coombs made the following Minority Report from the Committee on Elections:

Mr. Speaker:

The undersigned, one of the Committee on Elections, to whom was referred sub-

stitute for Assembly bills Nos 10 and 13, an Act to amend an Act to regulate Elections, passed March 23, 1850, and to amend an Act entitled an Act to amend an Act to regulate Elections, passed March 23, 1850, and approved April 27, 1855, begs leave to make the following minority report:

That he has had the same under consideration, and recommends that all that portion of section seven of said bill, commencing at the words "It being provided," in the sixteenth line, to the words "permitted to vote," in line 21st, shall be stricken out, and, with this amendment, that the bill pass.

The undersigned does not concede to any one a greater anxiety to secure the purity of elections, than he himself purposes; yet, while he is desirous for the passage of any law by which all improper persons shall be prevented from voting, he is equally desirous not to surround or encumber the exercise of the elective franchise with such restrictions or difficulties as would prevent any citizen from casting his vote. Indeed, it would be a great misfortune to the State, if, owing to the stringency of the election law, any considerable number of the citizens should fail to indicate by their vote their choice of rulers, than that a few not entitled should exercise that right.

The undersigned believes that it is the policy of the United States, and hitherto has been the policy of the State of California, to encourage by every lawful means, and every reasonable inducement, the immigration of persons to this country who are capable of becoming citizens. After the expiration of a few years residence, we give to the European resident, a full share of all the rights and privileges enjoyed by a citizen born upon the soil. The liberality of our laws in this respect has had a great share in bringing to this country that immense flood of immigration which we have continued to receive since the foundation of our Government.

The wisdom of our policy, and the good effects arising from this immigration, are shown by the results.

The population of our country at the time of the Revolution was three millions: now it is twenty-five millions. One-third of the population of this country are native born children of those who have come hither since the Revolution. The immigrant who comes to our shores with the intention to make this his home (and most come with that purpose,) becomes at once enamored of our institutions, and nothing has a greater influence in fixing his loyalty to republicanism, than the fact that, after so short a probation, he is clothed with all the rights of a citizen, has himself a voice in the choice of his rulers, and is freed from the dominion of those who claim to have the right to rule by "right divine." Men need only consult the known and universal traits of human nature to learn the fact that an immigrant finding himself here considered an equal in all political rights, and not a stranger holding an inferior position, is the strongest bond which holds him to his allegiance to his adopted country.

We have been led to make these remarks because it is impossible to mistake the object and purpose of the provision which is here recommended to be stricken out—to set up a palpable and tangible distinction between the native and adopted citizen. The bill changes the old law in this, that it gives not only the general challenge, but also particular challenges; gives not only the challenger but the Board of Judges the right to interrogate upon particular subjects of challenge. In every case the oath of the person desiring to vote is taken as conclusive, but if the person desiring to vote is "of foreign birth" then, by this bill, his oath is of no avail, but he shall not be permitted to vote "unless and until" in the words of the bill, he shall produce his certificate of naturalization. But even after he shall have produced his certificate there is still no assurance that his vote will be allowed him, for it must be from a court of competent jurisdiction and attested with all the forms of law. Who are to judge of the

competency of the court and the correctness of these forms? Of course, the Board of Judges Now perhaps it is not a more violent presumption to suppose that election Judges will be unscrupulous than that individual voters will be guilty of perjury. And in a closely contested election we can conceive how easy it would be for an adroit lawyer to point out to dishonest or even ignorant judges defects enough in every certificate offered to prevent many naturalized citizens from casting their votes. In a close contest, a debate, a row and perhaps a fight would insure over nearly every certificate offered. It would be necessary to greatly increase the number of election precincts and to open the polls during three days instead of one. Again, the inevitable result of the passage of this provision would be the disfranchisement of many citizens who are fully entitled to vote, and have long exercised that right. It is well known that a majority of the immigrants to this country are comparatively young, many just arriving at manhood and this has always been the case.

These parties become naturalized soon after they arrive, and after keeping their certificates a few years, they are mislaid through carelessness, or lost or destroyed by accident. There are thousands of men now in this State who were naturalized many years ago, who have born arms in the service of this country, and been wounded in her cause, who have long unchallenged been allowed a vote, and have even held office as the choice of the people, who could not go to the polls should this provision become the law.

They could, it is true, obtain copies of their lost certificates, after some considerable trouble, delay and expense, but many of them as high spirited and scrupulous as any "*to the manor born*," would not consider it worth their while, if they were to be thus stripped of their former equality, and subjected to this unwarrantable humiliation. They are willing to take an oath—the test prescribed for other citizens, but will not exhibit at every election the evidence that the times have changed, and that they are becoming a suspected, perhaps hated portion of the community.

Whence the necessity of this law? It has never found a place upon the statutes of any of our sister States, as we have been able to ascertain—if it all, very recently. And even if it should be considered a wise provision in other parts of the country, this is the last State in the Union where it should find supporters. We have not yet a sufficient population to be able to afford an illiberal policy. This community, of all others, should be careful not to disgust in any manner the immigrants from other countries, who incorporate so readily with ourselves, and whose coming will greatly enhance the prosperity of our State. Even if the provision should not work great inconvenience, (which we do not concede,) yet, since it is an unusual provision, and establishes one species of test for the native-born, and another for the naturalized citizen, it tends to keep unprofitable distinctions, and prevents, by that means. the foreign born from coalescing so readily and effectually with ourselves.

And again. The undersigned minority of your committee, is of opinion that en legal votes would be excluded by this provision, to where one illegal vote would be cast, were the provision omitted. One reason for this opinion is, that many old citizens would be disgusted with this new test, and not go to the polls, although holding their certificates. And another reason is, that from obvious causes, many legal voters are here in this State without the evidence of their naturalization. For all such persons, the law would be one of complete disfranchisement, for a considerable time at least.

For the reasons given above, and for many more that might be urged, the

minority of your committee recommend that the provision above referred to be stricken out, and that the bill thus amended pass.

All of which is most respectfully submitted.

J. M. COOMBS,
Of Committee.

February 27, 1856.

The report was read, and, on motion of Mr. Lamon, ordered printed.

Mr. Oxley offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to report back to this House, on Tuesday next, the resolution and proposed amendments to the Constitution of this State, which were passed by the last session of the Legislature, and referred to said committee on Tuesday last.

Adopted.

Mr. Hunter offered the following resolution:

Resolved, That the State Printer be and he is hereby required in printing the Daily Journals of the House, to page them regularly through, and to strike off copies enough at the same time to supply the State with the number of bound Journals required by law to be delivered to the State, and have the same bound up at the end of the session of the Legislature, together with the index furnished by the Secretary of State, and delivered to the Secretary of State for distribution in such manner as to avoid the expense of paying twice for composition.

Adopted.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, Feb. 29, 1856.

To the Assembly of California:

I herewith return, without approval, the bill entitled an Act to amend an Act concerning the office of Treasurer of State, approved March 16, 1855, and beg leave to present the reasons for such refusal.

It will be recollected that, on the 30th day of January last, I approved an Act passed by the present Legislature which prohibited the payment, by the State Treasurer, of certain designated Controller's warrants, registered under provisions of the Act of March 16, 1855; of which, the present bill is amendatory; said Controller's warrants being such as purported to be issued for materials furnished and labor performed on the State Prison wall. In compliance with that law, the State Treasurer has refused to pay any of those warrants, and I have no reason to believe at the present time that it is the purpose of the Legislature, by the provisions of the present amendatory Act, practically to

nullify the prohibition contained in the Act of the 30th of January before referred to, so as to authorize the payment of the so called State Prison warrants. Yet, by adopting the present amendments, I am satisfied such would be their legal effect.

By reference to the amendatory Act, after prescribing the mode of giving notice for presentation of warrants, the following clause occurs: "*** the fund reserved for the redemption of the same will be applied to the payment of unpaid warrants, next in order of presentation and registry, and the money reserved for the payment of warrants not re-presented within ninety days from the date of the notice, shall by the Treasurer be applied to the redemption of unpaid warrants next in order of registry."

No reference is made to the Act of the 30th January last, neither is there contained any proviso or exception in relation to the State Prison warrants; but the Legislature, by a subsequent enactment, directed the manner in which the Treasurer shall dispose of the money reserved for the payment of warrants not re-presented within the given time by requiring him to apply it "to the redemption of unpaid warrants next in order of registry." Thus the holders of the State Prison warrants would be enabled to procure a payment on them by the very simple process of obtaining the control of a requisite amount of warrants next preceding in order of registry, those the payment of which is now prohibited and withholding them from re-presentation, and so repeating the same experiment successively, until the entire amount of these illegal warrants would be paid.

This might seem to be a speculation so questionable in its results that it would not likely be undertaken; but when we consider the fact that the valid warrants by not being re-presented for payment could be at once re-registered, and would lose in value nothing more than the mere use of the money, until they should be reached again in the order of payment, whilst the State Prison warrants, under existing laws, are of questionable value, most ample inducements present themselves to seek their payment by these means.

If the suggestions I have offered receive not the concurrence of your Honorable body, yet if any doubt or question exists regarding the legal effect of this amendment, contrary to its obvious intent, it involves considerations of sufficient moment to justify the adoption of such restrictive features in the proposed amendments as will at least leave no doubt in the mind of the State Treasurer as to his duty under the law, and likewise relieve him of the vexatious and expensive litigation likely to arise in the course of his official duty, regarding it.

With these considerations the Act is submitted anew, for such further action as the two branches of the Legislature may deem proper.

I have the honor to be

Your ob't servant

J. NEELY JOHNSON.

EXECUTIVE DEPARTMENT,
Sacramento, Feb. 29, 1856.

To the Hon. the Assembly:

An Act to define the term of office of the District Judge of the Fifteenth Judicial District, and to fix his salary, is herewith returned without approval, and, as

required by the Constitution, I respectfully present the reasons why I withhold my approval of the same.

The title of the Act indicates two objects: that of defining the *term* and *salary* of the Judge. The latter clause of section five, article four, of the State Constitution, fixes the term at six years. This provision applies equally to the District Judges elected by the first Legislature, and those afterwards to be elected by the people; therefore, so far as it proposes to fix the term of the Judge, it is but the reiteration of a Constitutional provision—confers no additional sanction, and, consequently, is needless in its purposes. But wherein it proposes to fix the salary of the Judge at six thousand dollars per annum, from the 7th day of September, 1855, it involves principles of greater moment and worthy of more serious consideration. To my mind there is presented two objections to this feature of the bill. The one of public policy, the other of Constitutional authority; and to render more intelligible the force of the objections I have to offer, reference is here made to the Constitution and laws applicable to the case; also, to such well authenticated facts as may have relation to it.

Section one of an Act approved April 16, 1855, which defines the various Judicial Districts of the State, makes the counties of Trinity and Humboldt the Fifteenth District. Section two, of the same Act, authorizes the Governor to appoint a Judge in the Fifteenth District, to hold the office until the election by the people at the next succeeding election, and fixed the salary of the Judge so to be appointed at six thousand dollars per annum. No appointment was made by the Governor, and, by the amendatory Act, approved ten days thereafter, section one was repealed. Thus, whilst the power to appoint was taken from the Governor, the clause fixing the salary was repealed also; and, instead, the Governor was required to issue his proclamation for the election of the Judge by the people of the District, in the same manner as other District Judges were required to be elected—*vide* Acts 1855, page 149. It will thus be seen, at this date, April 26, 1855, a District was created of the two counties mentioned, and authority given the people to elect at the next general election.

April 28, 1855, an Act was approved defining the time of holding the Courts in this District, and fixing the salary of the Judge at four thousand dollars per annum.

At the last general election, (Sept. 5) in accordance with the foregoing Acts, Judge Pitzer was duly elected to the Judgeship of the Fifteenth District; was commissioned as such on the 22d of the same month, and soon after qualified and entered upon the duties of his office, by holding terms of Court as required by law.

Section 15, Art. VI, of the Constitution, provides that "the Justices of the Supreme Court and Judges of the District Court shall severally, at stated times during their continuance in office, receive for their services a compensation, to be paid out of the Treasury, which shall not be increased or diminished during the term for which they shall have been elected."

When Judge Pitzer was elected and qualified, during the period he has performed the duties of his Judgeship, and to the present time, the salary was fixed at four thousand dollars per annum, and now, by the Act under consideration, it is proposed to increase this salary to six thousand dollars.

This is most unquestionably sought to be done "during the term for which he was elected." to wit: the six years of his official duties, as defined by the Constitution, and as such, to my mind, is a positive violation of the Constitution.

Neither is this objection the only reason why I cannot approve the Act. The same portion of the Constitution I have quoted says: "The Judges of the District Courts shall, during their continuance in office, receive a compensation," etc. I have already shown that Judge Pitzer, although elected on the 5th of September, was not commissioned until the 22d of the same month, and did not qualify for some days thereafter; yet this bill proposes to pay him, as Judge of the Fifteenth Judicial

District, at the rate of six thousand dollars per annum, from the 7th of September—fifteen days before he was commissioned, and nearly, if not quite, one month before he qualified and entered upon the duties of his office.

Whilst a State should be scrupulously exact in paying all legitimate demands against her, and properly rewarding officials whilst in office, especially her Judges, due regard to the public interests should at all times forbid the appropriation of money, however valuable might be their after services, in payment of salaries before they have entered upon their duties. Is this Act, therefore, in consonance with our Constitutional obligations? Does it commend itself by a due observance of the principles which should govern us in matters of public expenditures? These are questions for your further consideration, and I hesitate not to believe the action of the two branches of the Legislature has, in this particular, resulted from the seeming justice and necessity of providing a salary for a worthy public officer, commensurate, in some degree, with his official duties. And, whilst the amount involved is but trivial, they have unfortunately lost sight of a principle which should be immutable and unchanging, when the positive mandates of the Constitution are involved.

At this time I may be permitted to refer to the views I enunciated on the subject of the exercise of the veto power, when assuming the duties of Executive:

"The prerogative thus bestowed was never designed to be rashly or inconsiderately exercised, nor its uses prostituted to the accomplishment of selfish ends, but rather to preserve intact the Constitution; to guard from intrusion and violation its sacred mandates, and to restrain the improvident exercise of Legislative power. If, unhappily, the necessity shall arise during my official term—which I confidently hope and believe will not—in my opinion calling for the interposition of this prerogative, it will only be exercised in consonance with the views I have here expressed."

To me it is a most unwelcome and forbidding task to have found, thus early, an occasion wherein I deemed it necessary, in obedience to Constitutional obligations as I understand them, to withhold approval from your Legislative action; yet the regret I entertain must now, in this first instance, and shall ever hereafter, give way to a sense of duty I owe to the people of the State, who have delegated to me Executive responsibilities and obligations.

I have the honor to be,
Your obedient servant,

J. NEELY JOHNSON.

Mr. Upton moved to lay the Message, and the Bills therein referred to, on the table.

Lost.

On motion of Mr. Weir, the messages and bills were made the special order of the day for Monday next, at 12 o'clock, M.

Mr. Taylor moved that the messages received from the Governor, this morning, be ordered printed.

Motion lost.

On motion of Mr. Stout, the special order of the day—Assembly bill No 97.

an Act to amend an Act concerning the office of County Treasurer—was taken up.

On motion of Mr. Upton, referred to the delegation from Sonoma.

Mr. Moulthrop moved to re-consider the vote by which the resolution offered by Mr. Gray, on yesterday, in regard to directing the Committee on Ways and Means to inquire into the expediency of taxing Mining Claims, was indefinitely postponed.

Mr. Stout moved to lay the motion to re-consider on the table.

Upon which motion, Messrs. Rathburn, Brush, and Heald, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Bell, Boring, Borland, Bowe, Brunton, Dustin, Gage, Gaston, Hoover, Lamon, Leihy, McDonald, McFarland, Oliver, Reed, Reynolds, Sellick, Sterritt, Stout, Taylor, Upton, Van Dusen, Wagner, Welch, and Mr. Speaker—26.

NOES.

Messrs. Batchelder, Beatty, Blackburn, Brush, Bynum, Cartter, Cone, Coombs, Covarrubias, Curtis, Dick, Downey, Gray, Heald, Holland, Hunter, Kendriek, Lewis, Mathews, Meloney, Moulthorp, Pearson, Peck, Rathburn, Shearer, Sherrard, Stephenson, Turner, Weir, White, and Wohler—31.

So the motion was lost.

Pending the discussion, Messrs. Gage, Sellick, and Borland demanded the previous question.

Sustained.

The question then recurred on the motion to re-consider the vote by which the resolution was indefinitely postponed.

Upon a division of the House, the motion was lost—Ayes 26, Noes 28.

Mr. Upton moved that the House resolve itself into Committee of the Whole, for the purpose of taking into consideration Senate substitute for Assembly bill No. 38.

At 3 o'clock, P. M., Mr. Winsor moved that the House adjourn until 11 o'clock, A. M., to-morrow.

Upon which, Messrs. Stout, Welch, and Heiskell, demanded the ayes and noe, with the following result:

AYES.

Messrs. Andrews, Borland, Cartter, Castro, Cone, Downey, Gray, Hoover, Hunt, Hunter, Oliver, Peck, Winsor, Wohler, and Mr. Speaker—15.

NOES.

Messrs. Batchelder, Beatty, Bell, Blackburn, Boring, Bowe, Brunton, Brush, Bynum, Callbreath, Coombs, Davis, Dick, Dustin, Gaston, Heald, Heiskell, Holland, Kendrick, Lamon, Leihy, Lewis, Mathews, McDonald, McFarland, Meloney, Moulthorp, Pearson, Pugh, Rathburn, Reed, Reynolds, Rhodes, Sellick, Sharp, Shearer, Sherrard, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, and White—46.

So the motion was lost.

Mr. Holland moved to adjourn until 10 o'clock, A. M., to-morrow.

Upon which, Messrs. Boring, Brunton, and Weir, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Borland, Brunton, Brush, Cartter, Gage, Gaston, George, Heiskell, Holland, Hoover, Hunt, Kendrick, Leihy, Mathews, Moulthrop, Oliver, Peck, Reed, Sellick, Taylor, Turner, Weir, Wohler, and Mr. Speaker—25

NOES.

Messrs. Batchelder, Beatty, Bell, Blackburn, Boring, Bowe, Bynum, Cone, Coombs, Davis, Dick, Downey, Dustin, Heald, Hunter, Lamon, Lewis, McDonald, McFarland, Meloney, Pearson, Pugh, Rathburn, Reynolds, Sharp, Shearer, Sherrard, Sterritt, Stout, Upton, Van Dusen, Wagner, Welch, White, and Winsor—35.

So the motion was lost.

Mr. Turner moved to adjourn until half past ten o'clock, A. M., to-morrow.

Upon which, Messrs. Bell, Davis and Lamon demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Borland, Cartter, Cone, Gray, Holland, Hoover, Hunt, Lewis, McDonald, Sellick, Sharp, Turner, Winsor and Mr. Speaker—14.

NOES.

Messrs. Batchelder, Beatty, Bell, Blackburn, Boring, Bowe, Brunton, Brush, Bynum, Callbreath, Coombs, Davis, Dick, Downey, Dustin, Gage, Heiskell, Hunter, Kendrick, Lamon, Leihy, Mathews, McFarland, Meloney, Moulthrop,

Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Shearer, Sherrard, Sterritt, Stout, Taylor, Upton, Van Dusen, Wagner, Weir, Welch, White, Wohler—43.

So the motion was lost.

Mr. Turner moved to adjourn until half-past nine o'clock, A. M., to-morrow.

Upon which, Messrs. Beatty, Bowe and Dustin demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Brunton, Cartter, Gage, Gray, Heald, Heiskell, Holland, Hoover, Hunt, Kendrick, Lewis, Sellick, Sharp, Taylor, Turner, White, Winsor and Mr. Speaker—19.

NOES

Messrs. Batchelder, Beatty, Bell, Blackburn, Boring, Bowe, Brush, Bynum, Castro, Calbreath, Cone, Davis, Dick, Downey, Dustin, Hunter, Lamon, Leihy, Mathews, McDonald, McFarland, Meloney, Oliver, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Shearer, Sherrard, Sterritt, Stout, Van Dusen, Wagner, Welch, Wohler—37.

So the motion was lost.

Messrs. Stout, Sellick, and Beatty, demanded the previous question.

Sustained.

The House then resolved itself into Committee of the Whole for the purpose of taking into consideration Senate substitute for Assembly bill No. 38, an Act making appropriation for the Civil Expenses of the Government of the State.

House in Committee of the Whole, Mr. Taylor in the Chair.

Committee rose, reported certain amendments to the bill, asked the concurrence of the House in the amendments, and begged to be discharged from further consideration of the bill.

Report received.

On motion of Mr. Upton, the amendments made in Committee of the Whole, to Senate substitute for Assembly bill No. 38, were concurred in by the House, and the bill considered engrossed.

On motion of Mr. Lamon, the vote by which the bill was considered engrossed, was re-considered.

The bill, as amended, was then read a third time, and passed.

On motion of Mr. Bell, the House, at half past four o'clock, P. M., adjourned until 10 o'clock, A. M., to-morrow.

IN ASSEMBLY.

SATURDAY, March 1, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

Messrs. Covarrubias, Hawes, George, and Meloney, were each granted leave of absence for one day

Journal of yesterday was read and approved.

Mr. Rhodes presented a petition from citizens of Mariposa county, asking the repeal of an Act to discourage the immigration to this State of persons who cannot become citizens thereof, approved April 28, 1855.

The petition was read and referred to Committee on Mines and Mining Interests.

Mr. Beatty presented a petition, numerously signed by citizens of Calaveras county, praying for the enactment of a law for the better observance of the Sabbath.

Read and referred to Committee on Vice and Immorality.

Mr. Lamon presented a petition signed by citizens of the counties of Los Angeles, San Luis Obispo, Stanislaus, Tulare, Mariposa, and Merced, praying for the passage of an Act constituting and appointing N. J. Farrens captain of a Ranging Company, through the aforesaid counties.

The petition was read and referred to delegations from those counties.

Mr. Haile presented a petition from citizens of Napa county, praying the passage of a law authorizing the Board of Supervisors of that county to levy a special tax for the purposes of county revenue.

Read and referred to Committee on Ways and Means.

Mr. Curtis introduced bill No. 156, an Act creating a Board of State Prison Commissioners, and defining their duties.

Read a first and second time, and ordered printed.

Mr. Sellick introduced bill No. 157, an Act amendatory of an Act entitled an Act to suppress Gaming, approved April 17, 1855.

Read a first and second time, and referred to Committee on Vice and Immorality.

Mr. Batchelder introduced bill No. 158, an Act to amend an Act, entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Taliaferro introduced bill No. 159, an Act to provide for the selection and segregation of the Swamp and Overflowed Lands belonging to this State.

Read a first and second time, referred to Committee on Public Lands, and ordered printed.

The following reports were received from Committees:

Mr. Speaker:

The Committee on Federal Relations, to whom was referred the petition of numerous citizens of Carson Valley, to be attached to the State of California, by establishing a meridian of longitude as the eastern boundary of this State—so far east as to include the Sink of the Humboldt, Sink of Truckee, Walker's Rivers, and Carson Valley, within the boundary of California, having had the same under consideration, respectfully beg leave to report: That the position of Carson Valley naturally attaches to California, rather than to Utah or Salt Lake.

Upon examination, we find that Carson Valley, by the mostly travelled road, is within one hundred and ten miles of the capitol of this State, and that Mormon Station, the county site of Carson Valley, is but one hundred and thirty-five miles from Sacramento, while the distance from Carson Valley to Salt Lake city is between 600 and 700 miles. The eastern boundary of California is now difficult to be ascertained. Running as it now does, along the summits of the Sierra Range, the curvatures upon the eastern side of the mountains are such, that a direct line from summit to summit brings portions of the valley or valleys upon that side within the present boundaries of this State, and great inconvenience may result to California and Utah from this source, within a few years, unless a change be soon made in the boundary between the State and Territory. The committee are of opinion that the 118th meridian of longitude west from Greenwich, would be a judicious line for the eastern boundary of the State, passing as it does, through a sterile waste of desert, and mountains destitute of vegetation, except occasional patches of sage brush, from the point where that meridian intersects the southern boundary of Oregon, to a point south where the said meridian crosses the line of California.

The committee would therefore respectfully recommend that we acquiesce in the wishes of the people of Carson Valley, as set forth in their petition to be

attached to California, and that we ask, with them, the passage of a law by Congress, making the 118th meridian of longitude the eastern boundary of this State, before mentioned in this report

Believing it for the interest of the people of Carson Valley, and not prejudicial to the interests of California, could the object they propose be effected, your committee submit the following preamble and resolutions, and respectfully recommend their adoption:

Whereas, a large number of the citizens of Carson Valley, in Utah Territory, have petitioned Congress to be set off from said Territory of Utah, and to be attached to the State of California, for good reasons, as set forth in their petition, and,

Whereas, they have also asked the co-operation and aid of this Legislature to secure a result of so vital interest to their growth, prosperity, and happiness; therefore

Resolved, By the Senate and Assembly of California, that we acquiesce in the wishes of the citizens of Carson Valley, as set forth in their petition, to be attached to California, and that we request our Senator and Representatives in Congress to urge the passage of a law making the 118th meridian of longitude west from Greenwich, the eastern boundary of California, from the point in the southern boundary line of Oregon crossed by said meridian, to a point in the eastern line of California, intersected by the said meridian.

Resolved, That the Governor of the State be requested immediately to forward to our Senator and Representatives in Congress, copies of these joint resolutions.

All of which, is most respectfully submitted.

B. B. LAMON,
Chairman.

Mr. Speaker:

The committee to whom was referred Assembly bill No. 57, a bill to enforce the collection of Road tax in the county of Tuolumne, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

The same committee have had also under consideration, Assembly bill No. 95, a bill for an Act supplementary to, and amendatory of an Act, entitled, an Act concerning public Ferries and Toll Bridges, approved April 28, 1855, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its indefinite postponement.

J. WINSTON.
Chairman.

Mr. Speaker:

The committee to whom was referred an Act to authorize the Board of Supervisors of the county of San Joaquin to issue bonds to provide for the payment of

the funded indebtedness of the county, and to create a fund for the payment of the principal and interest of the same, have had said bill under consideration and report it back without amendment and recommend its passage.

B. J. WEIR,
Chairman.

Mr. Speaker:

The committee, consisting of the delegations from the counties of Sacramento, Solano and Yolo, to whom was referred the petition of Jno. M. Sidwell and a number of others, praying for the passage of an Act granting said Sidwell and such others as may be associated with him the privilege to build a wharf at a certain point described in the petition, on Steamboat Slough in Sacramento county, and to collect wharfage for the use of the same, have had the petition under consideration and believing that a wharf at the point named would be a great benefit to a considerable number of citizens who, from their locations, labor under great inconvenience of travel and getting to market, we have accordingly prepared a bill agreeably to the petition and recommend its passage.

GEORGE CONE,
Chairman.

Mr. Heald, from special committee, submitted a report.

On motion of Mr. Pugh the rule was temporarily suspended and 1000 copies of the report ordered printed.

Mr. Speaker:

Your Committee on Vice and Immorality to whom was referred sundry petitions asking for the passage of an Act for the better observance of the Sabbath, and the large amount of signers to said petitions of our fellow citizens throughout the State; and ever willing to adhere to the wishes of the more gentle sex, the ladies of our young and popular State, beg leave to say, that your committee reported back a substitute to a local bill introduced by Mr. Bowe of El Dorado. In the substitute, your committee having a due regard for the numerous petitions, made it a general law and reported it back on the 20th inst., and recommended its passage.

Your committee, having under consideration Assembly bills No. 119 and 150, Acts to suppress gaming, beg leave to report No. 119 back and recommend that the enacting clause be stricken out.

And your committee would recommend the passage of Assembly bill No. 150, with the following amendments:

In section 2, line sixteen, strike out all after the word "months," in said section.

In section 3, line first, after the word "persons" insert the word "who."

And at the end of section 3 add the following: *Provided*, that nothing in

this section shall be so construed as to hold the house, tent, booth, or other erection liable as provided in said section, if the person or persons who shall rent or lease to another, and not know that the same was to be used for the purposes mentioned in this section.

In section 6, strike out all after the word "effect" in line fourteen, in said section.

Your committee, to whom was referred Assembly bill No. 113, an Act to encourage the destruction of ferocious and wild animals, would most respectfully report the same back, with the amendments hereinafter provided for.

Committee was unanimous in the opinion that they could not discriminate the difference between Vice and *Immorality* in said bill, and believing at the same time that your committee is well calculated and advised, in nearly all the arduous duties devolving on them to fill their important station, would most respectfully ask this Honorable body to furnish full and complete works (as we understand they can be had low) of the gentleman from the county of Calaveras on "removing county seats:" the gentleman from San Joaquin on "practicable jokes:" the gentleman from Tuolumne on "strong minded women:" the gentleman from Siskiyou on "woman's rights:" the gentleman from San Francisco on "consolidation:" the gentleman from Calaveras on "parliamentary usage:" the gentleman from Napa, on economy: the gentleman from Placer, and others, on "Buncomb speeches:" gentleman from San Francisco, against consolidation: the gentlemen from Mariposa and Yuba "on adjournment"—Clerk on "arithmetical numeration."

Your committee is of opinion that by a thorough knowledge of the foregoing *authors*, they would be fully qualified to report on all and every subject that may come before them.

Add to the end of the first section of said Act, the following:

Provided, that nothing in this Act shall be so construed as to include any of the members or attachees of the present Legislature.

Respectfully submitted,

V. G. BELL,
Chairman, pro tem.

The following message was received from the Senate:

SENATE CHAMBER, March 1, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate, on this day, passed Senate bill No. 17, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

Also, amended and passed Assembly bill No. 21, an Act to amend an Act

to authorize the formation of Corporations for the construction of Plank and Turnpike roads, passed May 12, 1853.

Also, on the 29th inst, passed substitute for bill No. 112, an Act to establish the County Seat of Humboldt county.

Also, rejected Assembly bill No. 139, an Act concerning the collection of taxes now due in the county of San Francisco.

Also, passed Assembly bill No. 136, an Act authorizing the Sheriff of Alameda county to proceed and collect the delinquent taxes for the years 1854 and 1855.

Also, amended and passed Assembly bill No. 90, an Act to submit the question of the removal and location of the county seat of Amador county, to the choice of the voters of the county.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

Mr. Davis introduced the following resolution :

Resolved, That the committee on public Printing be instructed to inquire into, and ascertain the reason that the report of the Controller of State, in relation to the disposition of the thirty thousand dollar appropriation, placed at the disposition of the Attorney General to prosecute claims to escheated estates, has not been printed.

Adopted.

Mr. Dustin offered the following resolution :

Resolved, That in the opinion of this House, the business of the session, by due diligence on the part of the members of the Legislature, can be properly completed so as to adjourn on or before the seventh day of April next, and that we will use our utmost exertions to accomplish such adjournment.

Adopted.

Mr. Dustin introduced a Joint Resolution in relation to the immigration of foreign paupers and criminals into the United States.

Read first and second time, and laid on the table.

Mr. Bell moved to print Assembly bill No. 150—an Act to suppress Gaming —as amended by the Committee on Vice and Immorality.

Motion lost.

On motion of Mr. Stout, the Engrossing Committee were directed to make the following corrections to Assembly bills Nos. 54 and 55.

Bill No. 55, section 1st, in first line, strike out "and;" ninth line, strike out the word "out." Section 2d. third line, strike out "be and." Also, correct the name of the grantee.

Bill No. 54, section 1st, first line, strike out the word "that;" section 2d, third line, strike out the words "be and."

Mr. Holland moved to take the Joint Resolution, introduced by Mr. Dustin, from the table, in order to refer it to the Committee on Federal Relations.

Motion lost.

On motion of Mr. Andrews, Assembly bill No. 102, an Act to provide for the better maintenance of the indigent sick of Shasta county, was taken from the file and referred to the Delegation from Shasta.

On motion of Mr. Pugh the Committee on Agriculture's substitute for Assembly bill No. 27, an Act concerning estray animals, was taken from the table, amended and ordered engrossed.

The special order of the day, viz: the concurrent resolution passed by the Senate on the 31st January, proposing to adjourn on the 7th day of April, 1856, was taken up.

Mr. Farley moved that the resolution be made the special order of the day for March 20, 1856.

Pending discussion, Messrs. Rhodes, Hunt and Oliver demanded the previous question, which was sustained.

The question then recurring on the motion to make the resolution the special order for March 20th, Messrs. Beatty, Brent and Sharp demanded the ayes and noes, with the following result:

AYES.

Messrs. Blackburn, Borland, Cartter, Castro, Callbreath, Cone, Dustin, Gage, Gaston, Heiskell, Hoover, Leihy, Mathews, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Read, Shearer, Sherrard, Sterritt, Stout, Swan, Taylor, Turner, Upton, Van Dusen, Wagner, Welch, White, Winsor, Winston and Mr. Speaker—36.

NOES.

Messrs. Andrews, Batchelder, Beatty, Bell, Boring, Bowe, Brent, Brunton, Brush, Coombs, Davis, Downey, Gray, Heald, Holland, Hunt, Kendrick, Lamon, Lippincott, Moulthrop, Pearson, Reynolds, Rhodes, Ricks, Sharp, Stephenson, Taliaferro, Weir, Wohler—29.

So the motion was carried.

Mr. Gaston offered the following resolution:

Resolved, That no new business shall be introduced into this House after the 20th day of March, unless by consent of two-thirds of the members present.

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

Lost.

The previous question was called by Messrs. George, Upton and Dustin.

Previous question sustained.

The question recurring on the passage of the resolution, Messrs. Upton, Ricks and McFarland demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Boring, Borland, Bowe, Brent, Brunton, Brush, Cartter, Castro, Callbreath, Cone, Coombs, Davis, Dick, Dustin, Ewalt, Gage, Gaston, Gray, Heald, Heiskell, Holland, Kendrick, Lamon, Lippincott, Mathews, McFarland, McGehee, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Ricks, Sharp, Shearer, Sherrard, Stephenson, Stout, Swan, Taliaferro, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, Wohler and Mr. Speaker—57.

NOES.

Messrs. Hunt, Leihy, Rhodes, White, Winsor, Winston—6.

So the resolution was adopted.

The following message was received from the Senate:

SENATE CHAMBER, March 1, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate refuse to concur in Assembly amendments to Senate substitute for Assembly bill No. 38, an Act making appropriations for the civil expenses of the government of the State.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

On motion, the House refused to recede from their amendments to the bill referred to in the above message.

Bill No. 88, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May 1st, 1851, was taken up.

On motion of Mr. Ewalt the 4th section of the bill was stricken out.

On motion of Mr. Taliaferro the bill was so amended as to include all the counties of the State within its provisions.

On motion the bill was considered engrossed.

Mr. McFarland moved to lay the bill on the table.

Lost.

The bill was then read a third time and passed.

Mr. McFarland gave notice that on Monday he would move a reconsideration of the bill.

Bill No. 129, an Act supplementary to an Act entitled an Act concerning the office of Reporter, passed April 12, 1850.

On motion of Mr. Beatty, the House resolved itself into Committee of the Whole, to take into consideration bill No. 129, above recited.

House in Committee of the Whole, Mr. Peck in the chair.

On motion, Committee rose, reported the bill back to the House, and recommended the passage of the bill, and asked to be discharged.

Report of Committee adopted.

On motion of Mr. McFarland, the bill was considered engrossed, read a third time, and passed.

Mr. Upton moved to adjourn until Monday, 11 o'clock, A. M.

Mr. Hunt moved to amend by inserting 10 o'clock.

Motion lost.

The question then recurred upon adjourning until 11 o'clock.

Upon which, Messrs. Bell, Dick, and Heiskell, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Blackburn, Cartter, Castro, Cone, Coombs, Downey, Ewalt, Gray, Heald, Hunt, Leihy, Mathews, Pugh, Sharp, Sherrard, Swan, Taliaferro, Upton, Wagner, Winsor, Wohler, and Mr. Speaker—22.

NOES.

Messrs. Batchelder, Beatty, Bell, Boring, Borland, Bowe, Brunton, Callbreath, Davis, Dick, Dustin, Gage, Gaston, Heiskell, Holland, Hoover, Kendrick, Lamon, McDonald, McFarland, McGehee, Oliver, Oxley, Pearson, Peck, Rathburn, Read, Reynolds, Rhodes, Shearer, Stephenson, Stout, Turner, Van Dusen, Weir, Welch, White, and Winston—39.

So the motion was lost.

The following message was received from the Senate:

SENATE CHAMBER, March 1, 1856.

Mr. Speaker:

I am instructed to inform the Assembly that the Senate has this day appointed Messrs. Hawks, Burton, and Ashley, as a Committee of Conference on the disagreeing vote of the two Houses in relation to an Act entitled an Act to appropriate Money to defray the Civil Expenses of this State.

W. BAUSMAN,
Secretary of Senate.

On motion, the Speaker appointed Messrs. Gaston, Upton and McFarland the Committee of Conference on the part of the House, to act with Senate Committee in relation to the bill referred to in above Senate message.

At ten minutes past 2 o'clock, P. M., on motion of Mr. Sellick, the House adjourned until Monday next, 10 o'clock, A. M.

IN ASSEMBLY.

MONDAY, March 3, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

Mr. Taliaferro granted leave of absence for one day.

The Journal of Saturday, 1st inst., read and approved.

Mr. Sherrard presented a petition from citizens of Sutter county remonstrating against the proposed removal of the county seat of that county from Nicolaus to Yuba city.

Read and referred to the Committee on Counties and County Boundaries.

Mr. Hunter presented a petition from citizens of San Joaquin county, praying the enactment of a law authorizing the Board of Supervisors of that county to appropriate any sum not exceeding five thousand dollars towards the completion of an Artesian well in the city of Stockton.

Read and referred to the delegations from San Joaquin, Stanislaus and Tuolumne.

Mr. Taylor presented a petition from citizens of El Dorado County, remonstrating against the proposed removal of the County Seat of that County from Coloma to Placerville.

Read and referred to Committee on Counties and County Boundaries.

Mr. Holland presented a petition from citizens of San Francisco, praying the enactment of a law for the better observance of the Sabbath.

Read and referred to Committee on Vice and Immorality.

Mr. Sherrard introduced bill No. 160, an Act to submit the question of the removal and location of the County Seat of Sutter County to the voters of said County.

Read a first and second time and referred to Committee on Counties and County Boundaries.

Mr. Stephenson introduced bill No. 161, an Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April 19, 1850.

Read a first and second time and referred to the Committee on Judiciary.

Mr. Lamon introduced bill No. 162, an Act to change the time of holding the Probate Court of Merced County.

Read a first and second time, and,

On motion, placed on the Calendar.

Mr. Lamon introduced bill No. 163, an Act to exempt Merced County from the provisions of an Act, passed April 4, 1854, entitled an Act concerning County Judges.

Read a first and second time, and,

On motion, placed on the Calendar.

Mr. Cone introduced bill No. 164, an Act to authorize John M. Sidwell to build a Wharf in Sacramento County.

Read a first and second time, and,

On motion, placed on the Calendar.

Mr. McDonald gave notice of a bill authorizing the Governor to call out a company of volunteers at Crescent City, Klamath County, and for the appropriation of ——— dollars, for the organization and support of the same.

Mr. Hunter gave notice of a bill for an Act authorizing the Board of Supervisors of San Joaquin County to appropriate five thousand dollars for the digging of an Artesian Well in San Joaquin County.

Mr. Shearer gave notice of a bill for each Supervisor District to elect their own Tax Collector.

Mr. Bell gave notice of a bill to regulate Mortgages on Mining Claims.

Mr. Holland gave notice of a bill for an Act to amend an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State.

Mr. Bell gave notice of a bill for the protection of Foreigners, and to define their liabilities and privileges, in the County of Nevada.

The following reports were received from Committees:

Mr. Speaker:

The Committee on Roads and Highways, to whom was referred Assembly bill No. 154, a bill for an Act to repeal the several Acts exempting Firemen from Militia Service and Jury Duty so far as the same extends to Solano County, have had the bill under consideration, and respectfully beg leave to report the same back to the House, without amendment, and recommend its passage.

JOSEPH WINSTON,
Chairman.

Mr. Speaker:

The undersigned, Special Committee, to whom was referred Assembly bill No. 126, entitled, "an Act to provide for the salary of the Treasurer of Alameda county, would respectfully beg leave to present the following report:

He is well aware, from his own knowledge, and he believes that every one conversant with the duties and responsibilities imposed upon the Treasurer of said county, will concur with him in this opinion, that the three per centum allowed said Treasurer, by law, is entirely insufficient to compensate him for his time, labor and responsibility, in receiving, keeping, and disbursing the funds of the county.

Your Committee would further represent, that the former Treasurer of said county has always been allowed by the Court of Sessions the same extra pay as provided for in this bill; and the Committee is well satisfied that the Board of Supervisors would willingly make such allowance, had they the power so to do under the special law by which they are governed.

For the foregoing reasons, and for other good reasons, he would earnestly recommend the passage of the bill without amendment.

All of which is respectfully submitted.

T. M. COOMBS.

March 3, 1856.

Mr. Speaker:

The Committee on Enrollment have carefully examined Assembly substitute for bill No. 112, an Act to establish the County Seat of Humboldt county, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Ricks presented the following Concurrent Resolutions, which lays over one day, under the rule:

Resolved, by the Senate and Assembly, that our Senator in Congress be instructed and our Representatives be requested, to urge upon Congress the passage of a law establishing a Mail Route in the State of California, from San Francisco to Humboldt Bay.

Resolved, That the Governor of this State be, and he is hereby, requested to transmit copies of this resolution to each of our Senators and Representatives in Congress.

In accordance with notice, Mr. McFarland moved to reconsider the vote by which bill No. 88, an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851, was passed.

Lost.

Mr. Beatty presented the following resolution:

Resolved, That in the election of N. P. Banks as Speaker of the House of Representatives, the feelings of every lover of State rights and our Union has been outraged, and that the Legislature of California disapproves of the same, and holds no sympathies with those who assisted in such election.

Resolved, That we approve of the manly and straightforward course pursued by our Representatives in Congress, Messrs. Denver and Herbert, in voting, through the struggle for Speaker, for men of sound national principles.

On motion, the rule was suspended, for the purpose of acting upon the resolutions.

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

Upon which, Messrs. Meloney, Beatty, and Winston, demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Bell, Borland, Castro, Cone, Dick, Dustin, Gage, Leihy McDonald, McFarland, Oliver, Peck, Pugh, Rathburn, Reynolds, Ricks, Sellick, Shearer, Stout, Upton, Wagner, and White—23.

NOES.

Messrs. Andrews, Beatty, Blackburn, Boring, Bowe, Brunton, Brush, Bynum, Callbreath, Coombs, Davis, Downey, Ewalt, Gaston, Gray, Haile, Heald, Heiskell, Holland, Hoover, Hunt, Hunter, Kendrick, Lamon, Lewis, Lippincott, Mathews, McGehee, Meloney, Moulthrop, Pearson, Read, Rhodes, Stephenson, Sterritt, Swan, Taylor, Turner, Van Dusen, Weir, Welch, Williams, Winsor, Winston, and Mr. Speaker.—45.

So the motion was lost.

Mr. White moved to indefinitely postpone the resolution.

Upon which, Messrs. Beatty, Meloney, and Williams, demanded the ayes and noes.

Whereupon Mr. Farley presented the following as a substitute for the original resolution:

Resolved, by the Assembly, the Senate concurring, That the election of N. P. Banks, Jr., as Speaker of the House of Representatives of the United States, is

a result to be deeply deplored by every true lover of the Union; for that: Mr. Banks must be considered as the exponent of sectional feelings and principles diametrically opposed to the spirit of the Constitution of the United States, and to the only measures and doctrines which will insure the perpetuity of our republican institutions, and the preservation of our glorious Union.

Pending discussion the previous question was called.

The question then being, shall the main question be now put? Messrs. Stout, Ricks and Williams demanded the ayes and noes with the following result:

AYES.

Messrs. Blackburn, Brunton, Davis, Downey, Dustin, Gaston, Haile, Heiskell, Hunt, Hunter, Lamon, Mathews, McGehee, Oxley, Peck, Pugh, Read, Reynolds, Rhodes, Ricks, Sellick, Stephenson, Sterritt, Van Dusen, Wagner, Weir, Williams—27.

NOES.

Messrs. Andrews, Batchelder, Beatty, Bell, Boring, Borland, Bowe, Brush, Bynum, Castro, Callbreath, Cone, Coombs, Covarrubias, Curtis, Dick, Ewalt, Gage, Gray, Heald, Hoover, Kendrick, Leiby, Lippincott, McDonald, McFarland, Meloney, Oliver, Pearson, Rathburn, Shearer, Stout, Swan, Taylor, Turner, Upton, Welch, White, Winsor, Winston, Wohler and Mr. Speaker—42.

So the previous question was not sustained.

Mr. Rhodes moved a call of the House.

The roll being called the following members were absent:

Messrs. Brent, Carter, Holland, Sherrard and Swan.

On motion of Mr. Farley further proceedings under the call of the House were dispensed with.

The question then recurring on the adoption of the substitute, Messrs. Oxley, Curtis, and Andrews, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Bell, Blackburn, Borland, Bowe, Brunton, Castro, Cone, Curtis, Davis, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Lamon, Leiby, Mathews, McGehee, Oxley, Pugh, Rathburn, Reed, Rhodes, Sellick, Stephenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Welch, Williams, Winsor, Winston, and Mr. Speaker—38.

NOES.

Messrs. Batchelder, Beatty, Boring, Brush, Bynum, Callbreath, Covarrubias, Dick, Downey, Dustin, Gray, Heald, Hunt, Kendrick, Lewis, Lippincott,

McDonald, McFarland, Meloney, Moulthrop, Oliver, Pearson, Peck, Ricks, Shearer, Swan, Wagner, Weir, White, and Wohler—30.

So the substitute was adopted.

The question then recurred on the passage of the substitute.

Mr. White offered the following amendment:

Resolved, That we have read, with feelings of deep interest, the news of the election of N. P. Banks as Speaker of the United States House of Representatives, and whatever may be our opinions as to the policy of such election, we do not conceive it expedient or necessary to express them in our Legislative capacity: conceiving it of more importance to carry out those views of retrenchment and reform adopted and advocated by us at the last election, the popularity of which alone has given us our seats upon this floor.

Mr. Gray offered to amend the amendment, by inserting the following:

Resolved, By this House, that as we are not sufficiently acquainted with the political views of the Hon. N. P. Banks, jr., as Speaker of the House of Representatives, we will refrain from expressing views that might be regarded as a vote of censure on the action of Congress, and can readily appreciate the necessity of an organization after such an unexampled contest.

Mr. Dustin moved to indefinitely postpone the amendment offered by Mr. Gray.

Pending discussion, Messrs. Curtis, Upton, and Lamon demanded the previous question.

The question then being, "shall the main question be now put?" Messrs Beatty, Brush, and Weir demanded the ayes and noes, with the following result.

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Brunton, Brush, Bynum, Castro, Cone, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, Ewalt, Gage, Gaston, Gray, Haile, Heald, Heiskell, Hunt, Hunter, Kendrick, Lamon, Leihy, Lewis, Mathews, McFarland, McGehee, Meloney, Oliver, Oxley, Pearson, Peck, Pugh, Reed, Rhodes, Ricks, Sellick, Stephenson, Sterritt, Swan, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, Williams, Winsor, and Winston—56.

NOES.

Messrs. Borland, Bowe, Hoover, McDonald, Moulthrop, Rathburn, Reynolds, Shearer, Stout, White, and Wohler—12.

So the previous question was sustained.

The question then recurring on the motion to indefinitely postpone the amendment offered by Mr. Gray, it was lost.

The question then recurred on the adoption of the amendment,

Upon which Messrs. Gray, Dick and McDonald demanded the ayes and noes with the following result:

AYES.

Messrs. Batchelder, Bell, Castro, Dick, Gray, McDonald, McFarland, Ricks Sellick, Shearer, Wagner, White, Wohler—13.

NOES.

Messrs. Andrews, Beatty, Blackburn, Boring, Borland, Bowe, Brunton, Brush, Bynum, Callbreath, Cone, Coombs, Covarrubias, Curtis, Davis, Downey, Dustin, Ewalt, Gage, Gaston, Haile, Heald, Heiskell, Hoover, Hunt, Hunter, Kendrick, Lamon, Leihy, Lewis, Lippincott, Mathews, McGehee, Meloney, Moulthrop, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Stephenson, Sterritt, Stout, Swan, Taylor, Turner, Upton, Van Dusen, Weir, Welch, Williams, Winsor, Winston and Mr. Speaker—58.

So the amendment was lost.

The question then recurred on the adoption of the amendment offered by Mr. White.

Upon which Messrs. Hunter, Dick and Sellick demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Bell, Castro, Dick, Gray, Heald, McDonald, McFarland, Oliver, Rathburn, Reynolds, Ricks, Sellick, Shearer, Wagner, White, Wohler—17.

NOES.

Messrs. Andrews, Beatty, Blackburn, Boring, Borland, Bowe, Brunton, Brush, Bynum, Callbreath, Cone, Coombs, Covarrubias. Curtis, Davis, Downey, Dustin, Ewalt, Gage, Gaston, Haile, Heiskell, Hoover, Hunt, Hunter, Kendrick, Lamon, Leihy, Lewis, Lippincott, Mathews, McGehee, Meloney, Moulthrop, Oxley, Pearson, Peck, Pugh, Read, Rhodes, Stephenson, Sterritt, Stout, Swan, Taylor, Turner, Van Dusen, Weir, Williams, Winsor, Winston, and Mr. Speaker—52.

So the amendment was lost.

Mr. White moved that the House adjourn.

Lost.

The Speaker (Mr. Taylor in the chair) stated that the question then recurred upon the passage of the substitute offered by Mr. Farley and adopted by the House.

Mr. McFarland thought the question recurred on the motion to indefinitely postpone the resolution, and for that reason appealed from the decision of the Chair.

The question then was, " Shall the decision of the Chair stand as the decision of the House."

The Chair was sustained.

On the passage of the substitute, Messrs. Williams, Rhodes and Hunter demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Beatty, Bell, Blackburn, Boring, Borland, Bowe, Brunton, Brush, Bynum, Callbreath, Cone, Coombs, Covarrubias, Curtis, Davis, Downey, Ewalt, Gage, Gaston, Haile, Heald, Heiskell, Hoover, Hunt, Hunter, Kendrick, Lamon, Leilty, Lewis, Lippincott, Mathews, McDonald, McGehee, Meloney, Moulthrop, Oxley, Pearson, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Stephenson, Sterritt, Stout, Swan, Taylor, Turner, Upton, Van Dusen, Weir, Williams, Winsor, Winston and Mr. Speaker—59.

NOES.

Messrs. Batchelder, Dick, Dustin, Gray, McFarland, Oliver, Wagner, Welch, White, Wohler—10.

So the substitute passed.

Mr. Farley moved a reconsideration of the vote just taken.

Mr. Oxley moved to indefinitely postpone the motion to reconsider.

The motion to indefinitely postpone the motion to reconsider was adopted.

Mr. White having voted in the affirmative, was, by unanimous leave, granted the privilege to change his vote against the passage of the substitute.

The vote of Mr. White was, accordingly, changed to the negative.

Mr. Stout offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to deliver to the Quartermaster and Adjutant General five hundred copies of his annual report for the use of his office.

Adopted.

Mr. Rhodes offered the following resolution:

Resolved, The Assembly of California deprecate the union of the Democrats and Black Republicans in the election of Speaker of the New York Assembly.

Pending the discussion of the resolution.

On motion of Mr. Leihy, the House adjourned at forty minutes past two o'clock, P. M.

IN ASSEMBLY.

TUESDAY, March 4, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. Mr. Graham.

The roll was called, and members all present, except those absent on leave.

On motion, leave of absence was granted Mr. Brunton for one week, Mr. Carter for one day, and Mr. George for an indefinite time, on account of indisposition.

The Journal of yesterday was read and approved.

Mr. McDonald asked the permission of the House to change his vote on the passage of the substitute offered by Mr. Farley, on yesterday, in regard to the election of N. P. Banks, jr., as Speaker of the House of Representatives of the United States.

By unanimous leave of the House, Mr. McDonald was permitted to have his name recorded as voting in the affirmative on the passage of the substitute above referred to.

Mr. Weir introduced bill No. 165, an Act to authorize the Board of Supervisors of San Joaquin county to appropriate money towards completing the Artesian Well on the public square in the city of Stockton.

Read a first and second time, and referred to the delegation from San Joaquin and Stanislaus.

Mr. Bell introduced bill No. 166, an Act to regulate mortgages on mining claims.

Read a first and second time, and referred to the Judiciary Committee.

Mr. McDonald introduced bill No. 167, an Act entitled an Act to call out a Company of Volunteers for the suppression of Indian hostilities in Klamath, and to make an appropriation for the same.

Read a first and second time.

On motion, placed on the Calendar.

The bill (No. 167) was afterwards taken up, considered in Committee of the Whole, [Mr. Oxley in the Chair,] and its passage recommended without amendment.

The bill, as reported by the committee, was then read.

On motion of Mr. Upton, the rule was suspended, the bill considered as engrossed, read a third time and passed.

Mr Gage introduced bill No. 168, an Act to locate the Seat of Justice of El Dorado county.

Read a first and second time, and referred to Committee on Counties and County Boundaries.

The Committee on Ways and Means introduced bill No. 169, an Act for the relief of Jotham S. Marston, and his official sureties.

Read a first and second time, and referred to the Committee on Claims.

The majority of the Committee on Claims introduced bill No 170, an Act to reward John Hackley, and others.

Read a first and second time.

On motion, placed at the foot of the Calendar.

The Committee on Claims introduced Bill No 171 an Act appropriating money to pay the outstanding claims against the State Marine Hospital.

Read a first and second time, and laid on the table.

The following reports were received from Committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 122, a bill for an Act entitled an Act to authorize the county authorities to work convicts in certain cases, have had the bill under consideration, and respectfully beg leave to report the same back to the House, with a substitute, and recommend the passage of the substitute.

R. B. SHERRARD,
Chairman.

Mr. Speaker:

The Committee on Ways and Means have had under consideration a bill for an Act to provide for the election of Assessors by Supervisor districts, and ask leave to report the same back to the House, with a substitute, and to state that they are not able to agree as to the propriety of recommending the passage of the substitute.

The same Committee, to whom was referred an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May 15, 1854, and to amend the several Acts amendatory thereto, have had the same under consideration, and have suggested sundry amendments thereto, which they have embodied in a substitute, and your committee ask leave to report the bill back to the House, with the substitute, and recommend the passage of the substitute.

W. W. UPTON,
Chairman.

Mr. Speaker:

Your Committee, to whom was referred a resolution instructing the Committee on Public Printing to inquire into and ascertain the reason the report of the Controller of State (relative to the prosecution of Claims to Escheated Estates) has not been printed, would most respectfully report the above resolution back to the House, with the simple instruction that the report here referred to, has has been printed for more than a week, since which time it has been at the disposal of the members.

Regarding one's reputation dear as life itself, we would respectfully suggest the propriety of a careful consideration of facts, before offering resolutions that would reflect discreditably upon any of our public officers.

J. WING OLIVER,
Chairman of Committee on Public Printing.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill No 136, an Act authorizing the Sheriff of Alameda county to proceed and collect the delinquent taxes for the years 1854 and 1855, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Engrossing Committee have examined and found correctly engrossed bill No 60, an Act to create the county of Tehama, to define its boundaries, and to provide for its organization.

Bill No. 127, an Act to authorize the funding of the debt of the city of San Jose, and to provide for the payment of the same.

Bill No. 144, an Act concerning the collection of Taxes now due in the county of Marin.

Bill No. 54, an Act authorizing David Gherky, and others, to build a wharf at Santa Cruz.

Bill No. 55, an Act authorizing J. E. Davis and A. P. Jordan, and others, to construct a wharf at Santa Cruz.

L STOUT,
Chairman.

Mr. Speaker:

The Committee on Claims, to whom was referred the bill of J B. Doherty, for arranging, tending, and cleaning Assembly Chamber from the 1st to the 7th of January, have had the same under consideration, and recommend that he be paid the sum of eighty dollars out of the Contingent Fund of the House.

G. H. RHODES,
Chairman.

Mr. Speaker:

The Committee on Public Lands, to whom was referred a communication to this House, from the Secretary of State. beg leave to report the same back to the House, and recommend the reference of said communication to the Committee on Public Buildings and Grounds.

GEORGE PECK,
Chairman.

On motion, the communication of the Secretary of State reported back by the Committee on Public Lands, was referred to the Committee on Public Buildings and Grounds.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 2, 1856.

To the Assembly of California:

I herewith present a petition, numerously signed by the citizens of Klamath county, in relation to the recent Indian depredations in that part of the State and in the adjacent Territory of Oregon, in which it will be seen that a large number of our citizens have been massacred and much valuable property destroyed.

The condition of these disturbances and the utter want of efficiency which seems to have been displayed by the United States troops in that quarter, have at length induced me to believe that a force of mounted troops, to be raised under authority of the State, is essential to the protection of the inhabitants of that region of country, and the matter is submitted to the prompt and speedy consideration of the Legislature.

It is but proper that I should here state some of the circumstances attending the application which was made to me on a former occasion, in relation to the same matter; but prior to these late disturbances serious apprehensions were

entertained by the people of Crescent City and vicinity, of an outbreak amongst those Indians, and representations to that effect were made both to the late Executive and myself.

Whilst it was my sincere desire to render ample protection to the lives and property of the people of that quarter, at the same time I wished to avoid incurring expenses on behalf of the State, if it were possible so to do. Accordingly, when a request was made to me to call into the service of the State a company of volunteers for that service, I immediately addressed a communication to Gen John E Wool, Commander Pacific Division, U. S. Army, requesting information as to the number of United States troops in that quarter; also, whether troops sufficient for the purpose of rendering protection to those people could be furnished by him.

The reply of Gen Wool, dated 21st Jan. 1856, and a copy of which I transmitted to your Honorable body on the 23d, was so entirely satisfactory on these points that I was at once induced to believe no possible necessity existed for calling out a volunteer force, and up to the time I have forborne to do so, but now the results which are before us, clearly manifest the necessity of having a mounted volunteer corps, from whom we can hope results more favorable than have attended the presence of the regular troops General Wool has ordered there.

It is supposed that a company of fifty mounted men, for a period of three months will be sufficient, and I therefore most earnestly ask, that a law may be passed, authorizing a company of this description to be raised in that county, and at the same time making provision for their equipment, pay and sustenance, as it is due to those who embark in such hazardous service that they should have such provision made for them in advance, whilst it will constitute, in favor of the State, a formidable impediment against an unnecessary and increased expenditure.

I would also state, that I have ordered the Adjutant and Quartermaster General to forward to Crescent City, for their use, such arms and ammunition as their necessities seem to require, taking bonds for their due preservation and return.

A strict adherence to the law directing the distribution of arms and ammunition, would not authorize me so to do; but it is important that they should have this aid by the speediest means of communication, and, as the next steamer for the northern coast leaves San Francisco on the 4th inst, and the delay of awaiting legislative action might prove extremely hazardous, if not disastrous, I did not hesitate, under the circumstances to assume such responsibility.

Very respectfully,
Your ob't servant

J. NEELY JOHNSON.

The petition referred to in the Governor's message was read, and laid on the table.

The following message was received from the Senate:

SENATE CHAMBER, March 3, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on Saturday, the 1st

instant, passed the accompanying Concurrent Resolution, relative to certifying bills or claims.

Also, passed Senate bill No. 43, an Act to amend an Act entitled an Act to regulate Fees in Office.

Also, passed Senate bill No. 34, a bill to fix permanently the Boundary Line between Yuba, Butte, and Plumas counties.

Also, amended and passed Assembly substitute for bill No. 34, an Act entitled an Act to change and fix the County Seat of Butte county.

Respectfully submitted,

RASEY BIVEN,
Assistant Secretary of Senate.

The following resolution, referred to in the Senate message, was read and laid on the table:

Resolved, the Assembly concurring, That all the auditing officers of both Houses, and the committees of the same, are instructed not to allow or certify any bill or claim for attendance, as a witness before any officer or committee, at a greater rate per day than is allowed to witnesses before a court in cases; nor shall they allow to any Clerk, or other employee of any Committee, more than the pay of a member of the Legislature.

Senate bill No. 43 was taken up, read a first and second time, and referred to the Judiciary Committee.

Senate bill No. 34 was taken up, read a first and second time, and referred to the delegations from Yuba, Butte, and Plumas.

The Concurrent Resolution, reported by the Senate on the 27th ultimo, in regard to authorizing officers in command of expeditions against the hostile Indians of this State, to sign their names to muster rolls, was taken up and passed.

The Speaker stated, that as the special order of the day for yesterday had been passed over on that day, it would now be proper to take them up.

The Governor's message, withholding his approval of Assembly bill No. 61, entitled an Act to define the Term of Office of the District Judge of the Fifteenth Judicial District, and to fix his Salary, was read.

The Speaker then put the question, "Shall the bill pass, notwithstanding the objections of the Governor?"

Those who voted for the passage of the bill were—

Messrs. Andrews, Ricks and Upton.

Those who voted against the passage of the bill were—

Messrs. Batchelder, Beatty, Bell, Borland, Boring, Bowe, Bynum, Cartter, Callbreath, Cone, Covarrubias, Davis, Downey, Dustin, Ewalt, Gage, Gaston, Haile, Hawes, Heald, Hoover, Hunt, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Sellick, Sherrard, Stephenson, Sterritt, Swan, Taliaferro, Turner, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, Wohler and Mr. Speaker—57.

So the motion was lost.

The Governor's message, withholding his approval of Assembly bill No. 81, entitled an Act to amend an Act concerning the office of Treasurer of State, was read.

The Speaker then put the question, "Shall the bill pass notwithstanding the objections of the Governor?"

Those who voted against the passage of the bill were—

Messrs. Andrews, Batchelder, Beatty, Bell, Boring, Borland, Bowe, Brent, Bynum, Cartter, Callbreath, Cone, Coombs, Covarrubias, Davis, Downey, Dustin, Ewalt, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Hoover, Hunt, Lamon, Leihy, Lewis, Lippincott, McDonald, McFarland, McGehee, Meloney, Moulthrop, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sherrard, Stephenson, Sterritt, Swan, Taliaferro, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, Wohler and Mr. Speaker—64.

So the motion was lost.

The hour having arrived, the special order of the day, Assembly bill No. 15, an Act to create a Board of Commissioners to revise, reform, and properly codify the laws of the State of California, was taken up.

On motion of Mr. Curtis, made the special order of the day for Thursday, 6th instant, at 12 o'clock, M.

The Calendar of Bills was then taken up.

Assembly bill No 85, an Act to fund the Indebtedness of the State in the form of Controller's Warrants drawn upon the Treasurer of State between the 30th day of July, 1855, and the 9th day of January, 1856.

Recommitted to Committee on Ways and Means.

Assembly bill No. 52, an Act amendatory of an Act entitled an Act to provide for the sale of Swamp and Overflowed Lands belonging to this State. passed April 28, 1855.

On motion of Mr. Callbreath, laid on the table.

Senate bill No. 66, an Act to amend an Act fixing the Time of holding the Courts authorized to be held by the County Judges in the Counties of Shasta, Santa Clara, and Monterey, approved March 9, 1855.

Read a third time and passed.

Assembly bill No. 96, An Act to repeal an Act concerning the trespassing of Animals upon private Property.

Amendments proposed by the Committee on Agriculture were rejected by the House, and the bill recommited to the delegation from Sonoma.

Assembly bill, No. 51, an Act concerning Lawful Fences, and Animals trespassing on Premises lawfully enclosed, and the substitute reported for the bill.

Made the special order of the day for Tuesday, 11th instant, at 12 o'clock, M.

The substitute for Assembly bill No. 87, an Act for the better observance of the first day of the week, commonly called Sunday, reported by a majority of the Committee on Vice and Immorality.

Adopted.

Mr Gray moved to amend the bill by striking out the word "butcher," wherever it appears in the bill.

Lost.

Mr. Bell offered the following amendment:

In line 5, section 2, after the word "this," strike out the word section, and insert the word "Act."

Adopted.

Mr Downey offered the following amendment:

Amend so as to include the Jewish Sabbath, or day known as the seventh day of the week, or Saturday.

Lost.

Mr. Curtis offered the following amendment:

Add to section 8 the words "Siskiyou and Klamath."

Adopted.

Mr. Callbreath moved the indefinite postponement of the bill.

Pending discussion, Messrs Rhodes, Lewis and Bell moved the previous question.

On division of the House it was not sustained—Ayes 17—Noes 29.

On motion of Mr. Brent, the bill No. 87 was made the special order of the day for March 10, 1856.

Senate bill No 64, an Act to amend an Act to fix the time of holding the District Court in the third Judicial District.

Read third time and passed.

Assembly bill No. 125, an Act amendatory of an Act concerning county Judges, passed April 4, 1854.

And also, an Act which passed April 30, 1855, amendatory of the above recited Act.

Read third time and passed.

Senate bill No 35, an Act to authorize the State Treasurer to issue a duplicate land warrant to George W. Coffee.

Read third time and passed.

Assembly bill No. 17, an Act for the protection of actual settlers, and to quiet land titles in this State, and for other purposes concerning real property.

Made special order for Friday next at 12 o'clock, M.

Assembly bill No 78, a bill for an Act to provide for the erection of a Jail in the county of Tuolumne.

Placed at the foot of the file.

Assembly bill No. 64, an Act entitled an Act to settle the boundary line between the counties of Klamath and Humboldt.

Senate amendment concurred in.

Bill read third time and passed.

Mr. Ricks gave notice of a reconsideration of the vote just taken.

Assembly bill No. 100, an Act to legalize the incorporation of the town of Santa Clara.

Read third time and passed.

Assembly bill No. 104, an Act to amend an Act entitled an Act to regulate Fees of Office, passed April 10, 1855.

Read third time and passed.

Assembly bill No. 35, an Act to provide for the more effectual enforcement of public taxes and assessments, and creating a lien therefor.

On motion of Mr. Brent, made the special order for Tuesday next, at 12 o'clock M.

Mr. Oxley moved that Assembly bill No. 78, in relation to Tuolumne County Jail, be taken up.

Carried.

On motion, the amendments reported by the delegation were adopted.

Mr. Oxley moved to strike out the last section of the bill.

Carried.

The bill was ordered engrossed.

The following report of the Committee of Conference of the two Houses, was read:

Mr. Speaker:

The committee appointed by the Assembly to confer with a like committee of the Senate on the disagreement between the two Houses in relation to the Senate amendments to the bill for an Act making appropriations for the civil expenses of government of the State, beg leave to report, that the Joint Committee have had the subject under consideration, and have agreed to recommend that the Assembly recede from their amendment of the Senate amendment, in relation to the appropriation for the compensation of Clerks in the Controller's office, and that the original provision as amended in relation to the transportation of prisoners, be stricken out of the bill.

W. W. UPTON,
H. C. GASTON,
R. McFARLAND,
Assembly Committee.

D. R. ASHLEY,
E. F. BURTON,
W. W. HAWKS,
Senate Committee.

Assembly bill No. 109, an Act amendatory of an Act concerning fraudulent conveyances and contracts.

Made the special order for Wednesday next, 12th inst.

Assembly bill No. 118, an Act to define the time when the county officers of Sierra county shall enter upon the discharge of their duties.

Amendments reported by Judiciary Committee adopted, and bill ordered engrossed.

Mr. Stephenson moved to adjourn until Thursday next, at 11 o'clock, A. M.

Upon which Messrs Shearer, Davis and Dustin demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Blackburn, Bynum, Castro, Coombs, Covarrubias, Curtis, Downey, Ewalt, Gray, Heiskell, Hoover, Kendrick, Lewis, Pearson, Rhodes, Stephenson, Swan, Taliaferro, Williams, and Winsor—20.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Borland, Bowe, Cartter, Cone, Davis, Dustin, Gaston, Hawes, Heald, Lamon, Leiby, McDonald, McFarland, McGehee, Meloney, Oliver, Oxley, Peck, Rathburn, Read, Reynolds, Ricks, Sellick, Sharp, Shearer, Sherrard, Sterritt, Stout, Turner, Van Dusen, Wagner, Weir, Welch, White, and Mr. Speaker—41.

So the motion was lost.

On motion of Mr. Sellick the House at half past 2 o'clock, P. M., adjourned.

IN ASSEMBLY.

WEDNESDAY, March 5, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. Mr. Graham.

Roll called, and members all present, except those absent on leave.

The Journal of yesterday read and approved.

Mr. Bell introduced bill No. 172, for an Act to amend an Act for the protection of Foreigners, and to define their liabilities and privileges, approved April 30, 1855.

Read a first and second time, and referred to Committee on Mines and Mining Interests.

Mr. Coombs introduced bill No. 173, for an Act to grant the right of way for

a Railroad and Wagon Road across the waters of the Sacramento river, to certain persons therein named.

Read a first and second time, and referred to Committee on Corporations.

Mr. Turner introduced bill No. 174, for an Act to amend an Act entitled an Act concerning the Corporation of the Marysville and Benicia National Railroad, approved April 12, 1853.

Read a first and second time, and referred to the Committee on Corporations.

Mr. McFarland gave notice of a bill for an Act concerning the Term of County Officers in the County of Nevada.

The following reports were received from Committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred certain amendments to the Constitution of the State of California, (the said amendments having been proposed and adopted by the Legislature of said State at its sixth session, commenced on the 1st day of January, A. D. 1855,) have had the same under consideration, and respectfully beg leave to report to the House that the Committee recommend that the House do agree to the fifth amendment, and that they do disagree as to the other proposed amendments.

The same Committee have had under consideration Assembly bill No. 65, a bill for an Act entitled an Act requiring the Registration of the Names of the Legal Voters in the Incorporated Cities of this State, and respectfully beg leave to report the same back to the House, and recommend its reference to the Committee on Elections.

They have also had under consideration Assembly bill No 147, a bill for an Act entitled an Act to provide for the safe custody of Public Moneys, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

R. B. SHERRARD,
Chairman.

Mr. Speaker:

The Engrossing Committee have had under consideration the subject referred to them, touching the qualifications of the Engrossing Clerk, and ask leave to report, that after a careful investigation of every thing connected with the subject, they have found some half dozen mistakes, which they are clearly of opinion did not grow out of a want of proper qualifications on the part of said Clerk, but rather an oversight In a bill to discharge the sureties of the County Treasurer of Yolo county, the most important mistake occurred, which was the spelling of the name of the person to be discharged incorrectly. The Clerk has not punctuated or made corrections in any of the bills which he has engrossed, but your Committee do not believe he is censurable for that, he having been directed by the Engrossing Committee not to punctuate, or make any alterations.

We have found nothing in our investigations which we think requires the removal of the present Engrossing Clerk, but we are at the same time satisfied that much good has grown out of the steps that have been taken in the matter by drawing the attention of all concerned to the great importance of the duties of that office, and arriving at a more definite understanding of what those duties are.

Your committee have found no reason to change their opinion concerning the assistant from that which they expressed when the assistant clerk was allowed.

The one which has been employed, has performed his duties faithfully and efficiently.

We are unanimously of the opinion that the difference between the views entertained by the special committee and ourselves, has grown out of a difference of opinion as to what are the duties of the Engrossing Clerk.

Your committee would submit the foregoing as the result of their investigation, and ask to be discharged from the further consideration of the same.

LANSING STOUT,
Chairman.

Mr. Speaker:

The Committee on Engrossment, have examined and found correctly engrossed the following bills, to wit:

Bill No 86, an Act to fund the debt of the county of Napa and provide for the payment of the same.

Bill No. 88, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May 1, 1851.

Bill No. 125, an Act amendatory of an Act concerning county Judges, passed April 4, 1854.

And also an Act which passed April 30, 1855, amendatory of the above recited Act.

Bill No. 129, an Act supplementary to an Act entitled an Act concerning the office of Reporter, passed April 12, 1850.

All of which is respectfully submitted.

LANSING STOUT,
Chairman.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill No. 167, an Act entitled an Act to call out a Company of Volunteers for the suppression of Indian hostilities in Klamath county, and to make an appropriation for the same, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

Your committee to whom was referred Assembly bill 165, for an Act to authorize the Board of Supervisors of San Joaquin county to appropriate money towards the completion of the Artesian well on the Public Square in the city of Stockton, having had the same under consideration, beg leave to report the same back to the House without amendment and recommend its passage.

J W. HUNTER,
B G. WEIR,
J. C. CALLBREATH.
Committee.

Mr. Dick, at his request, was excused, on account of indisposition, from serving on the select committee appointed by the Speaker to examine into the State indebtedness in accordance with the resolution introduced to that effect by Mr. Brent.

The Speaker appointed Mr. Peck in his place.

The following messages were received from the Senate:

SENATE CHAMBER, March 4, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 77, an Act extending the time for presentation and allowance of claims against the estate of S. A. Brooks, deceased, in the county of Sonoma.

Also, have passed Assembly bill No. 47, an Act to authorize the issue of a School Land Warrant to Thomas Baker.

Also, passed Conference Committee's substitute for Assembly bill No. 5, an Act to establish the pay of the officers and employees of the Senate and of the Assembly, and to repeal the existing laws relating thereto.

Also, amended and passed Assembly bill No. 98, an Act to aid the officers of the Indian Department appointed by the General Government.

Also, passed Senate bill No. 19, an Act to divide the State into Congressional Districts, according to an Act of Congress, approved June 25, 1842.

Also, Senate bill No. 102, an Act to fix the time for holding the terms of the District Court of the Tenth Judicial District of this State.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

SENATE CHAMBER, March 5, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on yesterday, passed Assembly bill No. 167, an Act entitled an Act to call out a company of volunteers for the suppression of Indian hostilities in Klamath County, and to make an appropriation for the same.

Also, passed Senate bill No. 103, an Act to authorize the Board of Supervisors of Placer County to levy a special tax.

Also, passed Senate bill No. 58, a bill for an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the civil expenses of Government from the first day of February, 1855, until the first day of February 1856.

Also, passed on this day, Senate bill No. 99, an Act to increase the number of Fire Companies in the City of Marysville.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

Senate bill No. 77, an Act extending the Time for presentation and allowance of Claims against the Estate of S. A. Brooke, deceased, in the County of Sonoma.

Read a first and second time, and referred to Sonoma delegation.

Senate bill No. 19, an Act to divide the State into Congressional Districts, according to an Act of Congress, approved June 25, 1853.

Read a first and second time, and referred to Committee on Federal Relations.

Senate bill No. 5, an Act to establish the Pay of the Officers and Employees of the Senate and of the Assembly, and to repeal the existing laws relating thereto.

Read a first and second time, and referred to Committee of Ways and Means.

Senate bill No. 17, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

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

Senate bill No. 102, an Act to fix the time of holding the Terms of the District Court of the Tenth Judicial District of this State.

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

On motion of Mr. Dick, Assembly bill No. 34, an Act entitled an Act to change and fix the County Seat of Butte county, was taken from the table, and the amendments made by the Senate were concurred in.

On motion of Mr Ricks, the vote by which bill No 64, an Act entitled an Act to settle the Boundary Lines between the Counties of Klamath and Humboldt, was passed, was reconsidered, and the bill recommitted to the Delegations from Humboldt and Klamath.

On motion, the report of the Committee on Federal Relations, made on the 1st instant, in regard to Carson's Valley, was taken up, and the preamble and Concurrent Resolutions reported thereon, were adopted.

On motion, the Joint Resolution introduced by Mr. Dustin, in relation to the immigration of foreign paupers and criminals into the United States, was taken from the table.

Mr. Bowe moved their reference to the Committee on Federal Relations.

Mr Hawes moved their reference to the Committee of the Whole.

Carried.

On motion of Mr Wohler, they were made the special order of the day for March 12th, at 12 o'clock, M.

Mr. Curtis, from the delegation to whom was referred Assembly bill No. 102, an Act to provide for the better maintenance of the Indigent Sick of Shasta County, reported the same back with a substitute, entitled an Act for the better maintenance of the Indigent Sick of Shasta and Siskiyou Counties, and recommended the passage of the substitute.

On motion, report of Committee of Conference on the disagreeing vote of the two Houses in relation to an Act making appropriations for the civil expenses of the Government of the State, was concurred in.

Calendar taken up.

Assembly bill No 114, an Act to amend an Act entitled an Act to establish the salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth Judicial Districts, and to define the time for holding Courts in said Districts, approved April 28, 1855.

Read third time and passed.

On motion of Mr Wohler, Senate bill No. 58, a bill for an Act making appropriations to meet deficiencies in appropriations heretofore made to defray the civil expenses of Government from the first day of February, 1855, until the first day of February, 1856, was taken up.

Read a first and second time and referred to Committee on Ways and Means.

Senate bill No. 99, an Act to increase the number of Fire Companies in the city of Marysville.

Read a first and second time, and referred to Yuba delegation.

The following concurrent resolution received from the Senate was taken up:

Resolved, By the Senate, the Assembly concurring, that leave of absence from this State for four months from the time of his departure, be granted to William T. Barber, District Judge of the Tenth Judicial District.

On motion of Mr. Sherrard, the resolution was laid on the table.

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

Lost.

Senate bill No. 103, an Act to authorize the Board of Supervisors of Placer county to levy a special tax.

Read a first and second time, and referred to Placer delegation.

Assembly bill No. 107, an Act entitled, an Act to regulate the fees of certain officers in the county of Klamath.

Mr. Beatty moved to indefinitely postpone the bill.

Lost.

On motion, the bill was considered engrossed, read third time and passed.

Mr. Batchelder offered the following resolution:

Resolved, That inasmuch as the Democratic State Convention convenes in this city to-day that we, composing a majority of the members of this House, as an act of courtesy to a respectable minority, do now adjourn.

Lost.

Senate bill No. 46, an Act amendatory of an Act concerning Corporations, passed April 22, 1850.

Read third time and passed.

Mr. Weir moved to adjourn.

Lost.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 5, 1856.

To the Senate and Assembly of California:

On the 3d instant, I addressed a communication to the Assembly, in relation to recent Indian disturbances in the northern portion of the State, and on yesterday, casually meeting Gen. Wool, the commanding officer of the Pacific division of the U. S Army, at San Francisco, I learned it was his intention at once to order more troops to the vicinity of those disturbances; and that official information might be laid before your respective bodies, I addressed a letter to that officer, requesting him to inform me what measures he had in contemplation, and would adopt, in protecting our citizens from those threatened hostilities. To this, I received in reply a letter, of which the accompanying is a copy, and I hasten to lay the same before your respective bodies, for such consideration as you may deem necessary and proper.

Very respectfully,
Your obt. servant,
J. NEELY JOHNSON.

HEAD QUARTERS, DEPARTMENT OF THE PACIFIC,
Benicia, California, March 4, 1856.

To His Excellency J. N. JOHNSON,

Governor of California,

SIR:—I have the honor to acknowledge the receipt of your communication of this date relative to the calling out of volunteers for the defence of the northern frontier of California, and especially for the citizens of Crescent City and its vicinity. In reply, I would remark, that I do not think there is the slightest necessity for any such call. There is no Indian War in California at the present time, and I do not believe there will be, unless unnecessarily provoked. To guard and protect the citizens of Crescent City, I have now fifty men under Capt. D Floyd Jones. I will send up on the steamship Columbia, which will leave on the 6th instant, 20 men to fill up that company, and Capt. Ord's company, 70 strong. I have also ordered Brevet Major Wise to proceed with all possible despatch to Fort Lane. Altogether I will have on the southern frontier of Oregon, in a few days, at different points, eight companies, making an aggregate force of six hundred and fifty rank and file.

But a short time since, it was reported that there was but one hundred warriors in arms against the whites. It is now reported, that in the recent massacre of the whites, there were three hundred. This is the largest number I have heard of from any quarter as being in the field.

If, however, the force already, and which will be in the field in the course of a few days, is not sufficient to conquer the Indians in Southern Oregon, I will as soon as I arrive at Vancouver, to which point I propose to proceed on the 6th instant, send an additional force from that post by the return of the steamer Columbia.

In conclusion, on this subject of calling out Volunteers, I would refer you to he report of the Secretary of War, recently made to the President of the United States, and with his message, laid before the present Congress. He says

in substance in his remarks, that the calling out of Volunteers to act with the regulars, will necessarily be discretionary with the commander of the department of the Pacific.

I have the honor to be,
Very respectfully,
Your ob't serv't,

Signed,

JOHN E. WOOL,
Major-General.

On motion of Mr. Weir, at one o'clock P. M., the House adjourned.

IN ASSEMBLY.

THURSDAY, March 6, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

Leave of absence was granted, for one day, to Messrs. Lewis, Brush, Mathews and Sterritt; and for an indefinite time to Mr. Haile, on account of indisposition.

Journal of yesterday was read and approved.

Mr. Weir presented a petition from persons engaged in agricultural pursuits, praying the repeal of all laws requiring fences for the protection of such pursuits, and the enactment of a general law allowing damages for trespasses on growing crops, etc.

Read and referred to Committee on Agriculture.

Mr. Gage presented a petition from citizens of El Dorado County, praying the enactment of a law for the better observance of the Sabbath.

Read and referred to the Committee on Vice and Immorality.

Mr. Holland introduced bill No. 175, for an Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State.

Read a first and second time and referred to Judiciary Committee.

Mr. Oxley introduced bill No. 176, for an Act to regulate the practice of Medicine, Surgery and Midwifery in the State of California.

Read a first and second time, ordered printed, and referred to Committee on Hospitals.

Mr. Weir introduced bill No, 177, for an Act relative to advertising for redemption of Controller's Warrants.

Read a first and second time and referred to Committee on Public Grounds and Buildings.

Mr. Stout gave notice of a bill for an Act to amend an Act concerning Forcible Entries and unlawful Detainers, passed April 22, 1850.

The following reports were received from Committees:

Mr. Speaker:

The Yuba delegation, to whom was referred Senate bill No. 99, an Act to increase the number of Fire Companies in the City of Marysville, reported the same back and recommended its passage without amendment.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill No. 47, an Act to authorize the issue of a School Land Warrant to Thomas Baker, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred Senate bill No. 102, a bill for an Act to fix the time for holding the terms of the District Court of the Tenth Judicial District of this State, have had the bill under consideration, and respectfully beg leave to report the same back to the House and recommend its passage without amendment.

The same committee, to whom was referred Assembly bill No. 146, a bill for an Act entitled an Act supplementary to an Act entitled an Act concerning the official bonds of officers, passed February 28, 1850, have had the same under consideration, and respectfully beg leave to report the bill back to the House, with an amendment, and recommend its passage as amended.

The same committee, to whom was referred Assembly bill No. 161, a bill for an Act entitled an Act to amend an Act entitled an Act concerning fraudulent Conveyances and Contracts, passed April 19, 1850, have had the bill under consideration, and respectfully beg leave to report the same back to the House, with amendments, and recommend its passage as amended.

R. B. SHERRARD,
Chairman.

Mr. Speaker.

Your Committee, to whom was referred Assembly bill No. 160, entitled an Act to submit the question of the location of the County Seat of Sutter county to a vote of the people of said county, having had the same under consideration, beg leave to report it back, and recommend its passage without amendment.

R. L. WILLIAMS.

Mr Speaker:

The Committee on Public Lands, to whom was referred Assembly bill No. 77, a bill for an Act to amend an Act to provide for the Sale of the Swamp and Overflowed Lands belonging to this State, approved April 28, 1855, have had the same under consideration, and I am instructed to report to this House the accompanying substitute, and respectfully recommend the adoption and passage of the substitute.

GEORGE PECK,
Chairman.

On motion of Mr. Oxley, Assembly bill No. 143, an Act making amendments to the Constitution of the State of California, was taken from the Calendar.

Made the special order of the day for Friday, March 14, 1856, at 12 o'clock, noon.

On motion of Mr. Sherrard, Senate bill No. 102, for an Act to fix the time of holding the Terms of the District Court of the Tenth Judicial District of this State, was taken up.

Read a third time and passed.

On motion of Mr. Weir, the rule was temporarily suspended, and Assembly bill No. 155, for an Act to authorize the Board of Supervisors of the County of San Joaquin to issue Bonds to provide for the payment of the Funded Indebtedness of the county, and to create a fund for the payment of the Principal and Interest of the same, was taken up.

Considered as engrossed, read a third time, and passed.

Mr. Oxley presented the following Concurrent Resolution:

Resolved, by the Assembly, the Senate concurring, That the Senate and Assembly of the State of California do meet in Joint Convention in the Assembly Chamber, on Tuesday, March 12th, instant, for the purpose of electing a U S. Senator, to fill the vacancy which occurred by the expiration of the term of office of the Hon. Wm. M. Gwin.

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

Lost.

Upon motion of Mr. Oxley, the rule was temporarily suspended, for the purpose of acting on the resolution.

Pending discussion, Mr. Bell moved the previous question.

Mr. Beatty rose to a point of order; he was of opinion that the resolution was not in order.

The Speaker decided it to be in order. From which decision Mr. Beatty appealed.

The question then put was, "Shall the decision of the chair stand as the decision of the House?" Upon which, Messrs Beatty, Gray and Taliaferro, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Borland, Bowe, Cartter, Castro, Cone, Curtis, Davis, Dustin, Gaston, Heiskell, Hoover, Hunter, Kelly, Lamon, Leiby, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Rathburn, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stephenson, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Wilson, Winston—44.

NOES.

Messrs. Beatty, Boring, Brush, Bynum, Callbreath, Coombs, Covarrubias, Ewalt, George, Gray, Hawes, Heald, Holland, Hunt, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Swan, Taliaferro, Wohler—22.

So the decision of the chair was sustained.

Mr. Brent moved to adjourn until to-morrow morning at 11 o'clock.

Mr. Wohler moved to amend, by inserting 10 in place of 11.

Lost.

The motion then recurred on the motion to adjourn until 11 o'clock, upon which Messrs. Brent, Taliaferro and Gray demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Boring, Brent, Brush, Bynum, Coombs, Covarrubias, Ewalt, Gray, Hawes, Holland, Hunt, Lewis, Lippincott, Moulthrop, Pearson, Taliaferro, Weir, Wohler—19.

NOES.

Messrs. Andrews, Batchelder, Bell, Borland, Bowe, Cartter, Castro, Callbreath, Cone, Curtis, Davis, Dustin, Gaston, George, Heald, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, McDonald, McFarland, Meloney, Oliver, Oxley,

Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stephenson, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Welch, White, Williams, Winsor, Winston, Mr. Speaker—49.

So the motion was lost.

The question then was, "Shall the main question be now put?" It was decided in the affirmative.

The question then recurring upon the passage of the resolution, Mr. Hawes called for the reading of the message from the Senate received by this House on the 24th ultimo, in relation to a Joint Convention, &c.

The Speaker decided that the message referred to had no connection with the resolution now before the House. The resolution postponed by the Senate was not a concurrent one, but one of their own origin, and objection being made to the reading of the message called for by the gentleman from San Francisco, the Speaker decided that the message could not be read.

From which decision Mr. Hawes appealed.

The question was then put, "Shall the decision of the Chair stand as the decision of the House?"

Upon which Messrs. Hawes, Gray and Lewis demanded the ayes and noes with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Boring, Borland, Bowe, Cartter, Castro, Cone, Curtis, Davis, Dustin, Gage, Gaston, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stephenson, Stout, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor and Winston—46.

NOES.

Messrs. Beatty, Brent, Brush, Bynum, Calibreath, Coombs, Covarrubias, Ewalt, Gray, Hawes, Heald, Holland, Hunt, Lewis, Lippincott, Meloney, Moulthrop, Pearson and Wohler—19.

So the decision of the Chair was sustained.

Mr. Gray moved an adjournment.

Lost.

The question then recurring on the passage of the resolution, Messrs. Oxley, Taylor and Winston demanded the ayes and noes with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Borland, Bowe, Cartter, Castro, Cone, Coombs, Curtis, Davis, Dustin, Gage, Gaston, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stephenson, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, and Mr. Speaker—48.

NOES.

Messrs. Beatty, Boring, Brush, Bynum, Callbreath, Covarrubias, Ewalt, George, Gray, Hawes, Heald, Holland, Hunt, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Swan, Taliaferro, and Wohler—21.

So the resolution was adopted.

Mr. Upton gave notice, that on to-morrow, he would move a re-consideration of the vote by which the resolution was just passed.

Mr. George moved an adjournment.

Motion lost.

The special order of the day, Assembly bill No. 15, for an Act to create a Board of Commissioners to revise, reform, and properly codify, the laws of the State of California, was taken up and made the special order of the day for Wednesday, March 12, 1856.

On motion of Mr. Hawes, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 2, being San Francisco Consolidation bill.

After some time spent in consideration of the bill, the committee—Mr. Oxley in the Chair—on motion of Mr. Van Dusen, rose, reported progress, and asked leave to sit again.

Report received.

On motion of Mr. George, the House adjourned at 1 o'clock, P. M.

IN ASSEMBLY.

FRIDAY, March 7, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

The roll was called, and members all present, except those absent on leave.

On motion, leave of absence was granted Messrs. Brush, Lewis, Winsor and Meloney for one day.

The Journal of yesterday was read and approved.

Mr. Hawes introduced bill No. 178, for an Act concerning the City of San Francisco, and confirmatory of certain ordinances herein recited.

Read a first and second time and referred to Judiciary Committee.

Mr. Upton introduced bill No. 179, for an Act for the settlement and quieting of Land Titles, and to regulate actions for the recovery of real property.

Read a first and second time, ordered printed, and referred to Judiciary Committee.

The following reports were received from Committees.

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 166, a bill for an Act entitled an Act to regulate Mortgages upon Mining Claims, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

The same committee have had under consideration Senate substitute for Assembly bill No. 43, a bill for an Act to amend an Act entitled an Act to regulate fees of office, and respectfully beg leave to report the same back to the House, and recommend the passage of the bill without amendment.

R. B. SHERRARD,
Chairman.

Mr. Speaker:

The Engrossing Committee have examined and found correctly engrossed Bill No. 78, for an Act to provide for the erection of a Jail in the County of Tuolumne.

Also, bill No. 118, for an Act to define the time when the county officers of Sierra County shall enter upon the discharge of their duties.

All of which is respectfully submitted,

LANSING STOUT,
Chairman.

Mr. Speaker:

Your Committee on Claims, to whom was referred the petition of certain citizens of Tuolumne County, asking for the relief of the sureties on the official bond of Thomas C. Brunton, late Public Administrator of said County, have had the same under consideration, and beg leave to report the following:

Your committee are convinced, from the evidence in their possession, that the facts set forth in the petition are true; that the said Thomas C. Brunton was, during the time he acted as Public Administrator, murderously assaulted by midnight marauders, who robbed him of a large amount of money, near five thousand dollars of which was held by him by virtue of his office, and belonged to heirs and others, and not to the State.

Your committee are, therefore, of the opinion that any legislative enactment, unless by direct appropriation, for the benefit of said Brunton, would be an interference with private rights, entirely at variance with the principle and policy of our Government; and your Committee cannot, therefore, recommend any such action; and, although it is the opinion of your committee that this case is one calling for the sympathies of all, yet your committee cannot recommend a direct appropriation for reasons apparent to all.

G. H. RHODES,
Chairman.

Mr. Speaker:

The majority of your Committee, to whom was referred Senate bill No. 103, entitled an Act to authorize the Board of Supervisors of Placer County to levy a Special Tax, have had the same under consideration, and beg leave to report it back, with amendments, and recommend its passage as amended.

T. H. READ,
SILAS SELLICK,
R. L. WILLIAMS.

Mr. Stout, from Placer delegation, made the following minority report:

Mr. Speaker:

The undersigned, member of the Select Committee to whom was referred the

bill authorizing the Board of Supervisors of Placer County to levy a Special Tax, would recommend in addition of amendment by majority Committee, that it be amended by inserting in seventh line of section first, after the word "of," the words "not more than."

All of which is respectfully submitted,

LANSING STOUT.

Mr. Dick introduced the following resolution:

Resolved, That the Committee on Judiciary be requested to make a report to this House concerning the bills that have been referred to them for taking the census of this State, and either report some bill that has been so referred with or without amendments, or to report a bill of their own for the action of this House.

Adopted.

Mr. Bowe introduced the following resolution:

Resolved, That the Controller of State be and is hereby instructed not to audit any accounts of the State Printer purporting to be for the furnishing of extra copies of the Journals to this House, during the present session.

On motion referred to the Committee on Printing.

On motion of Mr. Curtis the substitute for Assembly bill No. 102, an Act for the better maintenance of the indigent sick of Shasta and Siskiyou counties, was taken up and adopted.

On motion, the rule was suspended, the bill considered as engrossed, read a third time and passed.

On motion of Mr. Upton the vote by which the concurrent resolution, in relation to a Joint Convention, was on yesterday passed, was reconsidered.

On motion of Mr. Upton, the words "Tuesday, March 11th," were stricken out.

On motion of Mr. Bell the resolution was laid on the table.

On motion of Mr. Stout, Senate bill No. 103, for an Act to authorize the Board of Supervisors of Placer county to levy a special tax, was taken up.

The amendments made by the majority and minority of the Select Committee, [the Placer Delegation,] to whom the bill had been referred, were concurred in by the House.

The bill was read a third time and passed.

On motion of Mr. Hawes the House resolved itself into Committee of the

Whole, for the purpose of taking into consideration Assembly bill No 2, being San Francisco Consolidation Bill.

House in Committee of the Whole. Mr. Ricks in the chair.

On motion of Mr. Van Dusen the committee rose, reported progress, and asked leave to sit again.

Report received.

The special order of the day, Assembly bill No. 17, for an Act for the protection of actual settlers and to quiet land titles in this State, and for other purposes concerning real property, was taken up and made the special order of the day for Thursday, 13th inst, at one o'clock, P. M.

Mr. Gage moved a call of the House.

Lost.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 1, 1856.

To the Hon. the Assembly:

I have this day approved a bill originating in the Assembly, entitled an Act to release John Van Arnam, of Yolo county, from any further liability as surety on the official bond of Alexander Chisholm, late County Treasurer of Yolo county.

I have the honor to be,
Your obedient servant,

J. NEELY JOHNSON.

The Calendar of Bills was then taken up.

Bill No. 110, an Act to amend an Act entitled an Act to regulate Fees of Office, approved April 10. A. D. 1855.

Placed at the foot of the Calendar.

Bill No. 115, an Act to amend an Act concerning the Secretary of State, passed May 15, 1854.

Placed at the foot of the Calendar.

Substitute reported by the Judiciary Committee for Assembly bill No. 124, an Act to amend an Act entitled an Act to fix the Compensation of District Attorneys for the several Counties of this State, passed May 4, 1855.

Adopted, and several amendments made.

On motion of Mr. Weir, the bill was indefinitely postponed.

Senate bill No. 26, for an Act amendatory of an Act entitled an Act to provide for the Incorporation of Wagon Road Companies, passed April 22, 1853.

Placed at the foot of the Calendar.

Assembly bill No. 33, for an Act relative to Escheated Estates, was made the special order of the day for Tuesday, 12th inst.

Assembly bill No. 142, for an Act to repeal an Act entitled, an Act authorizing married women to transact business in their own name, as sole traders.

The amendment reported by the Judiciary Committee was concurred in, and the bill ordered engrossed.

Mr. Gray offered the following concurrent resolution:

Whereas, difference of opinion exists as to the constitutional power of Congress to appropriate lands or money for the construction of Roads, purely national in their character, and

Whereas, we deem it due to the people of the State of California that we should fully and freely express our views on this all important subject, be it therefore

Resolved, by the Senate and House of Representatives of the State of California, now assembled, That it is within the constitutional power of the Federal Government, to aid in money or by appropriation of land, works of internal improvement, national in their character and objects.

Resolved, That the construction of Roads through the Territories of the United States, and without the limits of the States, is not only the exercise of an undoubted constitutional power, but is an imperative political duty.

Resolved, That the construction of good roads, as a means of Internal communication between the Mississippi river and the Pacific coast of California, is of such obvious necessity and plain constitutional power, that any longer delay in the commencement of these necessary works, cannot be regarded otherwise than a gross dereliction of public duty, and a deliberate design to leave the State of California and the territories west of the Rocky Mountains without that intercourse necessary to the wants of commerce. The exigencies of national defense, and the perpetuation of that glorious Union of State, limited only on the east and west by the two great oceans of the world.

Laid over one day under the rule.

Assembly bill No. 145, an Act to authorize the District Attorneys of the several counties of this State, to appoint deputies.

Indefinitely postponed.

Assembly bill No. 108, an Act to amend an Act, granting Joseph R Beals, and others, the right to construct a toll bridge across the Pajaro river, passed May 13, 1854.

On motion of Mr. Peck, placed at foot of calendar.

Assembly bill No. 95, an Act supplementary to, and amendatory of an Act entitled, an Act concerning public Ferries and toll-bridges, approved April 28, 1855.

Mr. Stephenson moved to indefinitely postpone the bill.

Mr. Bell moved to refer the bill to a committee of three.

Carried.

Speaker appointed Messrs. Bell, McDonald and Pearson the committee.

Assembly bill No. 113, an Act to encourage the destruction of ferocious and wild animals.

Mr. Bell moved to refer the bill to a select committee of five, from the agricultural counties.

On motion of Mr. Taylor, the bill was laid on the table.

Mr. Oxley moved an adjournment until eleven o'clock, A. M., to-morrow.

Mr. Hawes moved to amend, by inserting ten o'clock.

The amendment was adopted, and the House adjourned at half-past one o'clock, P. M.

IN ASSEMBLY.

SATURDAY, March 8, 1856.

House met pursuant to adjournment.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

On motion, leave of absence was granted Messrs. Turner and Weir, each for two days, and to Mr. Sterritt for an indefinite time, on account of indisposition.

The Journal of yesterday was read and approved.

Mr. Mathews presented a petition from residents of Monterey and Santa Clara counties praying the formation of a new county out of portions of those counties.

Read and referred to the Committee on Counties and County Boundaries.

Mr. Stephenson presented a petition from citizens of Solano county, praying that a charter may be granted to the "Main Street Wharf Company," to build a wharf at the foot of Main street in the town of Vallejo.

Read and referred to Commitee on Roads and Highways.

Mr. Peck presented a petition from citizens of San Jose, praying the abolition of the city charter of that city.

Also, presented a remonstrance against the same.

Both of which were read and referred to the Committee on Corporations.

Mr. Winston introduced bill No 180, for an Act to amend an Act entitled an Act to regulate fees in office, approved April 10, 1855.

Read a first and second time and referred to Committee on Judiciary.

Mr. Stephenson introduced bill No. 181, for an Act to grant the right to construct a bridge across the Sacramento river, between the city of Sacramento and the town of Washington, to certain persons therein named.

Read a first and second time and referred to Committee on Roads and Highways.

Mr. Ricks introduced a bill No. 182, for an Act to fix the compensation of the District Attorney and County Judge for the county of Humboldt.

Read a first and second time and referred to Judiciary Committee.

Mr. Ricks introduced bill No. 183, for an Act declaring Big Slough and Butchers' Slough, in Humboldt county, navigable.

Read a first and second times, and referred to Committee on Commerce and Navigation.

Mr. Ricks introduced bill No. 184, for an Act to prevent the Owners of Saw Mills, and other persons, from obstructing the channels of Humboldt Bay and Harbor.

Read a first and second time, and referred to Committee on Commerce and Navigation.

Mr. Hunter introduced bill No. 185, for an Act to appropriate Fifty Thousand Dollars for the completion of the State Insane Asylum

Read a first and second time, and referred to Committee on Hospitals.

Mr. McFarland introduced bill No. 186, for an Act concerning the Terms of County Officers in the County of Nevada.

Read a first and second time, and referred to delegation from Nevada.

Mr. Stephenson introduced bill No. 187, for an Act to authorize the Main Street Wharf Company to build a Wharf in the County of Solano.

Read a first and second time, and referred to Committee on Roads and Highways.

Mr. Stout introduced bill No. 188, for an Act to amend an Act entitled an Act concerning Forcible Entries and Unlawful Detainers, passed April 22, 1850.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Kendrick gave notice of a bill to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their Duties passed May 3d, 1852.

Mr. Meloney gave notice of a bill for an Act to incorporate the town of Martinez, in the County of Contra Costa.

Mr. Curtis gave notice of a bill for an appropriation of Five Thousand Dollars to each of the Orphan Asylums of San Francisco.

Mr. Pugh gave notice of a bill to repeal an Act concerning Roads and Highways, passed April 11, 1850.

Also, an Act concerning Roads and Highways, passed April 19, 1853.

Also, an Act passed April 28, 1855,

Mr. White gave notice of a bill for an Act to divide the County of El Dorado in accordance with petitions numerously signed by the citizens of that county.

The following reports were received from Committees:

Mr. Upton, from Committee on Ways and Means, reported a substitute for Assembly No. 62, for an Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, and recommended the passage of the substitute.

On motion, the substitute reported by the Committee on Ways and Means for Assembly bill No. 62, was taken up.

Read a first and second time and referred to the Placer delegation.

Mr. Rhodes, from the Committee on Claims, reported a substitute for Assembly bill No. 169, for an Act for the relief of Jotham S Marston, late Treasurer of Alameda County, and recommended the passage of the substitute.

Mr. Speaker:

The Committee on Corporations, to whom was referred Assembly bill No 174, an Act to amend an Act entitled an Act concerning the Corporation of the Marysville and Benicia National Railroad, approved April 12, 1853, have had the same under consideration, and report the same back to the House and recommend its passage.

T. W. TALIAFERRO,
Chairman.

Mr. Williams, from the Committee on Counties and County Boundaries, reported a substitue for Assembly bill No. 168, for an Act to submit the question of the removal of the County Seat of El Dorado County to the voters thereof, and recommended the passage of the substitute.

On motion, the substitute for Assembly bill No. 168, reported by the Committee on Counties and County Boundaries, was taken up.

Read a first and second time and referred to the El Dorado delegation, with instructions to report the same back at an early day.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill, substitute for bill No. 34, an Act entitled an Act to change and fix the County Seat of Butte County, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed, bill No. 27, for an Act concerning estray animals.

Bill No. 155, for an Act to authorize the Board of Supervisors of the county of San Joaquin to issue bonds to provide for the payment of the funded indebtedness of the county, and to create a fund for the payment of the principal and interest of the same.

LANSING STOUT,
Chairman.

Mr. Speaker:

The delegation to whom was referred the Senate bill No. 77, have had the same under consideration, and report it back with an amendment, and recommend its passage as amended.

H. G. HEALD,
Of Delegation.

On motion of Mr. B———, Assembly bill No. 113, for an Act to encourage the destruction of ferocious and wild animals, was taken from the table and referred to a Special Committee of four from the agricultural counties.

The Speaker appointed Messrs. Swan, Coombs, Mathews and Heald, Committee.

On motion of Mr. Boring, the concurrent resolution, granting Judge W. T. Barbour leave of absence, was taken from the table.

Mr. Hoover proposed to amend the resolution by adding the following words:

Provided, he shall not receive pay during his absence.

The amendment was lost.

A motion was then made, by Mr. Bell, to refer the resolution to the Yuba delegation.

Lost.

On the passage of the resolution, Messrs. Hoover, Ricks, and Reynolds, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Boring, Brent, Bynum, Cartter, Castro, Calbreath, Cone, Coombs, Covarrubias, Curtis, Downey, Ewalt, Gage, George, Gray, Hawes, Holland, Hunt, Kelly, Kendrick, Lamon, Leihy, Lewis, Lippincott, Mathews, McFarland, McGehee, Meloney, Moulthrop, Oxley, Pearson, Peck, Pugh, Rathburn, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stephenson, Swan, Talmaferro, Taylor, Upton, Van Dusen, Williams, Winsor, Winston, and Mr. Speaker—56.

NOES.

Messrs Beatty, Borland, Bowe, Davis, Dustin, Gaston, Heald, Heiskell, Hoover, Read, Reynolds, Stout, Wagner, Welch, and White—15.

So the resolution was adopted.

Mr. Lamon offered the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby directed to issue the certificates due to the members of the State Hospital and State Prison Committees for the mileage due said members.

Adopted.

On motion of Mr Ricks the concurrent resolution in regard to the passage of a law establishing a Mail Route from San Francisco to Humboldt Bay, which was laid on the table on the 3d inst., was taken up and adopted.

On motion, the House resolved itself into Committee of the Whole for the purpose of considering the substitute for Assembly bill No. 93, [reported by the Committee on Ways and Means,] for an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May 15, 1854, and to amend the several Acts amendatory thereto.

House in Committee of the Whole.

Mr. Bell in the chair.

On motion of Mr. Van Dusen the committee rose, reported progress and asked leave to sit again.

Report adopted.

On motion of Mr. Stephenson, the House adjourned at quarter past two o'clock, P. M.

IN ASSEMBLY.

MONDAY, March 10, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. Mr. Graham.

Roll called, and members all present except those absent on leave.

On motion, leave of absence was granted to Messrs Taliaferro, Beatty, Turner and Weir, each for one day.

The Journal of Saturday, 8th inst., was read and approved.

Mr. Oxley presented a petition from members of the Bar of Tuolumne county praying for an extension of the session of the District Court of the 5th Judicial District.

Read and referred to Delegations from Tuolumne, Stanislaus and Mariposa, with instructions to report on the same to morrow.

Mr. Meloney introduced bill No. 189, for an Act to incorporate the town of Martinez.

Read a first and second time and referred to Committee on Corporations.

Mr. Pugh introduced bill No 190, for an Act concerning Roads and Highways.

Read a first and second time and referred to Committee on Roads and Highways.

Mr. Kelly introduced bill No. 191, for an Act to regulate the practice of Medicine, Surgery and Obstetrics

Read a first and second time and referred to Committee on Hospitals.

Mr Davis introduced bill No. 192, for an Act to prohibit Raffles, Lotteries, and other gambling modes of disposing of property.

Read a first and second time and referred to Committee on Vice and Immorality.

Mr Hawes introduced bill No. 193, for an Act dispensing with the necessity of seals to private instruments and contracts.

Read a first and second time and referred to Judiciary Committee.

Mr Hawes introduced bill No 194, for an Act concerning the redemption of real property sold under execution to satisfy mortgages thereon

Read a first and second time and referred to Judiciary Committee.

Mr McDonald gave notice of a bill amendatory to an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted to this State, by Act of Congres, passed May 3, 1852.

Mr. Stephenson gave notice of a bill to legalize certain records in the county of Solano.

Mr. Bowe, from the Committee on Mines and Mining Interests to whom was referred the petition of sundry merchants of San Francisco, sustaining and upholding Edward McGowan, Commissioner of Immigrants for the port of San Francisco, in the course he pursued in disregarding an Act passed by the Legis-

lature at its session of 1855, entitled an Act to discourage the immigration to this State of persons who cannot become citizens thereof, made a report.

Report read and on motion the petition referred to was prefixed to the report of the committee, and the usual number of copies ordered printed.

The same committee reported a substitute for Assembly bills No. 11 and 172, for an Act to provide for the protection of foreigners, and to define their liabilities and privileges, and recommended its passage.

The same committee to whom was referred sundry petitions praying for the reduction of the license tax on the Chinese, and also the reduction of the tax imposed upon the immigration of the Chinese, with a view to prohibit the immigration and other matters relative to the same, presented a report thereon.

On motion of Mr. Lamon, the rule was temporarily suspended, and two thousand copies of the report ordered printed.

Mr. Rhodes, from Committee on Claims, reported a substitute for Assembly bill No. 140, for an Act to regulate the Pay of Members and Officers of the Legislature, and recommended the passage of the substitute.

The Committee on Roads and Highways submitted the following report:

Mr. Speaker:

The Committee on Roads and Highways, to whom was referred Assembly bill No. 187, a bill to authorize the Main S reet Wharf Company to build a Wharf in the County of Solano, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without aamendment.

JOSEPH WINSTON,
Chairman.

The Committee on Claims made the following report:

Mr. Speaker:

Your Committee on Claims, to whom was referred the petition of E. Wehler, a citizen of San Francisco county, have had the same under considerat on, and beg leave to submit the following report:

Your petitioner claims relief for damages alleged to have been sustained by him, from the Acts of certain persons said to have been escaped convicts from the State Prison.

Although your Committee have reason to believe, that a number of convicts did escape from confinement about the time that your petitioner was assaulted and robbed; yet your Committee have not in their possession any positive or conclusive evidence that the assault and robbery were committed by said escaped convicts.

Your Committee are further of the opinion, that if said depredations had been committed by escaped State convicts; in absence of any evidence that all due diligence and care had not been used by the State, through her agents, to keep

her prisoners confined and secure, the State would not be liable for any damages that might accrue to the citizens, from the Acts of her escaped convicts.

Therefore, your Committee, although they sympathize with your petitioner in his misfortunes, cannot recommend any action on the part of the Legislature for his relief.

GEORGE H. RHODES,
Chairman.

Mr. Speaker:

Your Committee, to whom was referred bill No. 62, entitled an Act to amend an Act to create a Board of Supervisors in the Counties of this State, and define their duties and powers, have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

T. H. READ,
R. L. WILLIAMS,
LANSING STOUT,
SILAS SELLICK.

The following message was received from the Senate:

SENATE CHAMBER, March 8, 1856.

Mr Speaker:

I am directed to inform the Assembly, that the Senate this day passed Joint Resolution in regard to the establishment of a daily line of mail communication between Shasta city in this State and Marysville, Oregon Territory.

Also, passed Assembly bill No 129, an Act supplementary to an Act entitled an Act concerning the Office of Reporter, passed April 12, 1850.

W. BAUSMAN,
Secretary.

The joint resolution referred to in the Senate message was taken up, read a first and second time, and placed in the calendar

Mr. Heald offered the following resolution:

Resolved, That the chief Clerk of the Assembly, be required to post in a conspicuous place in the chamber, a daily statement of the bills on the general file, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day.

Adopted.

Mr. Beck offered the following resolution:

Resolved, That the committee on public lands be authorized to inquire into, and report by bill or otherwise, the most efficient and practical plan of con-

verting the public lands of every description, donated by the United States, and appropriated to educational purposes by this State, into an interest fund, in the speediest manner, with due regard to the security of both principal and interest, to meet the pressing necessities of providing for the education of the youth of the State.

Adopted.

On motion of Mr. Hawes, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 2, being San Francisco consolidation bill.

House in Committee of the Whole.

Mr. Lamon in the chair.

On motion of Mr. Stout, committee rose, reported progress, and asked leave to sit again.

Adopted.

The special order of the day, Assembly bill No 87, an Act for the better observance of the first day of the week, commonly called Sunday, was taken up.

Mr. Bell offered the following amendments to the bill, which were adopted:

Insert in the last line of the second section, after the word meat—"and hotels, boarding houses, restaurants, milk and ice men, from transacting their usual business."

On motion of Mr. Bowe, the word "or" in the 6th line of the second section was stricken out.

Mr. Rhodes moved to re-commit the bill to the Delegation from Nevada, Placer, and El Dorado.

Upon which motion, Messrs Lamon, Rathburn, and Rowe, demanded the ayes and noes, with the following result:

AYES.

Messrs. Boring, Brent, Brush, Bynum, Callbreath, Curtis, George, Hoover, Kelly, Kendrick, Lewis, Lippincott, McDonald, McFarland, McGehee, Oxley, Pearson, Reynolds, Rhodes, Ricks, Sherrard, Stephenson, Sterritt, Swan, Taylor, Turner, Van Dusen, Wagner, Winsor, and Winston—30.

NOES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Bowe, Cartter, Cone, Coombs, Davis, Dustin, Ewalt, Gage, Gaston, Gray, Heald, Heiskell, Holland, Hunt,

Hunter, Lamon, Leihy, Meloney, Moulthrop, Oliver, Peck, Rathburn, Read, Shearer, Stout, Upton, Weir, Welch, White, and Mr. Speaker—31.

So the motion was lost.

On motion of Mr. Lewis, the words "County of Colusi" were added to the 8th section of the bill.

On motion of Mr. McDonald, the counties of Siskiyou, Klamath, and Humboldt, were added to the 8th section of the bill.

Mr. Ewalt moved the indefinite postponement of the bill.

Upon which, Messrs. Van Dusen, Shearer, and Bell, demanded the ayes and noes, with the following result.

AYES.

Messrs. Boring, Brent, Brush, Gage, George, Hoover, Lewis, Lippincott, McGehee, Rhodes, Sherrard, Swan, Williams, Wimsor, and Winston—15.

NOES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Bowe, Bynum, Cartter, Callbreath, Cone, Covarrubias, Curtis, Davis, Dustin, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Holland, Hunt, Hunter, Kendrick, Lamon Leihy, McDonald, McFarland, Meloney, Moulthrop, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Reed, Reynolds, Ricks, Shearer, Stephenson, Stout, Upton, Van Dusen Wagner, Welch, White, and Mr. Speaker—49.

So the motion was lost.

On motion of Mr. Bynum, the county of Yolo, was added to the 8th section of the bill.

Mr. McGehee moved to amend the bill, by striking out the last (8th) section, upon which, Messrs Stout, Pugh and Meloney, demanded the ayes and noes, with the following result:

AYES.

Messrs. Boring, Cartter, Callbreath, Cone, Ewalt, Gaston, Haile, Heald, Heiskell, Holland, Hoover, Hunt, Hunter, Lippincott, McFarland, McGehee, Meloney, Moulthrop, Oxley, Pearson, Peck, Pugh, Read, Reynolds, Rhodes, Ricks, Shearer, Sherrard, Stephenson, Stout, Swan, Van Dusen, Wagner, White, Winston,—35.

NOES.

Messrs. Andrews, Batchelder, Bell, Bowe, Brent, Brush, Bynum, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, George, Gray, Hawes, Ken-

drick, Lamon, Lewis, McDonald, Rathburn, Turner, Welch, Winsor, Winston, Mr. Speaker—26.

So the motion was adopted.

Mr. Hunt moved that the bill be made the special order for the first day of May, 1856. Upon which Messrs. Bowe, Bell and Davis, demanded the ayes and noes, with the following result:

AYES.

Messrs. Brent, Brush, Bynum, Callbreath, Coombs, Covarrubias, Curtis, Downey, Ewalt, George, Hunt, Hunter, Kendrick, Lewis, Lippincott, McDonald, McGehee, Oliver, Oxley, Rhodes, Ricks, Sherrard, Stephenson, Stout, Williams, Winston—26.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Bowe, Cartter, Cone, Davis, Dick, Dustin, Gage, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Kelly, Lamon, Leihy, McFarland, Meloney, Moulthrop, Oliver, Peck, Pugh, Rathburn, Read, Reynolds, Shearer, Swan, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Winsor, Mr. Speaker—40.

So the motion was lost.

On motion of Mr. Brent, the bill was made the special order of the day for Wednesday, March 19, 1856.

Mr. Curtis moved to take from the table Assembly bill No. 156, an Act creating a Board of State Prison Commissioners and defining their duties.

On motion, the bill was made the special order for to-morrow, the 11th, at 11 o'clock, A. M.

On motion of Mr. Hunter, bill No. 165, an Act authorizing the Board of Supervisors of San Joaquin county to appropriate money towards completing the Artesian well on the public square in the city of Stockton, was taken from the table.

Bill considered engrossed, read third time and passed.

The following message was received from the Governor:

Executive Department,
Sacramento, March 10, 1856.

To the Assembly of California:

I have this day approved the following bills, originating in the Assembly·

An Act entitled an Act to establish the County Seat of Humboldt county.

Also, an Act entitled an Act to change and fix the County Seat of Butte county.

I have the honor to be,

Your obedient servant,

J. NEELY JOHNSON.

On motion of Mr. Stout, the substitute reported by the Committee on Public Lands for Assembly bill No. 77, for an Act to provide for the sale of the Swamp and Overflowed lands belonging to this State, was ordered printed.

On motion of Mr. George, the House adjourned at twenty minutes of three o'clock, P. M.

IN ASSEMBLY.

TUESDAY, March 11, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

The Journal of yesterday was read and approved.

Mr. Batchelder presented a petition signed by S. C. Tompkins, (executor of the estate of R. B Buchanan,) C. Covilland, and others, praying the passage of an Act to authorize the guardian of M. C. Buchanan to sell and dispose of her real estate, &c.

Read, and referred to Judiciary Committee.

Mr. Kendrick introduced bill No. 195, for an Act to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their duties, passed May 3, 1852.

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

Mr. Oxley introduced bill No. 196, for an Act to prevent Judges of the County Courts in this State from practising as Attorneys in the District Courts in this State.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Hunter introduced bill No. 197, for an Act to amend an Act entitled an Act to apportion the Senatorial and Assembly Districts of this State, passed May 18, 1853.

Read a first and second time, and referred to the Committee of the Whole, and ordered printed.

Mr. Farley introduced bill No 198, for an Act to amend an Act entitled an Act to apportion the Senatorial and Assembly Districts of this State, passed May 18, 1853.

Read a first and second time, and referred to Committee on Counties and County Boundaries.

Mr. Bell presented an account against the State from J. C. Doherty.

Read, and referred to the Committee on Accounts and Expenditures.

The following reports were received from Committees:

Mr. Speaker:

The Committee on Commerce and Navigation, to whom was referred Assembly bill No 184, entitled an Act to prevent the Owners of Saw Mills, and other persons, from obstructing the Channels of Humboldt Bay and Harbor, have had the same under consideration, and beg leave to report the bill back to the House, and recommend its passage without amendment.

HORACE HAWES,
Chairman.

March 11, 1856.

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed, bill No. 165, an Act to authorize the Board of Supervisors of San Joaquin county, to appropriate money towards completing the Artesian well, on the public square in the City of Stockton.

Bill No 142, an Act to repeal an Act entitled an Act authorizing Married Women to transact business in their own names as sole traders.

LANSING STOUT,
Chairman.

Mr. Speaker:

The Committee on Accounts and Expenditures, to whom was referred Assembly bill No. 105, fixing the compensation of extra Clerks in Senate and Assembly, hav-

ing had the same under consideration, beg leave to report the same back to the House and recommend its passage without amendment,

A. M. STEPHENSON,
Chairman.

Mr. Speaker:

The Committee on Enrollment have compared Assembly bill No. 129, an Act supplementary to an Act entitled an Act concerning the office of Reporter, passed April 12, 1850, and find the same correctly enrolled.

L. S WELCH,
Chairman pro tem.

Mr. Speaker:

The Committee on State Hospitals, to whom was referred Assembly bill No. 185, an Act to appropriate fifty thousand dollars for the completion of the State Insane Asylum, have had the same under consideration, and have instructed me to report the same back, with amendments as therein shown, and most respectfully recommend its passage.

THOS. J. OXLEY,
Chairman.

Mr Speaker:

The Select Committee, to whom was referred Assembly bill No 113, for an Act to encourage the destruction of ferocious and wild animals, have had the same under careful consideration, beg leave to report a substitute and recommend its passage.

ROBT. SWAN,
Chairman.

T. M. COOMBS,
H. G HEALD.
R. S. MATHEWS.

Mr. Speaker:

The undersigned, members of the El Dorado delegation, to whom was referred the bill to submit the question of the location of the County Seat of El Dorado County to a vote of the people, beg leave to make the following report:

From petitions before us, it is evident that a large majority of the people of said County desire the removal of the County Seat from the town of Coloma to the City of Placerville, a bill for the removal of said County Seat by special Act was referred to the Committee on Counties and County Boundaries. That Committee reported a substitute referring the question to the people, and unanimously recommended its passage, believing the rights inherent with the people under our Constitution to settle all such questions by an appeal to the ballot-box.

The bill referred to us proposes the permanent location of the County Seat at Coloma, or the city of Placerville, and the undersigned would state that the de-

cision of the people as expressed by the provisions of this bill would forever set this question at rest

It is the opinion of the undersigned that so long as the County Seat of said county remains at Coloma (it being so near one side of the County,) there will be a continued agitation of the question of removal, at least until there is a direct vote had between the two places above mentioned. The undersigned, therefore, respectfully beg leave to report back a substitute and recommend its passage.

T. D. HEISKELL,
J. BORLAND,
J. E. BOWE,
S. T. GAGE.

The special order of the day, Assembly bill No. 156, for an Act creating a Board of State Prison Commissioners, and defining their duties, was taken up.

On motion, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 156.

House in Committee of the Whole.

Mr. Rhodes in the Chair.

After adopting sundry amendments to the bill the Committee rose, reported it back to the House and recommended its passage as amended.

The report was received and the amendments proposed by the Committee were concurred in by the House.

On motion of Mr. Curtis the bill was considered engrossed.

On the passage of the bill, Messrs. McFarland, Wagner and Reynolds demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Boring, Borland, Bowe, Brent, Brunton, Brush, Bynum, Cartter, Callbreath, Cone, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, Gaston, George, Gray, Heald, Heiskell, Holland, Hunter, Kelly, Kendrick, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McGehee, Meloney, Moulthrop, Oliver, Pearson, Peck, Pugh, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Stout, Swan, Taylor, Turner, Upton, Van Dusen, Welch, White, Williams, Winsor, Winston, Wohler, Mr. Speaker—63.

NOES.

Messrs. McFarland, Oxley, Sharp, Wagner—4.

So the bill passed.

On motion of Mr. McFarland, Assembly bill No. 33, for an Act relative to escheated estates, was taken up.

Mr. Hawes moved that the usual number of copies of the bill be printed.

Pending discussion, Mr Oxley moved the previous question, which was sustained.

The vote was then taken on the motion to print.

Upon which, Messrs. Hawes, Gray and Hunter, demanded the ayes and noes, with the following result:

AYES.

Messrs Andrews, Batchelder, Brunton, Cartter, Callbreath, Cone, Dustin, Gage, Gaston, George, Gray, Hawes, Heald, Mathews, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Reed, Shearer, Stout, Turner, Upton, Van Dusen, White, Winsor, and Mr. Speaker—29.

NOES.

Messrs. Bell, Blackburn, Boring, Bowe, Brent, Bynum, Covarrubias, Curtis, Dick, Downey, Ewalt, Haile, Holland, Hoover, Hunter, Kelly, Lamon, Leihy, Lewis, Lippincott, McFarland, Moulthrop, Reynolds, Rhodes, Ricks, Sellick, Sharp, Sherrard, Stevenson, Wagner, Welch, and Wohler—31.

So the motion was lost.

Several amendments were offered to the bill.

Pending the discussion of which,

On motion of Mr. Rhodes, the House at three o'clock P. M, adjourned.

IN ASSEMBLY.

WEDNESDAY, March 12, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

Journal of yesterday was read and approved.

Mr Holland presented a petition numerously signed by citizens and tax payers of the City of San Francisco, praying the passage of an Act authorizing and empowering the Board of Fund Commissioners of that City to fund such Controller's Warrants issued by the City as are genuine and are founded on a valuable and adequate consideration.

The petition was read and referred to the delegation from San Francisco.

Mr. Hawes moved that the petition, together with the names thereunto attached, be printed.

Lost.

Mr. Weir presented a petition from citizens of the County of San Joaquin, praying the passage of a settler's bill in conformity with the principles contained in the resolutions adopted at the State Settler's Convention, held in Sacramento on the 8th and 9th days of August, 1855; and, also, praying the passage of a law exempting Miner's Claims from execution.

Read and referred to Committee on Public Lands.

Mr. Pugh presented a petition from ladies of Sacramento, praying the Legislature to aid them in establishing an Orphan Asylum in that City.

Read and referred to the delegation from Sacramento.

Mr. Swan presented a petition from citizens of Tulare County praying the passage of an Act for the encouragement of the destruction of certain ferocious and wild animals.

Read and referred to a Select Committee consisting of Messrs. Swan, Coombs and Callbreath.

Mr. Beatty presented a petition from citizens of Calaveras County, praying the passage of a law for the better observance of the Sabbath.

Read and referred to Committee on Vice and Immorality.

Mr Oxley presented a petition from the Trustees of the State Insane Asylum, praying that relief be granted to James H Milmore, on account of a loss sustained by him, on a contract for building a kitchen to the Asylum, the construction of which, was authorized by an Act of the Legislature, at its session in the year 853.

Also, presented communication from the Secretary of the Board of Trustees of the State Insane Asylum, enclosing a resolution passed by that body praying the Legislature to appropriate a certain sum of money for the benefit of the Asylum.

Both of which were read, and referred to the Committee on Hospitals.

Substitute for Assembly bill No. 168, reported by the El Dorado delegation, for an Act entitled an Act to submit the question of the removal of the county seat of El Dorado county, to the qualified voters thereof, was read a first and second time, and placed on the calendar.

Mr. Oxley introduced bill No. 199, for an Act supplementary to, and amendatory of an Act entitled an Act to amend an Act entitled, an Act to fix the times of holding the District Courts throughout this State, passed May 18, 1853, passed February 14, 1856.

Read a first and second time, and referred to the delegation from Fifth Judicial district, with instructions to report thereon as soon as possible.

The delegation reported a substitute for bill No. 199, which was read and adopted.

On motion, the rule was suspended, and the substitute was read a first, second, and third time, and passed.

Mr. Covarrubias introduced bill No. 200 for an Act to provide for the payment of the debt of the county of Santa Barbara.

Read a first and second time, and referred to delegation from Santa Barbara.

Mr Peck introduced bill No 201, for an Act to amend an Act entitled, an Act concerning the Independent Order of Odd Fellows.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Brent introduced bill No 202, for an Act amendatory of an Act dividing the State into counties, and establishing the seats of justice therein, passed April 25, 1851.

Read a first and second time, and referred to delegations from Tulare and Los Angeles.

The following reports were received from committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 134, a bill for an Act concerning the redemption of real property sold under execution to satisfy mortgages thereon, have had the bill under consideration, and respectfully beg leave to report the same back to the House with an amendment, and recommend its passage as amended.

The same committee to whom was referred Assembly bill No. 182, a bill for an Act entitled, an Act to fix the compensation of the District Attorney, and County Judge of the county of Humboldt, have had the bill under consideration, and respectfully beg leave to report the same back to the House with the opinion that the bill, so far as it proposes to affect the salary of the county Judge of said county, is unconstitutional, in this, that the Constitution prohibits the increase or diminishing the salaries of Judges during their term of office, but would recommend that the bill be referred to the delegation from Humboldt.

The same committee have had under consideration, Assembly bill No. 82, a bill for an Act entitled, an Act to regulate the business of bankers, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

R. B. SHERRARD,
Chairman.

Mr. Speaker:

The Committee on Agriculture to whom was referred bill No. 117, being an Act concerning Hogs running at large in the county of Marin, have had the same under consideration and beg leave to report the bill back to the House with amendments and recommend the passage of the bill as amended.

E. BYNUM,
Chairman.

Mr. Speaker:

Your Committee to whom was referred Assembly bill No 198, entitled an Act to amend an Act entitled an Act to apportion the Senatorial and Assembly Districts of this State, passed May 15, 1853, having had the same under consideration, beg leave to report it back to the House and recommend its passage.

R. S. WILLIAMS,
Chairman.

Mr. Speaker:

The Committee on Roads and Highways, to whom was referred Assembly bill No. 181, a bill entitled an Act to grant the right to construct a bridge across the Sacramento river between the city of Sacramento and the town of Washington to certain parties, have had the bill under consideration and respect-

fully beg leave to report the same back to the House and recommend its passage without amendment.

JOSEPH WINSTON,
Chairman.

Mr. Leihy, from the majority of the select committee to whom was referred Assembly bill No 84, entitled an Act to encourage Agricultural and Mining Interests in this State, presented a substitute bill and made a report thereon.

On motion of Mr. Dustin the reading of the report was dispensed with and it was laid on the table.

The substitute presented by special committee for Assembly bill No 84, for an Act to take the sense of the people on this State at the general election in the year 1856 on the passage of an Act to appropriate the sum of Fifty Thousand Dollars to test the practicability of procuring water by process of Artesian wells for mining and agricultural purposes, was taken up.

Read a first and second time and placed on the Calendar.

Mr. Speaker :

The Committee on Enrollment have examined Assembly bill No 144, an Act concerning the collection of taxes now due in the county of Marin, and find the same correctly enrolled.

L. S. WELCH,
Chairman.

Mr. Speaker :

The undersigned, a portion of the El Dorado delegation, having had under consideration Assembly bill No. 168, entitled an Act to submit the question the Removal of the County Seat of El Dorado county to the qualified Voters thereof, beg leave to submit the following report:

First. That in our opinion, derived from personal acquaintance and inquiry, a large majority of the citizens and tax payers of El Dorado county are satisfied with the present location of the County Seat of said county, and that they are averse to any change of location; believing that removal would result in great pecuniary loss to the county at large, without affording any additional facilities for county business. The county has now a court house, with offices for its county officers, which is convenient, and of a substantial character for a wooden edifice, which will answer every requirement for the holding of courts for a number of years.

Second. The Board of Supervisors have a large granite jail at this time in course of construction, a large portion of which is already completed, and the whole of which, according to the terms of the contract, must be completed and ready for use by the first day of June next. The cost of this jail is $16,000, and the amount already paid by the county to the contractor, is upwards of seven thousand and six hundred dollars.

Third. Removal of the County Seat from Coloma to Placerville, or any other place in the county, would involve the county in the loss of her present public buildings, which, together with the accruing expenditures for the erection of new buildings, if anything like commodious buildings are erected, such as the county would require, a debt in amount not less than seventy or seventy-five thousand dollars In the event of removal, the present buildings owned by the county would be nearly a total loss, while the expenses of the election, the removal and the erection of new structures, would involve the county in a large debt, clouding the credit of the county, depreciating her paper, rendering it necessary to resort to direct and onerous taxation.

Fourth. There have been two elections held, at which the people have twice already directly voted for the location of the County Seat of El Dorado county, the last of which was held but little more than one year ago, in accordance with an Act passed by the Legislature, April 19, 1854. In this election, as in the preceding one, Coloma received the largest number of votes, and was declared the County Seat of El Dorado county. The undersigned, therefore, deem it wholly and totally inexpedient and unnecessary to re-submit this matter again to the people, especially so soon after an expression of the people has been had at the ballot box; and, furthermore, viewed in the light of past experience, a *special* election would by no means insure a fair expression of the people, while it would cost the county many thousand dollars.

Fifth The total vote of El Dorado county in 1853 was eight thousand two hundred and ninety-four, and in 1854, when the question of County Seat was pending, the number of votes polled was eleven thousand five hundred and forty-five, and in the last election, 1855, the number polled was eight thousand seven hundred and eighty-one, showing, at the time when the County Seat was pending, an unusual and unprecedented vote. It also appears by official papers now in the hands of your Committee, that in 1854, when voting for County Seat, the city of Placerville polled fifty more votes than was polled at the last election in the whole township. Diamond Springs, another town competing for County Seat in 1854, polled nine hundred and forty-three votes, while in 1855, this town polled only four hundred and eighty-two votes; all of which shows a remarkable falling off in the voting ability of these places. Coloma, the present County Seat, on the contrary, shows a singular contrast compared with the places just mentioned In 1853, Coloma township polled thirteen hundred and eighty-eight votes, and in the two succeeding elections, ten hundred and ninety-eight and ten hundred and sixteen votes respectively; showing a less vote on the County Seat than was polled the preceding year.

Sixth. Your Committee find no petitioners praying for an election by the people to settle the question of County Seat, nor do the people of El Dorado desire anything of the kind; while, on the other hand, remonstrances have been presented to your honorable body, signed by over six thousand voters and tax payers of the county, protesting against any action upon this subject. Your Committee are of opinion, that Coloma, the present County Seat, is as central and as conveniently located, as any other town in said county, and to fortify this opinion, they would adduce the fact, that no convention or county assemblage of the people has, in their knowledge, been held in any other town than Coloma. Furthermore, the citizens of Coloma have expended, by private enterprise, more than fifty thousand dollars in bridges and roads leading into Coloma; an amount greater, in the opinion of your Committee, than has been expended

in all other portions of the county put together. The undersigned believe that removal can only be productive of evil, and in any event, of no benefit to the county at large. Believing, also, that no considerable portion of the citizens of El Dorado county expect or desire to vote again upon this question, or wish any legislation of the kind contemplated in the bill herein referred to, and that special elections are generally, and in this case particularly, unnecessary, the undersigned would respectfully recommend the indefinite postponement of the bill.

W. H TAYLOR,
J. WING OLIVER,
JAMES D. WHITE,
L. S WELCH.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 11, 1856.

To the Hon. the Assembly:

An Act to authorize the issue of a School Land Warrant to Thomas Baker, which originated in the Assembly, has this day been approved.

I am, very respectfully,
Your obedient serv't

J NEELY JOHNSON.

The following messages were received from the Senate:

SENATE CHAMBER, March 11, 1856.

Mr. Speaker:

I am directed by the Senate to request the Assemby to return to the Senate, Senate bill No. 58, relative to deficiencies, sent to Assembly under mistake.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

SENATE CHAMBER, March 11, 1856.

Mr. Speaker.

I am directed to inform the Assembly that the Senate, yesterday, passed Assembly bill No. 144, an Act concerning the collection of taxes now due in the County of Marin.

Also, Senate bill No. 118, an Act to authorize John H. Hill, guardian of the

person and estate of William K. Burns, a lunatic, to sell and convey by private sale, the real estate of his said ward.

Also, that the Senate has indefinitely postponed Assembly concurrent resolution appointing a Joint Committee to select a site for the location of a State Prison or Penitentiary.

Respectfully,

W. BAUSMAN,
Secretary Senate.

SENATE CHAMBER, March 11, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, this day, passed Senate bill No. 58, an Act making appropriation to meet deficiencies in appropriations heretofore made to defray the Civil Expenses of Government from the first day of February, 1855, until the first day of February, 1856.

Also, passed the following resolution granting leave of absence to Hon. John S. Hager, Judge of the Fourth Judicial District.

Resolved, (by the Senate, the Assembly concurring) That leave be granted to the Hon. John S. Hager, District Judge of the Fourth Judicial District, to absent himself from this State for the period of four months; *provided*, he shall make arrangements with other District Judges of this State to hold the terms of said Court during his absence

Very respectfully,

WM. BAUSMAN,
Secretary of Senate.

Senate bill No 118, for an Act to authorize Jno. H. Hill, guardian of the person and estate of W. K. Burns, a lunatic, to sell and convey by private sale the real estate of his said ward, was read a first and second time and referred to the Delegation from Sonoma.

On motion, the resolution passed by the Senate granting leave of absence to Judge John S. Hager was taken up.

On the passage of the resolution Messrs. Dustin, Stout and Hoover demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Boring, Borland, Brent, Brunton, Brush, Bynum, Cartter, Calhoun, Cone, Coombs, Covarrubias, Curtis, Downey, Ewalt, George, Gray, Hawes, Heiskell, Holland, Hunt, Kelly, Kendrick, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McGelee, Meloney, Moulthrop, Oxley, Pearson, Peck, Pugh, Read, Ricks, Sharp, Sherrard, Stephenson, Sterritt, Swan, Taliaferro, Taylor, Turner, Upton, Van Dusen, Weir, Welch, Williams, Winsor, Winston—54.

NOES.

Messrs Beatty, Bell, Bowe, Castro, Davis, Dustin, Gaston, Haile, Heald, Hoover, Rathburn, Reynolds, Shearer, Stout and Mr. Speaker—15.

So the resolution was concurred in.

Senate bill No. 120, for an Act to authorize the State Treasurer to pay certain coupons.

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

On motion of Mr. Bowe, the substitute reported by the El Dorado delegation for the substitute reported by the Committee on Counties and County Boundaries, for Assembly bill No 168, for an Act to submit the question of the removal of the county seat of El Dorado county to the voters thereof, was taken up.

Mr. George moved to lay the bill on the table.

Lost.

Mr Beatty moved that the bill be placed at the foot of the calendar, which was carried, ayes 36, noes 25.

The following message was received from the Senate:

SENATE CHAMBER, March. 10, 1856.

Mr. Speaker:

I am directed by the Senate to inform you, that the Senate has this day passed Senate bill No. 117, a bill for an Act to authorize the guardian of Minerva C. Buchanan, to sell and dispose of her real estate and chattels real.

Also, an Act to authorize the State Treasurer to pay certain coupons.

W. BAUSMAN.
Sec'y Senate.

Senate bill No. 117, an Act to authorize the guardian of Minerva C Buchanan, to sell and dispose of her real estate and chattels real, was taken up.

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

Senate bill No. 38, an Act making appropriations to meet deficiencies in appropriations heretofore made, to defray the civil expenses of government from the first day of February, 1855, until the first day of February 1856.

Taken up, read a first and second time, and referred to Committee on Ways and Means.

Mr. Rhodes moved to take from the table, the report of the committees in relation to the qualifications of the engrossing clerk.

Motion lost.

Special order bill, No 109, an Act amendatory of an Act, concerning fraudulent conveyances and contracts.

Mr. McFarland moved to strike out the enacting clause of the bill.

Carried.

Special order, bill No. 15, an Act to create a Board of Commissioners to revise, reform, and properly codify the laws of the State of California.

On motion, the bill was laid on the table.

On motion of Mr. Cartter, bill No 82, an Act to regulate the business of Bankers, was made special order for Monday, 17th instant, at 12 o'clock, M.

On motion of Mr. Bell, the House resolved itself into Committee of the Whole. Mr. Bell in the chair, to take into consideration Assembly bill No. 93, an Act to amend an Act entitled, an Act to provide revenue for the support of the Government of this State, passed May 15, 1854, and to amend several Acts amendatory thereto.

Committee made amendments, and on motion of Mr. Oxley, rose, reported progress, and asked leave to set again.

Report adopted.

On motion of Mr. Oxley the House took up bill No. 99, an Act in relation to changing the time of holding District Courts, &c.

Senate amendments concurred in.

Mr. George offered the following resolution:

Resolved, That the Committee on Judiciary be and are hereby directed to report Assembly bill No. 76, together with such amendments as they may deem important.

Lost.

Mr Rhodes moved to take from the table the reports of the committees in relation to the Engrossing Clerk.

Motion carried.

Pending the consideration of the reports, on motion of Mr. Beatty the House adjourned at ten minutes of three o'clock, P. M.

IN ASSEMBLY.

THURSDAY, March 13, 1856.

House met pursuant to adjournment, 10 o'clock A. M.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

Journal of yesterday was read and approved.

Mr. Heald presented a petition from citizens of Sonoma County, praying the passage of an Act changing the time of holding Courts of Sessions, County Courts and Courts of Probate in that County.

Read and, on motion of Mr. Heald, laid on the table.

Mr. McDonald introduced bill No 203, for an Act entitled an Act concerning the receiving of County Warrants for County Taxes in the Counties of Klamath and Siskiyou.

Read a first and second time and referred to Judiciary Committee.

Mr. Weir introduced bill No 204, for an Act to amend an Act to regulate proceedings in Civil Cases in the Courts of this State, passed April 29, 1851

Read a first and second time and referred to Judiciary Committee.

Mr Stevenson introduced bill No. 205, for an Act to legalize certain records in the County of Solano.

Read a first and second time and referred to Committee on Claims.

Mr. Stevenson introduced bill No. 206, for an Act for the appointment of a Bailiff to the Supreme Court of this State, and to define his duties.

Read a first and second time and referred to the Judiciary Committee.

Mr. Callbreath introduced bill No. 207, for an Act for the relief of the heirs of Jno C Gulnck deceased.

Read a first and second time and referred to Committee on Claims.

Mr. Brent introduced bill No. 208, for an Act amendatory of an Act entitled

an Act to regulate the settlement of Estates of Deceased Persons, passed May 1, 1851.

Read a first and second time and referred to Judiciary Committee.

Mr. Heald introduced bill No 209, for an Act fixing the time of holding the several Courts authorized to be held by the County Judges in the County of Sonoma.

Read a first and second time and laid on the table.

Substitute for Assembly bill No. 68, for an Act to provide for the election of Assessors by Supervisor Districts, reported by the Committee on Ways and Means.

Read a first and second time and placed on the Calendar.

Substitute for Assembly bill No. 122, for an Act to authorize the County Authorities to work Convicts in certain cases, reported by the Judiciary Committee.

Read a first and second time and placed on the Calendar.

Substitute for Assembly bill No 169, for an Act for the relief of J S Marston, late Treasurer of Alameda county, reported by the Committee on Claims.

Read first and second time, and placed on the Calendar.

Substitute for Assembly bill No. 140, for an Act to regulate Pay of Members and Officers of the Legislature, reported by the Committee on Claims.

Read a first and second time, and placed on the Calendar.

Substitute for Assembly bill No. 113, for an Act to encourage the destruction of ferocious and wild Animals, reported by the special committee to whom the bill was referred.

Read a first and second time, and placed on the Calendar.

Substitute for Assembly bills Nos 11 and 172, for an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges.

Read a first and second time, and placed on the Calendar.

On motion of Mr. Bowe, the substitute bill was ordered printed.

Mr. Bynum gave notice a bill to provide for the selection and segregation of the Swamp and Overflowed Lands belonging to this State

Mr. Sellick gave notice of a bill amendatary of an Act entitled an Act to suppress Houses of Ill Fame, approved April 2, 1855.

The following reports were received from Committees:

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed:

Bill No. 107, an Act entitled an Act to regulate Fees of Officers in the County of Klamath.

Bill No. 102, an Act for the better Maintenance of the Indigent Sick of Shasta and Siskiyou Counties.

Bill No. 199, an Act supplemental to and amendatory of an Act entitled an Act to amend an Act entitled an Act to fix the Time of holding the District Courts throughout this State, passed May 18, 1853, (passed January 31, 1856.)

All of which is respectfully submitted.

LANSING STOUT,
Chairman.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill supplemental and amendatory of bill No 199, fixing the Times of holding the District Courts throughout this State, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bills (No 4 and No. 71), bills for Acts to provide for taking the Census in the year 1856, have had the bills under consideration, and respectfully beg leave to report the same back to the House, and recommend that they be indefinitely postponed.

Your Committee believe that the only object which would justify the State in the present impoverished situation of the Treasury in incurring the enormous expense of taking the Census would be the reformation of the basis of representation in the Legislature; and hence, your committee, being of the opinion that the Census taken in 1856 could not constitutionally establish a basis whereby the representative system, adopted in pursuance of the Census of 1852, could be legally overthrown, (for the reason that the first named Census, is not the enumeration of the inhabitants of this State, provided for in Section 28 of Article 4 of the Constitution,) have agreed in making this recommendation. If the object sought to be obtained by taking the Census this year should be confined simply to the obtaining an accurate knowledge of the statistics of population and wealth of the State: still your committee, bearing in mind, that in less than four years the Federal Government will afford us this information free of expense; cannot consent to advise the enormous outlays attendant upon the enactment of either of these bills, however much they may desire to see the

statement of our resources and the enumeration of our inhabitants, and therefore submit, that the taking of the Census is, in their opinion, inexpedient.

R. B. SHERRARD,
Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 188, a bill for an Act entitled an Act to amend an Act entitled an Act concerning forcible entries and unlawful detainers, passed April 22, 1850, have had the bill under consideration, and respectfully beg leave to report the same back to the House, with amendments, and recommend its passage as amended.

The same committee to whom was referred Assembly bill No. 117, a bill for an Act entitled an Act to authorize the Guardian of Minna C. Buchanan to sell and dispose of her Real Estate and chattels real, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

R. B. SHERRARD,
Chairman.

Mr. Speaker:

Your committee, to whom was referred Assembly bill No 200, entitled an Act to provide for the payment of the debt of the county of Santa Barbara, have had the same under consideration and respectfully ask leave to report said bill back, without amendment, and recommend its passage.

J. M. COVARRUBIAS,
Delegation from Santa Barbara.

Mr Speaker:

The special committee, to whom was referred an Act relative to advertising for the redemption of Controller's warrants, have had the same under consideration, and report it back without amendment, and recommend its passage.

B. G. WEIR,
Chairman.

Mr. Speaker:

The undersigned, one of the Select Committee, to whom was referred Senate bill No. 118, to authorize John H Hill, guardian of the person and estate of William K. Burns, a lunatic, to sell and convey by private sale, the real estate of his ward, have had the same under consideration, and ask leave to report the same back, and recommend its passage without amendment.

J. S. RATHBURN,
Of Committee.

Mr. Speaker:

The undersigned, one of the delegation to whom was referred Senate bill No. 118, has considered the same, and would respectfully recommend it to the careful consideration of the Assembly, and would further recommend, that if the bill do pass, it be amended in the following particular:

After the word "convey," in the third line, section first, insert the words "to the persons in possession."

H. G. HEALD,
Of Delegation.

The following messages were received from the Senate:

SENATE CHAMBER, March 13, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on yesterday amended and passed Assembly bill No. 91, an Act relative to the Court of Sessions and Board of Supervisors of San Joaquin.

Also, on this day, concurred in Assembly resolution relative to the formation of a new mail route between Santa Barbara and Monterey

Also, passed Assembly bill No. 165, an Act to authorize the Board of Supervisors of San Joaquin, to appropriate money towards completing the Artesian well in the public square in the city of Stockton.

The bill is herewith submitted.

Respectfully,

W. BAUSMAN,
Secretary of Senate.

The amendment made by the Senate to Assembly bill No 91, an Act relative to the Court of Sessions and Board of Supervisors of San Joaquin county, was read and concurred in.

On motion, Senate bill No. 117, an Act entitled an Act to authorize the guardian of Minna C. Buchanan to sell and dispose of her Real Estate and chattels real, was taken up, read a third time and passed.

Mr. Oxley presented the following resolution:

Resolved, That the State Printer be requested to furnish to this House, at as early a day as practicable, the printed Reports of the Resident Physician and Trustees of the State Insane Asylum.

Adopted.

Mr. Castro presented the following resolution:

Resolved, (by the Assembly the Senate concurring.) That our Senator and Representatives in Congress be instructed to use their influence with the Department for a mail route from Monterey to Santa Barbara in this State, and that the Governor of this State be requested to forward to each of our Representatives in Congress a copy of this resolution.

On motion of Mr. Brent, the rule was suspended, and it was adopted.

Mr. Peck presented an account against the State in favor of Thos. W. Wright, for survey of boundary line between the counties of Santa Clara, Santa Cruz and San Francisco.

Referred to Committee on Claims.

Mr. Heiskell moved a suspension of the rules, so as to take up Assembly bill No 168, an Act to submit the question of the removal of the County Seat of El Dorado county to the voters thereof, from the table.

Lost.

On motion of Mr. Callbreath, the Joint Resolution introduced by Mr. Heald, on February 9th, in relation to the United States Board of Land Commissioners, was taken from the table.

Mr. Brent moved to make the resolutions the special order of the day for the 21st inst., at one o'clock, P M.

Upon which, Messrs. Haile, Winsor, and Taylor, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Bell, Boring, Borland, Bowe, Brent, Castro, Covarrubias, Curtis, Downey, George, Gray, Holland, Hunt, Kendrick, Lewis, McDonald, Pearson, Reynolds, Rhodes, Ricks, Taliaferro, Wagner, and Wohler—24.

NOES.

Messrs. Andrews, Batchelder, Brunton, Bynum, Cartter, Callbreath, Cone, Coombs, Davis, Dick, Dustin, Ewalt, Gage, Gaston, Haile, Hawes, Heald, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, Lippincott, Mathews, McFarland, McGehee, Meloney, Moulthrop, Oliver, Peck, Pugh, Rathburn, Read, Sharp, Shearer, Sherrard, Stevenson, Sterritt, Stout, Turner, Upton, Van Dusen, Weir, Welch, White, Williams, Winsor, and Mr. Speaker—49.

So the motion was lost.

Mr. George moved that the House resolve itself into Committee of the Whole, for the purpose of acting on the Joint Resolution under consideration.

Lost.

Mr. Holland moved to amend the fourth resolution, by adding after the word agricultural, in the second line, the words "all gold and mineral lands."

Pending discussion, Messrs. Ricks, Bell, and Haile, moved the previous question.

Not sustained.

The vote was then taken upon the passage of the amendment offered by Mr. Holland.

Upon which, the ayes and noes were demanded by Messrs. Holland, Gaston, and Boring, with the following result:

AYES.

Messrs. Holland, Moulthrop, and Sharp—3.

NOES.

Messrs. Andrews, Beatty, Bell Boring, Bowe, Brent, Brunton, Bynum, Carter, Castro, Callbreath, Cone, Covarrubias, Davis, Downey, Dustin, Ewalt, Gage, Gaston, George, Gray, Haile, Hawes, Heald, Hoover, Hunt, Hunter, Kelly, Kendrick, Lamon, Leihy, Lewis, Mathews, McGehee, Meloney, Oliver, Pearson, Peck, Pugh, Rathburn, Read, Rhodes, Sellick, Shearer, Sherrard, Stevenson, Stout, Taliaferro, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, White, Williams, Winsor, Wohler, and Mr. Speaker—59.

So the amendment was lost.

Mr. Kelly moved to adjourn.

Lost.

Mr. Hawes offered the following amendment:

Add to the fourth resolution, after the words "United States," in the third line, "restricting, however, the disposition of said lands to grants in favor of actual settlers upon them to an extent not exceeding one hundred and sixty acres."

Adopted.

Mr. Kelly moved a call of the House.

Sustained.

On motion of Mr. Brent, further proceedings under the call were dispensed with.

On motion of Mr. Brent, the resolutions were considered *seriatim.*

Mr. Weir moved the adoption of the first resolution.

Upon which, Messrs. Brent, Wohler, and Turner, demanded the ayes and noes, with the following result:

AYES.

Messrs Bell, Boring, Borland, Bowe, Brunton, Bynum, Cartter, Callbreath, Cone, Davis, Dick, Dustin, Ewalt, Gage, Gaston, Gray, Haile, Heald, Heiskell, Hoover, Hunter, Kelly, Lamon, Leiby, Mathews, McDonald, McGehee, Meloney, Oliver, Pearson, Peck, Pugh, Rathburn, Read, Rhodes, Sellick, Shearer, Sherrard, Stevenson Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, and Mr. Speaker—53.

NOES.

Messrs. Andrews, Batchelder, Brent, Castro, Covarrubias, Downey, George, Hawes, Holland, Hunt, Kendrick, Lippincott, McFarland, Moulthrop, Reynolds, Sharp, and Wohler—17.

So the resolution was adopted.

Mr. Carter moved a call of the House, which motion was sustained.

The roll was called and the following members were absent:

Messrs. Blackburn, Boring, Coombs, Curtis, Dick, Heiskell, Lippincott, Ricks, Sherrard, Swan, Van Dusen, Welch and Winston.

The Sergeant-at-Arms was instructed to arrest and conduct all absentees to the Assembly Chamber.

The absentees appearing, on motion of Mr. Taliaferro, they were excused, and further proceedings under the call were dispensed with.

The remaining resolutions were then severally read and adopted.

Mr. Holland introduced the following concurrent resolution:

Resolved, (by the Assembly the Senate concurring,) That the Surveyor General of the State report to the next Legislature some mode by which the gold and mineral lands in the State can be surveyed and laid off in plats or plots, in order that the same may be sold to the actual miner, in such parcels as may be determined by law.

Laid over for one day, under the rule.

On motion of Mr. McFarland, the House adjourned at quarter past two o'clock, P. M., until four o'clock, this evening.

EVENING SESSION.

THURSDAY, March 13, 1856, }
4 o'clock, P. M. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called and a quorum not being present,

Mr. Turner moved a call of the House, which motion was sustained.

Pending the calling of the roll many of the absentees appearing,

On motion of Mr. Oxley, further proceedings under the call were dispensed with.

On motion of Mr Dustin, the Joint Resolutions in relation to the immigration of foreign paupers and criminals into the United States, was taken up and made the special order for the 18th inst., at eleven o'clock, A. M.

On motion of Mr Hawes, Assembly bill No. 35, for an Act to provide for the more effectual enforcement of Public Taxes and Assessments, and creating a lien therefor, was taken up.

Mr. Hunter moved that the House adjourn.

Upon which motion, Messrs Turner, Gage and Brunton demanded the ayes and noes, with the following result:

AYES.

Messrs Borland, Castro, Ewalt, Holland, Hunter, Lewis, Moulthrop, Oxley, Pearson, Rhodes, Stout, Van Dusen, Winsor, Wohler and Mr. Speaker—15.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Bowe, Brunton, Bynum, Callbreath, Cone, Covarrubias, Davis, Dustin, Gage, Gaston, George, Haile, Hawes, Heal y, Heiskell, Hoover, Lamon, McFarland, McGehee, Meloney, Oliver, Peck, Pugh, Rathburn, Read, Reynolds, Ricks, Stevenson, Taylor, Turner, Upton, Weir, Welch, White—38.

So the motion was lost.

Mr. Borland moved that Assembly bill No. 35 be made the special order of the day for the first Monday in May proximo.

Upon which motion, Messrs Turner, Meloney, and Heald, demanded the ayes and noes with the following result:

AYES.

Messrs Bell, Boring, Bowe, Brent, Castro, Covarrubias, Ewalt, George, Heiskell, Holland, Hoover, Hunt, Hunter, Lewis, Moulthrop, Oxley, Pearson, Pugh, Read, Reynolds, Rhodes, Ricks, Sellick, Sharp, Stevenson, Wagner, White, Winsor, and Mr. Speaker—30.

NOES.

Messrs Andrews, Batchelder, Beatty, Borland, Brunton, Bynum, Callbreath, Cone, Davis, Dustin, Gage, Gray, Haile, Hawes, Heald, Lamon, Mathews, McFarland, McGehee, Meloney, Oliver, Peck, Rathburn, Shearer, Sherrard, Taylor, Turner, Upton, Van Dusen, Weir, Welch, and Wohler—31.

So the motion was lost.

Upon motion of Mr. Upton, the bill was laid on the table.

Mr Rhodes moved that the House adjourn.

Upon which motion, Messrs Bell, Upton, and Haile, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Borland, Brent, Bynum, Castro, Covarrubias, Ewalt, George, Gray, Holland, Hunt, Hunter, Lewis, Meloney, Moulthrop, Oliver, Oxley, Pearson, Rhodes, Sellick, Sharp, Sherrard, Stevenson, Taylor, Turner, Van Dusen, Winsor, and Winston—28.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Bowe, Brunton, Callbreath, Cone, Davis, Dustin, Gage, Gaston, Haile, Hawes, Heald, Heiskell, Hoover, Lamon, Mathews, McFarland, McGehee, Peck, Pugh, Rathburn, Read, Reynolds, Ricks, Shearer, Upton, Wagner, Weir, Welch, and Mr. Speaker—33.

So the motion was lost.

Mr. George moved a call of the House, which motion was not sustained.

On motion of Mr Weir, Assembly bill No 17, for an Act for the protection of actual settlers, and to quiet land titles in this State, and for other purposes concerning real property, was taken up, and made the special order of the day for the 18th inst, at twelve o'clock, M.

Mr. Hawes moved to take Assembly bill No. 35, from the table.

Motion not sustained.

On motion of Mr. Upton, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration the substitute reported by the Committee on Ways and Means, for Assembly bill No. 93, for an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May 15, 1854, and to amend the several Acts amendatory thereto.

House in Committee of the Whole.

Mr. Oxley in the chair

After some time spent in consideration of the bill, on motion of Mr. Van Dusen, the Committee rose, reported progress and asked leave to sit again.

Report adopted.

On motion of Mr. Hunter, the House adjourned at six o'clock, P. M.

IN ASSEMBLY.

FRIDAY, March 14, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

On motion, leave of absence was granted to Mr. Callbreath for one week; to Mr Coombs for two days; and to Mr. Brush for one day.

The Journal of yesterday was read and approved.

Mr. Gage presented a petition from Richard Cole, praying the enactment of a law granting him compensation for translating into the Chinese language certain sections of the mining law which referred to foreign miners, &c.

Read and referred to the Committee on Claims.

Mr. Gaston presented a petition from citizens of Sierra county, remonstrating against any portion of that county being added to Nevada county.

Read, and referred to the Committee on Counties and County Boundaries.

Mr. Boring moved that Mr. Dustin be added to the Committee on County and County Boundaries.

Lost.

Mr. Weir introduced bill No. 210, for an Act to exclude the Counties of San Joaquin and Stanislaus from the operations of an Act entitled an Act to provide for the payment of Officers holding Elections, and transmitting the returns thereof, approved May 2, 1855.

Read a first and second time, and referred to the delegations from San Joaquin and Stanislaus.

Mr. Peck introduced bill No. 211, for an Act to fund the Debt of the County of Santa Clara, and to provide for the payment of the same.

Read a first and second time, and referred to the delegation from Santa Clara.

Mr. Haile introduced bill No 212, for an Act to fix the Compensation of the County Judge of the County of Napa.

Read a first and second time, and referred to the delegations from Napa, Solano, and Sonoma.

Mr. Curtis introduced bill No. 213, for an Act to authorize M. C. Ruckles and R. McCloud to construct a Wagon Road from Shasta City, Sacramento valley, to Shasta valley, and to regulate tolls to be collected on the same.

Read a first and second time, and referred to the Committee on Roads and Highways.

Mr. Ricks introduced bill No. 214, for an Act to incorporate the Town of Eureka.

Read a first and second time, and referred to the Committee on Corporations.

Mr. Curtis introduced bill No 215, for an Act making appropriations for the Payment of the Rents of State Offices, and of a State Armory, from the first day of February, A. D. 1856, to the first day of February, A. D. 1857.

Read a first and second time, and referred to the Committee of Ways and Means.

Mr. Leihy gave notice of a bill to amend the Charter of the City of Sacramento.

Mr. Kendrick gave notice of a bill for the relief of John S Clark.

Mr. Oxley gave notice of a bill supplementary to and amendatory of an Act concerning Public Ferries and Toll Bridges.

Mr. Sherrard gave notice of a bill for an Act concerning the office of Surveyor General.

Mr. Upten gave notice of a bill for an Act to authorize the Board of Supervisors of Trinity county to levy an additional Tax for County purposes.

Mr. Gage gave notice of a bill for the relief of Richard Cole.

The following reports were received from committees:

Mr. Speaker:

The same committee have had under consideration Assembly bill No. 201, a bill for an Act to amend an Act entitled an Act concerning the Independent Order of Odd Fellows, and respectfully beg leave to report the bill back to the House, and recommend its passage without amendment.

The Judiciary Committee, to whom was referred Assembly bill No. 195, a bill for an Act entitled an Act to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their duties, (passed May 8, 1852,) have had the bill under consideration, and respectfully beg leave to report the same back to the House without amendment, and recommend its passage.

Your committee have also had under consideration Assembly bill No. 136, a bill for an Act entitled an Act to prevent County Judges of the County Courts in this State from practising as Attorneys in the District Courts of this State, and respectfully beg leave to report the bill back to the House, and recommend that the same be indefinitely postponed.

R. B. SHERRARD,
Chairman

Mr. Speaker.

The Committee of Ways and Means, to whom was referred a bill for an Act appropriating money for the benefit of the Orphan Asylums of the City of San Francisco, ask leave to report the same back to the Assembly, and recommend that it be referred to the Committee of the Whole.

W W. UPTON,
Chairman.

Mr. Speaker:

Your Committee, to whom was referred a resolution instructing the Controller of State not to audit certain accounts of the State Printer, have had the same under consideration, and report it back to the House recommending its adoption

Your Committee, upon consultation with the State Printer, would further remark that no intention has been entertained upon his part to make any extra charges whatever for the Journals daily furnished for the convenience of the Assembly. At the commencement of the session of the present Legislature, the Chairman of the Committee on Public Printing stated to the House upon the authority of the

State Printer, that there would be no extra charges made for the Journals proposed to be furnished It is, therefore, a source of regret on the part of the State Printer, that in these assurances he has not received the confidence of the House.

Your Committee most respectfully suggest that while for the gratification of sceptics they cheerfully recommend the adoption of the above resolution, they at the same time beg leave to express their utmost confidence in the integrity and good faith of the State Printer.

J. W. OLIVER,
Chairman.

Mr. Speaker:

The Committee on Claims, to whom was referred an Act to legalize certain Records in the County of Solano, have considered the same, and beg leave to report the bill back and recommend its passage without amendment.

G. H. RHODES,
Chairman.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill No. 165, an Act to authorize the Board of Supervisors of San Joaquin to appropriate money towards completing the Artesian Well on the Public Square in the City of Stockton, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Bell, from the minority of the special committtee, to whom was referred Assembly bill No 84, entitled an Act to encourage agricultural and mining interests in this State, made a report thereon.

The reading of the report was dispensed with.

On motion of Mr. Leihy, the report made by the majority of the special committee on the same subject was taken from the table, and the usual number of copies of both reports were ordered printed.

Mr. Speaker:

The Select Committee composed of delegations from Los Angeles and Tulare Counties, to which was referred Assembly bill No 202, having had the same under consideration, report back the same, with a substitute, and respectfully recommend the passage of the substitute.

J. LANCASTER BRENT,
JOHN G. DOWNEY,
Of Los Angeles County.

ROBERT SWAN,
Tulare County.

On motion of Mr. Brent, the substitute reported by the Special Committee for Assembly bill No. 202, for an Act amendatory of an Act entitled an Act dividing

the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851, was taken up and adopted.

On motion, the rule was suspended, the bill considered as engrossed, read a third time and passed.

Mr. Speaker:

The Committee on Corporations, to whom was referred Assembly bill 152, an Act granting to Robt. Haley and others the privilege to erect and build a Wharf on the Ranch of San Pablo in Contra Costa County, have had the same under consideration, and beg leave to report the same back to the House, without amendment, and recommend its passage.

T. W. TALIAFERRO,
Chairman.

Mr. Speaker:

The Committee on State Hospitals would most respectfully report, that, in accordance with a resolution which passed the House on yesterday, calling on the State Printer for the printed copies of the Report of the Resident Physician and Trustees of the Insane Asylum, the State Printer, this morning, returned the manuscript of the Trustees and Treasurer's Report, stating that it was impossible for him to furnish printed copies in such a form as to be understood, either by himself or any other person; owing to the informal manner in which said report was submitted.

Your committee would, therefore, most respectfully recommend the passage of the following resolution:

Resolved, That the manuscript of the Report of the Trustees and Treasurer of the State Insane Asylum be referred to the Committee on Hospitals; with instructions to transmit the same back to the said Board of Trustees and Treasurer, and request that the same be transcribed or amended, by a competent accountant, in such a manner as to render the same intelligible.

THOS. J. OXLEY,
Chairman.

On motion, the resolution reported by the Committee on Hospitals was adopted.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 12, 1856.

To the Assembly of California:

I have this day approved a bill entitled an Act to call out a company of Vo-

lunteers, for the suppression of Indian Hostilities in Klamath county, and to make an appropriation for the same.

I am your obedient servant,

J. NEELY JOHNSON.

On motion of Mr. Hawes, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 2, being "San Francisco City and County Consolidation Bill."

House in Committee of the Whole.

Mr Rhodes in the chair.

After some time spent in considering the bill, the Committee having made several amendments thereto, rose, and reported it back to the House, and recommended its passage as amended, and asked to be discharged from further consideration of the bill.

On motion of Mr. Holland, the amendments made by the Committee were amended and concurred in by the House.

On motion of Mr. Lippincott, the 5th article of the bill, relative to the Fire Department of the city of San Francisco, was stricken out.

Mr Sharp moved to strike out the ninth subdivision of the eighty-seventh section of the bill.

Pending discussion, Mr. Sharp moved the previous question.

Sustained.

The vote was then taken upon the motion made by Mr. Sharp.

Upon which, Messrs. Hawes, Wohler and Gray demanded the ayes and noes, with the following result:

AYES.

Messrs. Bell, Boring, Brent, Cone, Holland, Lewis, Lippincott, McDonald, McFarland, Pearson, Reynolds, Rhodes, Sharp, Sherrard, Swan, Taliaferro, Van Dusen, Wagner, Williams, Winsor, and Winston—22.

NOES.

Messrs. Andrews, Batchelder, Borland, Bowe, Brunton, Bynum, Covarrubias, Davis, Dick, Ewalt, Gage, Gaston, George, Gray, Haile, Hawes, Heald, Heiskell, Hoover, Hunt, Kelly, Kendrick, Lamon, Leihy, Mathews, McGehee, Moloney, Moulthrop, Oliver, Peck, Pugh, Sellick, Shearer, Stout, Turner, Upton, Weir, Welch, White, Wohler, and Mr. Speaker—40.

So the motion was lost.

The bill was then ordered engrossed.

The special order of the day, being "Proposed Amendments to the Constitution," was taken up.

Mr. Oxley moved a call of the House.

Sustained.

The roll was called, and the following named members were absent:

Messrs. Coombs, Curtis, Dustin, Ewalt, Lippincott, Peck, Read, Reynolds Rhodes, and Wohler.

The Sergeant-at-Arms was directed to arrest and conduct the absentees to the Assembly Chamber.

On the absentees appearing, on motion of Mr Rhodes, they were excused, and further proceedings under the call were dispensed with.

Mr. Kelly moved the House adjourn.

Not sustained.

Mr. Oxley called for the report of the Judiciary Committee, made on the 4th inst., relative to the proposed Amendments to the Constitution.

The report was read.

Mr. Oxley moved that the proposed Amendments to the Constitution of the State of California be adopted.

Mr. Holland moved to lay the whole subject matter on the table.

Upon which motion, Messrs. Stout, Oxley, and Dick, demanded the ayes and noes with the following result:

AYES.

Messrs. Andrews, Bell, Bowe, Gray, Lewis, McFarland, Sharp, Upton, Wagner, and Wohler—11.

NOES.

Messrs. Batchelder, Beatty, Boring, Borland, Brent, Brunton, Bynum, Carter, Cone, Covarrubias, Curtis, Dick, Downey, Ewalt, Gage, Gaston, George, Haile, Hawes, Heald, Heiskell, Hoover, Hunt, Kelly, Kendrick, Lamon, Leihy, Lippincott, Mathews, McDonald, McGehee, Meloney, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Read, Rhodes, Ricks, Sellick, Shearer, Sherrard, Ster-

ritt, Stout, Swan, Taliaferro, Taylor, Van Dusen, Weir, Welch, White, Williams, Winsor, Winston, and Mr. Speaker—56.

So the motion was lost.

Mr. George moved that the House adjourn.

Lost.

On motion of Mr. Weir, the bill was made the special order of the day for Tuesday, 18th instant, at 11 o'clock, A. M.

On motion of Mr. George, the two following bills were taken up:

Bill No. 54, an Act authorizing David Gherky and others to build a wharf at Santa Cruz.

Read a third time and passed.

Bill No. 55, an Act authorizing J. E. Davis, A P. Jordan and others to construct a wharf at Santa Cruz.

Read a third time and passed.

Mr. Brent moved to take up Senate Concurrent Resolution, in relation to School Moneys for Santa Barbara county.

Motion carried and resolution concurred in.

Mr. Wohler offered the following resolution:

Resolved, That five hundred copies of the Report of the old State Prison Directors be printed for the use of the Assembly.

Laid over one day under the rule.

On motion of Mr. Borland the House adjourned at 4 o'clock, P. M.

IN ASSEMBLY.

SATURDAY, March 15, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

Leave of absence was granted to Mr. Williams for one day, and to Mr. Davis for two days.

Journal of yesterday read and approved.

Mr. Batchelder presented a petition from citizens of Yuba county, remonstrating against any change being made in the boundary line of that county: also, remonstrating against the creation of a new county, out of the counties of Plumas, Sierra and Yuba.

Read and referred to the Delegations from those counties.

Mr. Weir presented a petition from citizens of the county of San Joaquin, praying the enactment of a law increasing the fees of office of the County Clerk for the county of San Joaquin.

Read and referred to the Delegation from that county.

Mr. Weir introduced bill No. 216, for an Act to amend Section 7 of an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March 20, 1855.

Read a first and second time, and referred to the Delegation from San Joaquin and Stanislaus.

Mr. Ricks introduced bill No. 217, for an Act to authorize the Board of Supervisors of Humboldt county to levy a special tax for certain purposes, and to provide for the collection of the same.

Read a first and second time, and referred to the Committee on Ways and Means.

Mr. Weir introduced bill No. 218, for an Act to amend Section 23 of an Act entitled an Act to regulate Fees of Office, approved April 10, 1855.

Read a first and second time and referred to Delegations from San Joaquin and Stanislaus.

Mr. Farley introduced bill No. 219, for an Act for the protection of actual settlers and to quiet land titles in this State.

Read first and second time, and referred to the Committee on Public Lands.

The following reports were received from committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No. 153, a bill for an Act entitled an Act to authorize the working of convicts in the county of Siskiyou:

A bill for an Act entitled an Act concerning the receiving of County Warrants for County Taxes in the Counties of Klamath and Siskiyou,

And a bill for an Act entitled an Act to amend an Act entitled an Act to regulate Fees of Office,

Have had the several bills under consideration, and respectfully beg leave to report the same back to the House, and recommend that they be indefinitely postponed.

The same committee have had under consideration, Assembly bill No 135, a bill for an Act entitled an Act to amend the Constitution of the State of California, and respectfully beg leave to report the same back to the House, with an amendment, and recommend its passage as amended.

The same committee, to whom was referred Assembly bill No. 208, a bill for an Act entitled an Act amendatory of an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1st, 1851, have had the bill under consideration and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

Your Committee have also considered Senate bill No. 120, a bill for an Act entitled an Act to authorize the State Treasurer to pay certain coupons, and respectfully beg leave to report the same back to the House, with an amendment, and recommend its passage as amended.

R. B. SHERRARD,
Chairman.

Mr. Speaker:

The Committee on Mines and Mining Interests, to whom was referred the several bills and petitions relating to the immigration to this State of persons who cannot become citizens thereof, report a substitute and recommend its passage.

J. E. BOWE,
Chairman.

Mr. Speaker:

The Select Committee, to whom was referred bill No. —, for an Act to exclude the Counties of San Joaquin and Stanislaus from the operation of an Act entitled an Act to provide for the payment of officers holding Elections and for transmitting the returns thereof, approved May 2, 1855, have had the same under consideration, and report the same back, without amendment, and recommend its passage.

B G. WEIR,
Chairman.

J. W HUNTER.

Mr. Speaker :

Your Committee on the part of the part of the Assembly appointed to examine proposals for translating the laws into Spanish, and to select a competent Translator, beg leave to offer the following report:

Your Committee have examined the several proposals offered for translating the laws into Spanish, together with the several specimens of translation presented by applicants, and, after mature and careful investigation with reference to qualification and competency, as well as price, respectfully report the name of Augustin Ainsa as the lowest most competent bidder, and recommend his appointment as State Translator. The several proposals range from ninety-four cents to one dollar and forty-five cents; that of Mr. Ainsa being one dollar per folio, including the reading of proof sheets.

Your Committee would also respectfully suggest that a Joint Committee be appointed by the Senate and Assembly to designate the several laws necessary to be translated, believing that there are many laws of a local nature, the translation of which would be useless, and would only swell the amount of expense without producing any other result.

W. H. TAYLOR,
JOHN G. DOWNEY,
M. McGEHEE.

Mr. Speaker :

The Committee on Enrollment have examined Assembly bill No. 156, an Act creating a Board of State Prison Commissioners, and defining their duties, and find the same correctly enrolled.

Also, have examined Assembly bill No. 91, an Act relative to the Court of Sessions and Board of Supervisors of San Joaquin County, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

The Sergeant-at-Arms made a report stating the amount due for the conveyance of Mail and Express matter from the Legislature, from February 26th to March 8th, inclusive.

The following message was received from the Senate:

SENATE CHAMBER, March 14, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, this day, passed Assembly bill No. 156, an Act creating a Board of State Prison Commissioners, and defining their duties.

Also, passed Assembly bill No. 155, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue Bonds to provide for the payment of the Funded Indebtedness of the County, and create a Fund for the Payment of the Principal and Interest of the same.

Also, amended and passed Assembly bill No. 107, an Act entitled an Act to regulate Fees of Officers in the County of Klamath.

Also, passed Senate bill No. 105, an Act concerning Official Advertisements, and to provide for their payment,

Also, passed Senate bill No. 73, an Act to provide for the Election or Appointment of a Reporter of the Decisions of the Supreme Court, and for the Publication of the same.

Also, passed Senate bill No. 82, an Act amendatory of and supplementary to an Act to incorporate the City of Marysville, approved March 5, 1855.

Also, indefinitely postponed Senate substitute to the Assembly Concurrent Resolution, deprecating the Election of N. P. Banks, Jr, as Speaker of the House of Representatives of the United States.

W. BAUSMAN,
Secretary of Senate.

On motion of Mr. Batchelder, Senate bill No. 82, for an Act amendatory of and supplementary to the Act to incorporate the City of Marysville, passed March 5th, 1855, was taken up and read a first and second time, and referred to the delegation from Yuba.

The amendments made by the Senate to Assembly bill No. 107, for an Act entitled an Act to regulate Fees of certain Officers in the County of Klamath, were concurred in.

Senate bill No. 105, for an Act concerning official advertisements, and to provide for their payment, was read a first and second time, and referred to the Committee on Ways and Means.

Senate bill No. 73, for an Act to provide for the election or appointment of a Reporter of the Decisions of the Supreme Court, and for the publication of the same, was read a first and second time, and referred to the Committee on Judiciary.

On motion of Mr. Winsor, Senate bill No. 77, for an Act extending the time

for presentation and allowance of claims against the estate of S. S. Booker, deceased, in the county of Sonoma, was taken up.

The amendments reported by the delegation from Sonoma were concurred in by the House, and the bill was read a third time and passed.

On motion of Mr. Gage, Assembly bill No. 168, in regard to the removal of the county seat of El Dorado, was taken from the file and made the special order of the day for Thursday, 20th instant, at 12 o'clock, M.

Mr. Sellick introduced the following resolution:

Resolved, That the Enrolling Clerk of the Assembly is hereby authorized to appoint such assistance, as may be actually necessary to the timely completion of the labors of his office.

Laid on the table.

Mr. Rhodes offered the following resolution:

Resolved, That the Attorney General of the State be, and is hereby authorized and required to examine into all accounts, contracts, and every species of claim against the State, authorized and made by the present and late Board of State Prison Directors, and report to this House as to the legality and validity of the same.

Adopted.

Mr. Boring offered the following concurrent resolution:

Resolved, (by the Assembly, the Senate concurring,) That the prompt action taken by Brigadier Gen John E. Wool for forwarding troops, ammunition, and supplies to the scene of Indian hostilities, upon our northern frontier, meets the approbation of every citizen of this State.

The rules were suspended, the resolution considered, and referred to Committee on Military Affairs.

Mr. Sherrard offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized and required to audit the accounts of J. M. Anderson, and J. L Perry, for three days' services in the organization of the Assembly of 1856, the one acting as Chief Clerk, the other as Assistant.

Adopted.

The following message was received from the Senate:

SENATE CHAMBER, March 15, 1856.

Mr. Speaker :

I am directed by the Senate to inform the Assembly that the Senate, on yesterdy, adopted the following substitute for Assembly resolution No. 20, relative to the establishing of mail routes.

Whereas, The town of Petaluma, in the county of Sonoma, is the distributing point for a large agricultural district of country having a large and permanent population ; *and whereas*, there is a daily communication between that place and San Francisco by steamboat, but having no regular public mail communication, under U. S. mail contract. Therefore, be it

Resolved, (by the Senate and Assembly of the State of California) That our Senator and Representatives in Congress be requested to procure at least a triweekly mail service between said points, and at least a weekly service from Petaluma, via Santa Rosa and Windsor, on Russian river

Resolved, That our Senator and Representatives in Congress be requested to urge upon the Post Master General the necessity of placing under contract and in actual service, the United States Mail route, established by Act of Congress, between the cities of San Francisco, Humboldt Bay, Crescent, and Trinidad.

Resolved, That his Excellency, the Governor, is hereby requested to forward a copy of the above to each of our Senators and Representatives in Congress

Also, on this day, passed Senate bill No. 87, an Act amendatory of, and supplementary to, an Act entitled, an Act to regulate the Settlement of the Estates of Deceased Persons

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

Mr. Oxley moved to take up Senate substitute to Assembly Concurrent Resolution in relation to certain Mail Routes.

Agreed to.

The substitute was concurred in.

Mr. Wohler moved to take up resolution in relation to printing five hundred copies of old State Prison Directors' report.

Motion carried.

Mr. Upton offered the following substitute:

Resolved, That the Committee on State Prison be directed to inquire and

report whether any or what action is necessary in regard to the report of the late Directors of the State Prison.

Adopted and passed.

On motion of Mr. Sharp, bill No. 82 was taken up, and made the special order for Tuesday next.

On motion of Mr. McDonald, the vote by which Senate substitute to Assembly Concurrent Resolution, in relation to certain Mail Routes had passed, was reconsidered.

Mr. McDonald offered the following amendment to the resolution:

Insert the word "Trinidad" and the word "City" after the word "Crescent."

Adopted.

On motion of Mr. Brent, Assembly bill No. 35, was made the special order for Thursday next, at 11 o'clock, A. M., 20th inst.

On motion, the House resolved itself into Committee of the Whole, to take into consideration Assembly bill No. 93, being the Revenue bill.

Mr. Stout in the chair.

The Committee having considered the bill, rose, reported progress and asked leave to sit again.

Report adopted.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 14, 1856.

To the Assembly of California:

I have this day approved of a bill originating in the Assembly, entitled an Act supplementary to and amendatory of an Act entitled an Act to amend an Act entitled an Act to fix the Times of holding the District Courts throughout the State, (passed May 18, 1855,) passed January 31, 1856.

Respectfully, your obt. serv't,

J. NEELY JOHNSON,

EXECUTIVE DEPARTMENT,
Sacramento, March 15, 1856.

To the Assembly of California:

An Act to incorporate the Town of Eureka, I herewith return to your honorable body without approval.

Independent of other objections to this Act, it is sufficient to call attention to the provisions of Sec. 37, Art. IV. of the State Constitution.

Authority is there given to provide for the organization of cities and incorporated villages; but in so doing, to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and contracting debts by such municipal corporations.

This injunction in the bill before me has been regarded only in the matter of levying taxes; leaving in the other particulars the exercise of those powers to the absolute will of its Board of Trustees; in which respect it will at once be perceived to be a violation of the Constitution.

Very respectfully,
Your obt. servt,

J. NEELY JOHNSON.

Mr. George moved a call of the House.

Lost.

The question being, Shall the bill pass, notwithstanding the objection of the Governor?

AYES.

None.

NOES.

Messrs. Andrews, Batchelder, Beatty, Bell, Boring, Borland, Bowe, Brunton, Brush, Bynum, Cartter, Cone, Covarrubias, Curtis, Downey, Dustin, Ewalt, Gaston, George, Gray, Haile, Heald, Hoover, Hunt, Hunter, Kelly, Kendrick, Lamon, Leihy, McGehee, Oliver, Oxley, Pearson, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Sherrard, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, Winsor, and Mr. Speaker—52.

So the bill did not pass.

The following message was received from the Senate:

SENATE CHAMBER, March 15, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on this day, amended

and passed substitute No 102, for Assembly bill, an Act for the better maintenance of the Indigent Sick of Shasta and Siskiyou Counties.

Also passed Senate bill No 115, an Act to authorize the admission of Robert C Milner as an Attorney and Counsellor in the Courts of this State,

And refused to concur in Assembly amendments to Senate sub-resolution for Assembly resolution No 20, by inserting the word "City;" and concur in inserting "Trinidad."

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

On motion of Mr Rathburn, the House receded from the amendment by which the word "city" was inserted in the Senate substitute resolution referred to in the above message.

By leave of the House, the following report was received:

Mr. Speaker:

The Yuba delegation, to whom was referred Senate bill No. 82, an Act amendatory of and supplementary to the Act to incorporate the city of Marysville, approved March 5, 1855, have had the same under consideration, and respectfully beg leave to report the same back, and recommend its passage without amendment.

UPTON B WINSOR,
JOHN STERRITT,
A. J. BATCHELDER.

On motion of Mr. Winsor, the rule was suspended, and Senate bill No. 82, reported by the Yuba delegation, was taken up.

Mr. Turner moved to strike out $2,500, as the salary of the City Recorder, and insert $2,000 in lieu thereof

Not adopted

Mr Lamon moved the previous question

Sustained.

Mr. Turner offered an amendment to the bill.

The Speaker decided the amendment out of order.

Mr. Turner then offered a remonstrance against the passage of the bill

The Speaker (Mr. Taylor in the chair) decided that while acting under the previous question the remonstrance could not be read

From which decision Mr. Turner appealed.

The question was then put, "Shall the decision of the Chair stand as the judgment of the House.

Upon division of the House, the Chair was sustained—Ayes 40, Noes 1.

The bill was then read a third time and passed.

On motion of Mr. Curtis, Assembly bill No. 102, for an Act for the maintenance of the Indigent Sick of the Counties of Shasta and Siskiyou, was taken up and read as amended by the Senate.

Mr. Curtis moved that the amendments made by the Senate, be concurred in by the House.

Pending discussion, Mr. George moved the previous question.

Sustained.

The vote was then taken upon the motion to concur in the amendments made to the bill by the Senate.

Upon which Messrs. Stout, Turner and Rathburn demanded the ayes and noes with the following result.

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Boring, Borland, Bowe, Brunton, Brush, Cone, Curtis, Dustin, Gaston, George, Gray, Haile, Heiskell, Kelly, Kendrick, Lamon, Leihy, McGehee, Oliver, Oxley, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Sterritt, Turner, Van Dusen, Wagner, Welch, Winsor—37.

NOES.

Messrs. Bynum, Covarrubias, Downey, Ewalt, Heald, Hunt, Pearson, Stout, Weir and Mr. Speaker—10.

So the amendments were concurred in.

On motion of Mr. Oxley, the House, at 25 minutes past three o'clock, P. M., adjourned.

IN ASSEMBLY.

MONDAY, March 17, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

Leave of absence was granted to Messrs. Coombs, Rhodes, Lewis and Mc Donald, each for one day, and to Mr. Meloney for three days.

On motion of Mr. Sherrard, J. M. Anderson, Chief Clerk, was granted leave of absence for three days

Journal of Saturday, 15th inst., was read and approved.

Mr. White presented a petition, numerously signed by citizens of El Dorado county, praying for the organization of a new county out of territory lying between the south and middle forks of the American river.

Read and referred to Committee on Counties and County Boundaries.

Mr. Kendrick introduced bill No. 220, for an Act to amend an Act entitled an Act to authorize the Board of Trustees of the City of San Diego, to make Regulations to prohibit the obstruction or placing of rubbish or filth or slaughtering of animals in the streets or alleys of that part of said City known as old San Diego, and for sweeping and cleaning the Plaza thereof, approved May 7, 1855.

Read a first and second time, and referred to Committee on Corporations.

Mr. Heald introduced bill No. 221, for an Act to authorize the Board of Supervisors of Sonoma County to levy a Special Tax for the redemption of certain outstanding Warrants.

Read a first and second time and referred to the Committee on Ways and Means.

Mr. Oliver gave notice of a bill to amend Section 76th of an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1st, 1851.

Mr. Oxley gave notice of a bill for an Act to appropriate the sum of $3,587 76, to meet deficiencies of an appropriation heretofore made, for the support and maintenance of the State Insane Asylum, for the year 1855.

Also, of a bill for an Act to change the time of commencement of the Fiscal year of said Insane Asylum.

The following reports were received from committees:

Mr. Speaker.

The Judiciary Committee to whom was referred Senate bill No. 42, a bill for an Act to amend an Act entitled, an Act concerning Crimes and Punishments, passed April 16, 1850, have had the bill under consideration, and respectfully beg leave to report the same back to the House with amendments, and recommend its passage as amended.

The same committee have had under consideration, Senate bill No. 43, a bill for an Act entitled, an Act amendatory of, and supplementary to, an Act entitled, an Act concerning Crimes and Punishments, passed April 16, 1850, and respectfully beg leave to report the same back to the House with amendments, and recommend its passage as amended

R. B SHERRARD,
Chairman.

Mr Speaker.

The Select Committee, to whom was referred an Act to amend section twenty-three, of an Act entitled, an Act to regulate Fees of Office, approved April 10, 1855, have had the same under consideration, and report it back without amendment, and recommend its passage.

B. G. WEIR.
Chairman.

Mr. Speaker:

The Select Committee, to whom was referred an Act to amend section seven of an Act entitled, an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, approved March 20, 1855, have had the same under consideration, and report the same back without amendment, and recommend its passage.

B. G. WEIR,
Chairman.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill No. 88, an Act to amend an Act entitled, an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, and find the same correctly enrolled.

Also, have examined Assembly bill No. 155, an Act to authorize the Board of Supervisors of the County of San Joaquin, to issue bonds to provide for the

payment of the funded indebtedness of the County, and find the same correctly enrolled.

SILAS BELLICK,
Chairman.

Mr. Speaker:

The Engrossing Committee have examined and found correctly engrossed, substitute for bill No. 202, an Act amendatory of an Act entitled, an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

J. G. DOWNEY,
Chairman pro tem.

Mr. Speaker:

Your Committee on Corporations, to whom was referred Assembly bill No. 214, entitled, an Act to incorporate the town of Eureka, in Humboldt County, have had the same under consideration, and beg leave respectfully to report the same back to the House without amendment, and recommend its passage.

TALIAFERRO,
Chairman.

The following messages were received from the Senate:

SENATE CHAMBER, March 17, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate amended and passed Assembly bill No. 88, an Act to amend an Act entitled, an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Also, passed Senate bill No. 129, an Act providing for Funding the Debt of Contra Costa County, not heretofore funded.

Also, passed Senate bill No. 111, an Act to regulate the Fire Department of the City of Sacramento, all of which is herewith submitted.

Respectfully,

W. BAUSMAN,
Secretary Senate.

Senate bill No. 87, an Act amendatory of, and supplementary to an Act entitled, an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851, was read a first and second time, and referred to Judiciary Committee.

Senate bill No. 129, an Act providing for funding the Debt of Contra Costa, not heretofore funded.

Read a first and second time and laid on the table.

Senate bill No. 115, an Act to authorize the admission of Robert C. Milner as an Attorney and Counsellor in the Courts of this State.

Read a first and second time and referred to the Judiciary Committee.

Senate bill No. 111, an Act to regulate the Fire Department of the City of Sacramento.

Read a first and second time, rules suspended, read a third time and passed.

On motion of Mr. Leihy, the Assembly concurred in the Senate amendments to Assembly bill No. 88, an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

On motion of Mr. Rathburn, the rule was suspended and Senate bill No. 118, an Act to authorize John H. Hill, (guardian of the person and estate of William K. Burns, a lunatic,) to sell and convey by private sale the Real Estate of his said Ward, was taken from the file.

Mr. Heald offered the following amendment to the bill:

After the word "convey" in the third line, Sec. 1st, insert the words "to the persons in possession."

Lost.

Mr. Downey moved to refer the bill to the Judiciary Committee.

Lost.

The bill was read a third time and passed.

On motion of Mr. Oxley, the rule was suspended, and Senate Concurrent Resolution, relative to establishing a Daily Mail Communication between Marysville in Oregon Territory and Shasta in this State, was taken from the file, read a third time and passed.

On motion of Mr. Hawes, the rule was suspended, and Assembly bill No. 146, an Act supplementary to an Act entitled an Act concerning the Official Bonds of Officers, passed Feb. 28th, 1850, was taken from the Calendar, and the amendments reported by the Judiciary Committee was concurred in.

Mr. Ewalt moved to indefinitely postpone the bill.

Lost.

Mr. George moved to strike out the second section of the bill.

Upon which, Messrs Stout, Sellick and Haile demanded the ayes and noes, with the following result:

AYES.

Messrs. Bell, Boring, Brush, Bynum, Cartter, Castro, Cone, Covarrubias, Curtis, Dick, Downey, Dustin, Ewalt, George, Haile, Kelly, Lippincott, McFarland, Pearson, Reynolds, Sellick, Stout, Williams and Mr. Speaker—25

NOES.

Messrs. Andrews, Batchelder, Beatty, Blackburn, Borland, Bowe, Brunton, Gage, Gaston, Gray, Hawes, Heald, Heiskell, Hoover, Hunt, Hunter, Kendrick, Lamon, Leihy, Mathews, McGehee, Moulthrop, Oliver, Oxley, Peck, Pugh, Rathburn, Shearer, Sherrard, Sterritt, Taliaferro, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, Winsor, Winston—38.

So the motion to strike out was lost.

On motion of Mr. Hawes, the bill was considered as engrossed, and read a third time.

On its passage, the ayes and noes were demanded by Messrs. Bell, Hawes and McFarland, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Borland, Bowe, Brunton, Cone, Gage, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Hunter, Kendrick, Leihy Mathews, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Ricks, Shearer, Sherrard, Sterritt, Taliaferro, Upton, Weir, Welch, Wohler—33.

NOES.

Messrs. Bell, Boring, Bynum, Cartter, Castro, Covarrubias, Curtis, Dick, Downey, Dustin, Ewalt, George, Hoover, Hunt, Kelly, Lamon, Lippincott, Moulthrop, Pearson, Reynolds, Sellick, Stout, Swan, Van Dusen, Wagner, Williams, Winsor, Winston and Mr. Speaker—29.

So the bill was passed.

On motion of Mr. Batchelder, the vote by which, on Saturday last, Senate bill No. 82, an Act amendatory of and supplementary to the Act to incorporate the City of Marysville, (passed March 5, 1855,) was passed, was reconsidered.

Mr. Shearer moved to strike out the word "county," and insert "city," in the twenty-second line of the fifth section.

Carried.

The bill was then read a third time and passed,

On motion of Mr. Ricks, the rule was suspended, and Assembly bill No. 214, an Act to incorporate the town of Eureka, in Humboldt county, was considered engrossed, read a third time, and passed.

Mr. Weir introduced the following Concurrent Resolution:

Whereas, we have learned that A. Thompson, late a member of the late Board of U S Land Commissioners, has made application for the appointment of U. S. District Attorney for the Northern District of California:

And whereas, the said A. Thompson was one of the Board of U S. Land Commissioners, and in that capacity decided upon many of the most important of the land claims of this State, and is therefore believed to be incapable of acting in an impartial manner between the Government and the claimants of land, and that the interests of the United States in his hands will not be properly protected. Therefore,

Resolved, by the Assembly, the Senate concurring, That in our opinion, the appointment of said Thompson to the post of United States District Attorney of this State, would be in derogation of the rights and interests of this State, and contrary to the true policy of the Government.

On motion of Mr Weir, the rules were suspended, and the resolution placed upon its passage

Upon which, Messrs George, Dick, and Stout, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Blackburn, Borland, Bowe, Brush, Bynum, Covarrubias, Dick, Dustin, Ewalt, Gage, Gaston, Gray, Heiskell, Hoover, Hunt, Hunter, Kelly, Kendrick, Lamon, Leiby, Lippincott, Mathews, McGehee, Moulthrop, Oliver, Oxley, Pearson, Peck, Pugh, Reynolds, Ricks, Sellick, Shearer, Sherrard, Sterritt, Taylor, Van Dusen, Wagner, Weir, Welch, Winsor, Winston, and Wohler—46.

Messrs. George, Stout, and Taliaferro—3

So the resolution was adopted.

Mr Hunt introduced the following Concurrent Resolution:

Resolved, by the Assembly, the Senate concurring, That our Senators and Members in Congress are requested to urge upon the Postmaster General the necessity of establishing a weekly mail communication between the Ports of San Pedro and San Diego, via the city of Los Angeles and town of San Bernardino

Resolved, That the Governor be and he is hereby requested to cause this resolution to be forwarded to our delegation in the National Congress at as early a day as possible

Lays over, under the rule, for one day.

On motion of Mr. Sellick, the resolution relative to allowing the Enrolling Clerk such assistance as may be actually necessary to the timely completion of the labors of his office, which was laid on the table on the 15th inst., was taken up.

On motion of Mr. McFarland, it was amended so as to read:

Resolved, That the Enrolling Clerk of the Assembly is hereby authorized to appoint one assistant.

On motion of Mr Stout, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration the substitute reported by the Committee on Ways and Means for Assembly bill No. 93, for an Act to amend an Act entitled, an Act to Provide Revenue for the support of the Government of this State, passed May 15, 1854, and to amend the several Acts amendatory thereto.

House in Committee of the Whole.

Mr Stout in the chair.

After some time spent in considering the bill, the committee rose, reported progress, and asked leave to sit again.

Adopted.

Mr. Stout moved to take up the calendar of bills.

Motion not sustained.

Mr. Covarrubias gave notice, that he would on to-morrow move a reconsideration of the vote by which a Joint Resolution was this day passed relative to the appointment of Thompson, as United States District Attorney for the Northern District of this State

Mr. Upton moved that when the House adjourn, it stands adjourned until four o'clock, P. M.

Motion not sustained.

Mr. Stout moved to take up the calendar of bills.

Carried.

The calendar was then taken up.

Assembly bill No. 86, for an Act to Fund the Debt of the County of Napa, and provide for the payment of the same, was read a third time and passed.

Assembly bill No 69, for an Act to amend an Act entitled, an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers.

On motion, the rule was suspended for the purpose of amending the bill.

On motion of Mr Cutter, the title was amended by adding in continuation, after the word "powers," "passed March 20, 1855"

On motion of Mr Farley, the word "Amador" was inserted in the 28th line of the second section of the bill, after the words "counties of," and before the word "Calaveras"

On motion of Mr Dick, the word "Butte" was stricken out in the 36th line of the second section of the bill, and the section was amended by adding in continuation after the word "Board," in the last line, "*Provided further*, That the Supervisors of Butte County shall each receive, not to exceed the sum of three hundred and fifty dollars annually,"

Mr. George moved an adjournment, which motion was not sustained.

The bill was then read a third time and passed

Mr. Hunter offered the following resolution:

Resolved, That the hour of 3 o'clock P. M., be adopted as the hour for the House to adjourn at, on, and after, this day

Not adopted

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 17, 1858

To the Hon. the Assembly:

I have this day approved the following bills originating in the Assembly

An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money towards completing the Artesian Well on the Public Square in the City of Stockton.

Also, an Act relative to the Court of Sessions and Board of Supervisors of San Joaquin County.

I am, very respectfully,
Your obedient serv't

J NEELY JOHNSON.

The following message was received from the Senate:

Senate Chamber, March 17, 1856.

Mr Speaker:

I am directed to inform the Assembly that the Senate this day passed Senate bill No. 125, an Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Placer and Amador.

Respectfully submitted,

WM. BAUSMAN,
Secretary of Senate.

Senate bill No 126, was taken up.

Read a first and second time

On motion of Mr. Stout, the bill was laid on the table.

On motion of Mr. Lamon, the House, at four o'clock, P M , adjourned.

IN ASSEMBLY.

Tuesday, March 18, 1856.

House met pursuant to adjournment

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

Leave of absence granted to Mr. McDonald for one day.

Journal of yesterday was read and approved.

Mr Stout presented a petition from Alfred W Harcombe, praying to be allowed to practice as an Attorney and Counsellor at-Law in the Courts of this State.

Read and referred to the Committee on Judiciary.

Mr. Brunton introduced bill No. 222, for an Act to re-incorporate the City of Sonora.

Read a first and second time and referred to the delegation from Tuolumne.

Mr. Van Dusen introduced bill No. 223, for an Act for the relief of the heirs of Estates in which funds were lost through a robbery committed in June last, upon Thomas C Brunton, at that time Public Administrator of Tuolumne County

Read a first and second time and referred to the Committee on Claims.

Mr. Oxley introduced bill No. 224, for an Act to appropriate the sum of three thousand five hundred and ninety-seven dollars, to meet the deficiencies of an appropriation for the support of the Insane Asylum of California for the year 1855

Read a first and second time.

On motion of Mr. Oxley, the rule was suspended for the purpose of having the bill read a third time.

The House then resolved itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 224

House in Committee of the Whole.

Mr. Lamon in the chair.

After some time spent in consideration of the bill, the Committee rose, reported the bill back to the House, and recommended its passage, without amendment, and asked to be discharged.

On motion of Mr. Oxley, the report of the Committee was concurred in by the House.

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

Mr. Upton introduced bill No. 225, for an Act to provide for assessing an additional Tax in the County of Trinity.

Read a first and second time, and referred to Committee on Ways and Means.

Mr. Oliver introduced bill No. 226, for an Act amendatory to section 76 of an Act to regulate the Settlement of the Estates of Deceased Persons, passed May 1, 1851.

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

Mr. Curtis introduced bill No. 227, for an Act to provide for the immediate procurement of Arms for the use of this State, and making an appropriation therefore.

Read a first and second time, and referred to Committee on Military Affairs.

Mr Stout introduced bill No 228, for an Act to authorize the Courts of Re-

cord of this State to admit Alfred W. Harcombe as an Attorney and Counsellor at Law.

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

Mr. Farley introduced bill No 229, an Act to abolish the office of Harbor Master at San Francisco, and to provide for the Appointment of two Dock Masters.

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

Mr. Wohler presented the accounts of the "California Democrat," and the "San Francisco Journal," for advertising the sale of State property.

Referred to Committee on Claims.

Mr. Rhodes gave notice of a bill for an Act creating a Ranging Company for certain purposes

Mr. Oliver gave notice of a bill requiring Corporate Bodies to make a monthly or quarterly report of all proceeds and expenditures connected with their respective Corporations.

Mr McFarland gave notice of a bill to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April 29, 1851, and to amend the various Acts amendatory of said Act.

Mr. Moulthrop gave notice of a bill for an Act to organize a new County out of the Southern portion of San Francisco county.

Mr. Wagner gave notice of a bill to define the Duties and Powers of Grand Juries.

The following reports were received from Committees:

Mr. Speaker:

The Committee on State Hospitals, to whom was referred a petition from the Trustees of the Insane Asylum of California, praying that an appropriation of two thousand dollars ($2,000) be made by the Legislature for the relief of Jas. H Millmore, for losses said to have been sustained by said Millmore on a contract entered into between the said Millmore and the Trustees of the Insane Asylum for the erection of a kitchen to the Asylum, in accordance with an Act of the last Legislature, have had the same under consideration, and have instructed me to report: That in the judgment of the Committee, it would be an Act of injustice to the State to grant the prayer of the petitioners, and thereby establish a precedent which could but end in unwise and unjust appropriations hereafter in every case of similar character. It appears in the petition, as set forth by the Trustees of the Asylum, that the contract for the erection of the building was let out to the lowest bidder, and that, as is usual in such cases, the plans and specifications of the building were submitted to the said Millmore before the contract was entered into.

Your committee are therefore of the opinion, that as the said Milmore entered into the contract as the lowest responsible bidder, with all the facts before him, and has sustained a loss in complying with the requisitions thereof, the State should not be made to bear the burden of a lack of judgment of the said contractor, and inasmuch as she has acted in good faith in the premises, and has fulfilled to the letter all the provisions of the contract on her part, your committee therefore would most respectfully recommend that no further action be taken in the premises. The memorial of the said petitioners is herewith returned.

All of which is most respectfully submitted.

THOS. J OXLEY,
Chairman.

Mr. Speaker:

The Engrossing Committee have examined and found correctly engrossed, bill No 2, an Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the government thereof

R S MATHEWS,
Chairman.

Mr. Speaker:

Your Committee on Military Affairs have had under consideration, and have duly considered Assembly bill No. 148, entitled, an Act to prohibit the carrying of concealed weapons.

Your committee have agreed that, under the existing state of society in California, the bill would be inoperative. It might, perhaps, prove beneficial in many of the incorporated towns and cities of this State; but, in consequence of the isolated situation of many of our towns and villages—the numerous desolate and unsettled portions of the country over which immigrants and travellers have to pass—the many marauders and murderers that are extant in the State—and the widely separated and isolated location of the officers of justice, in most of the counties.

Your committee think, that notwithstanding it might be beneficial in the incorporated cities, as aforesaid, it is not advisable to pass such a law at this time, as they believe, on the whole, it would prove injurious to the interests of the country at large during the present state of affairs.

They therefore recommend the bill back to the House, and its indefinite postponement

J. HUNT,
Chairman.

Mr. Speaker:

The Committee on Corporations have had under consideration, a bill for an Act to amend an Act entitled, an Act to extend the time of commencing the construction of certain Railroads, &c, approved April 25, 1855, and report the same back to the House with the following substitute, and recommend its passage.

T W. TALIAFERRO,
Chairman.

Mr. Speaker.

The Nevada Delegation, to whom was referred Assembly bill No 186, an Act concerning the Terms of County Officers, in the County of Nevada, respectfully report the same back to the House, with a substitute herewith submitted, and recommend the adoption and passage of the substitute

T F. McFARLAND,
DANIEL DUSTIN,
S W BORING,
V. G. BELL,
G. A REYNOLDS,
Nevada Delegation.

Mr. Speaker:

The Committee on Enrollments have examined Assembly substitute for bill No 102, an Act for the better maintenance of the Indigent Sick of Shasta, Siskiyou and Placer Counties, and find the same correctly enrolled.

SILAS SELLICK,
Chairman

Substitute reported by the Nevada delegation, for Assembly bill No 186, entitled an Act concerning County Officers in the County of Nevada was read a first and second time, and placed on the Calendar

Substitute reported by the Committee on Corporations for Assembly bill No. 128, entitled an Act to extend the time of commencing the construction of certain Railroads, herein named, was read a first and second time, and placed on the Calendar.

The first special order of the day: Joint Resolutions in relation to the immigration of foreign paupers and criminals into the United States, was taken up

Mr. Upton moved moved their reference to the Committee on Federal Relations.

On motion of Mr Rhodes, the resolutions were laid on the table.

The following message was received from the Senate.

SENATE CHAMBER, March 18, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, yesterday, passed the following Concurrent Resolution:

Resolved, (by the Senate the Assembly concurring,) That the Superintendent of Public Instruction be, and is hereby instructed to include in the next appor-

tionment of school money to the county of Placer an amount equal to the sum said county would be entitled to under the last apportionment of school money, the same as though the returns from said county had been received within the legal time.

Respectfully,

W. BAUSMAN.
Sec'y Senate.

On motion, the House concurred in Senate resolution relative to school moneys for the county of Placer.

Mr. Hunter offered the following resolution:

Resolved, That from and after this date the House shall hold evening sessions, commencing at 5 o'clock, P. M.

Laid on the table

On motion of Mr. Hewes, Assembly bill No. 2, entitled an Act to repeal the several Charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and consolidate the Government thereof, was taken up.

By the unanimous consent of the House, the following amendment to the bill, offered by Mr. Lippincott, was adopted:

In schedule, section first, strike out the words, "the present City Controller of the City of San Francisco," and insert in place thereof, the following words:

"The present County Auditor of the County of San Francisco."

The bill, as amended, was then read a third time and passed

The second special order of the day, Assembly bill No. 143, proposed amendments to the Constitution of the State of California, was taken up.

Mr. Brent offered the following resolution

Resolved, That the proposed amendments to the Constitution of the State of California be referred to a committee of five, and that they be requested to investigate the fact whether the amendments have been published in English and Spanish, according to the provisions of the Constitution; also, whether they consider it indispensably necessary to have them so published, and that said Committee report to the House to-morrow morning

Adopted.

The Speaker appointed as Committee Messrs. Brent, Oxley, Tallaferro, Upton and Hunter.

The third special order of the day, Assembly bill No. 82, an Act to regulate the business of Bankers, was taken up. Several amendments were adopted and the bill was ordered engrossed.

The fourth special order of the day, Assembly bill No. 17, an Act for the Protection of Actual Settlers, and to quiet Land Titles in this State, and for other purposes concerning real property, was taken up.

On motion of Mr. Weir, it was made the special order for Friday, 21st instant, at 12 o'clock, M.

Mr. Upton, from Committee on Ways and Means, reported back the accounts against the State of Messrs. Carpentier, Lyons, and Ten Broeck, and recommend edtheir reference to the Committee on Claims.

They were so referred.

On motion of Mr. McFarland, the vote by which Assembly bill No. 146, an Act supplementary to an Act entitled, an Act concerning Official Bonds of Office, passed February 28th, 1850, was on yesterday passed, was reconsidered.

Mr. McFarland moved to strike out the word "fixed," in the third line of section 1.

Not sustained.

Mr Lamon moved to strike out the following words in the latter clause of section 1, to wit: "Any person or persons engaged or interested in the business of Banking, shall not be received as security on the official bonds of any officer, having the collection, custody, or disbursement of public moneys."

Mr. McFarland offered as an amendment to the amendment, that section 2 be also stricken out.

Mr. Bell moved to lay the bill on the table.

Lost.

Mr. Oxley moved the previous question.

Carried.

Mr. Hawes demanded a division of the question.

The question then recurred on the motion of Mr. Lamon to strike out the latter clause of section 1.

Upon which, Messrs. Hawes, George, and Gray, demanded the ayes and noes, with the following result:

AYES.

Messrs. Bell, Boring, Brush, Castro, Coombs, Curtis, Dustin, Ewalt, Hunt, Lamon, Lippincott, McFarland, Oliver, Pearson, Reynolds, Rhodes, Stevenson, Stout, Turner, Wagner, Winsor, Winston, and Mr. Speaker—22.

NOES.

Messrs. Andrews, Batchelder, Beatty, Borland, Bowe, Brunton, Bynum, Cone, Davis, Dick, Gage, Gaston, George, Gray, Hawes, Heald, Heiskell, Hunter, Kelly, Kendrick, Leihy, Mathews, McGehee, Meloney, Moulthrop, Oxley, Peck, Pugh, Rathburn, Shearer, Sherrard, Upton, Van Dusen, Weir, Welch, White —35.

So the motion was lost.

The question then recurred upon the motion of Mr. McFarland, to strike out the second section of the bill.

Upon which Messrs. Hawes, George, and Gray, demanded the ayes and noes with the following result:

AYES.

Messrs. Bell, Boring, Brush, Bynum, Cone, Coombs, Curtis, Dick, Dustin, Ewalt, Gaston, George, Hunt, Kelly, Kendrick, Lamon, Leihy, Lippincott, McFarland, Moulthrop, Oliver, Pearson, Pugh, Reynolds, Rhodes, Sherrard, Stevenson, Sterritt, Stout, Swan, Wagner, Winsor, Winston, and Mr. Speaker —33.

NOES.

Messrs. Andrews, Batchelder, Beatty, Borland, Bowe, Brunton, Castro, Covarrubias, Davis, Gage, Gray, Hawes, Heald, Heiskell, Hunter, Mathews, McGehee, Meloney, Oxley, Peck, Rathburn, Ricks, Shearer, Upton, Van Dusen, Weir, Welch, White—27.

So the motion was carried.

Mr. Brent moved to adjourn.

Lost.

Upon the passage of the bill, Messrs. Hawes, Dick and Gray demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Borland, Borland, Bowe, Brent, Brunton, Brush, Bynum, Cartter, Castro, Cone, Covarrubias, Davis, Dick, Dustin, Gage, Gaston, George, Gray, Hawes, Heald, Heiskell, Hunter, Kelly, Kendrick, Leihy, Mathews, McDonald, McFarland, McGehee, Moulthrop, Oliver,

Oxley, Pearson, Pugh, Rathburn, Ricks, Shearer, Sherrard, Sterritt, Turner, Upton, Van Dusen, Welch, White, Winsor—47.

NOES.

Messrs. Bell, Coombs, Curtis, Ewalt, Hunt, Lamon, Lippincott, Peck, Reynolds, Rhodes, Stevenson, Stout, Swan, Taliaferro, Wagner, Weir, Winston, Mr. Speaker—19.

So the bill passed.

On motion of Mr. Bell, the House resolved itself into Committee of the Whole, to take under consideration Assembly bill No. 93, an Act to provide Revenue for the support of the government of this State.

House in Committee of the Whole.

Mr. Bell in the chair.

Committee reported the bill back, and asked to be discharged.

On motion of Mr. Upton, the committee were discharged from further action on the bill.

Mr Meloney moved to take from the table Senate bill No. 124, an Act providing for Funding the Debt of Contra Costa County not heretofore funded.

Carried

The bill was taken up and referred to the Committee on Corporations.

On motion of Mr. Beatty, the House at five o'clock, P. M, adjourned.

IN ASSEMBLY.

WEDNESDAY, March 19, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

Leave of absence was granted to Messrs Read, Castro, and Downey, for an indefinite time, on account of indisposition.

Journal of yesterday read and approved.

Mr. Rhodes presented a petition numerously signed by citizens of townships Nos 2 and 5, in the county of Mariposa, praying that certain portions of those townships be annexed to the county of Merced.

Read and referred to the delegations from those counties.

Mr. Hawes introduced bill No 230, for an Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Winston introduced bill No. 231, for an Act to amend an Act entitled an Act to organize the County of Plumas, passed March 18, 1854.

Read a first and second time, and referred to the Committee on Accounts and Expenditures.

Mr. Kelly introduced bill No. 232, for an Act to amend an Act entitled an Act to exempt the Homestead and other Property from Forced Sale in certain cases, passed April 21, 1851.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Bell introduced bill No. 233, for an Act to amend an Act entitled an Act concerning Roads and Highways, approved April 28, 1855.

Read a first and second time, and referred to the Committee on Roads and Highways.

Mr. Brush introduced bill No 234, for an Act supplementary to an Act enti-

tled an Act concerning the Escape of Convicts of the State Prison, approved April 30, 1855

Read a first and second time, and referred to the Committee on Claims.

Mr. Pugh introduced bill No. 235, for an Act to incorporate the Sacramento Orphan Asylum Society in the City of Sacramento.

Read a first and second time by title, and the usual number of copies ordered printed

Mr. Rhodes introduced bill No. 236, for an Act to authorize the raising of a Company of Rangers for the Counties of Stanislaus, Merced, Mariposa, Tulare, Buena Vista, San Luis Obispo, Los Angeles, Calaveras, and Tuolumne.

Read a first and second time, and referred to the delegations from these counties.

Mr. Meloney introduced bill No. 237, for 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.

The Speaker appointed as such committee, Messrs. Meloney, Weir, Cone, Kelly and Lewis

Mr McDonald presented the account of J M Sheppard against the State.

Read and referred to Committee on Claims.

Mr. Holland gave notice of a bill for an Act supplemental to an Act to provide for funding the legal and equitable indebtedness of the City of San Francisco, and for the final redemption of the same, approved May 7, 1855.

Mr George gave notice of an Act amendatory of the Practice Act.

Mr Batchelder gave notice of a bill to revise and amend the present Laws of this State.

Mr. Curtis gave notice of an Act for the relief of the County-Judge of Siskiyou County.

Mr. Hunter gave notice of a bill for an Act to exempt A Leach & Co. from taxation on certain property in San Joaquin County

Also, a bill to allow John Dent, and others to construct a bridge across the Stanislaus river.

Also, for an Act to amend the Charter of the City of Stockton.

Mr. Weir gave notice of a bill for the relief of James H Millmore.

Mr. Peck gave notice of a bill providing for the appointment of Jurors for the Courts, in the county of Santa Clara, prescribing the manner of drawing and summoning the same.

Also, of a bill fixing the time for holding the Courts of Sessions, in the county of Santa Clara, and limiting the jurisdiction of the same.

Mr. McDonald gave notice of a bill, granting to B. Nordheimer, F. F Marx and others, the right to build a wharf in Trinidad Bay, Klamath county.

Also, of an Act amendatory of an Act entitled, an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State.

Also, to provide for the disposal of Lots in the Towns and Villages on the Public Lands in the county of Klamath

Also, a bill to create a new County out of a portion of Klamath.

Mr. Sharp gave notice of a bill for an Act, amendatory of an Act entitled an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853.

Also, of a bill for an Act amendatory of an Act, concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

Also, of a bill for an Act amendatory of an Act entitled an Act defining the rights of Husband and Wife, passed April 17, 1850.

The following reports were received from committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred Senate bill No. 87, an Act amendatory of and supplementary to an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, having had the same under consideration, would respectfully report it back, and recommend its passage without amendment

Also, Senate bill No. 115, an Act to authorize the admission of Robert C. Milner as an Attorney and Counsellor in the Courts of this State, and would recommend its passage without amendment.

R. B SHERRARD,
Chairman.

Mr. Speaker:

The Committee on Ways and Means, to whom was referred Assembly bill No. 221, entitled an Act to authorize the Board of Supervisors of Sonoma County to levy a Special Tax for the redemption of certain Warrants, ask leave to report the same with an amendment, and recommend the passage of the bill.

The same committee have had under consideration Assembly bill No. 217, for an Act to authorize the Board of Supervisors of Humboldt to levy a tax for certain purposes, and to provide for the collection of the same.

And Assembly bill No 225, for an Act to Provide for Assessing an additional Tax in the county of Trinity, and ask leave to report the same back to the Assembly without amendment, and recommend their passage.

W. W. UPTON,
Chairman.

Mr. Speaker

The Committee on Engrossment have examined and found correctly engrossed, bill No 82, for an Act to regulate the business of Bankers

Also, bill No. 224, a bill for an Act to appropriate the sum of three thousand five hundred and ninety-seven dollars, to meet the Deficiencies of an Appropriation for the Support of the Insane Asylum of California, for the year 1855

LANSING STOUT,
Chairman.

Mr. Speaker:

Your committee, to whom was referred Assembly bill No 183. an Act declaring Big Slough and Butchers' Slough, in Humboldt county, navigable, having had the same under consideration, beg leave to report the same back to the House, and recommend its passage without amendment.

H. HAWES,
Chairman.

Mr. Speaker:

The Sacramento delegation, to whom was referred the petition, numerously signed by ladies of the city of Sacramento, praying the Legislature to aid them in establishing an Orphan Asylum in the city of Sacramento, have had the same under consideration, and respectfully recommend the passage of Assembly bill No. 235.

SACRAMENTO DELEGATION.

Mr. Speaker:

The majority of the Committee on Vice and Immorality, to whom was referred sundry petitions for the passage of an Act for the better observance of the Sabbath, the number of names attached to the various petitions, herewith reported, reaching nearly one thousand, in addition to the large amount reported back by your committee, with the substitute bill, would most respectfully urge in this body, the passage of the substitute bill; and the reasons we assign are these: If the popular will of the people is expressed in petition, we certainly have the

expression of the people, as we have had this Legislature flooded with petitions from nearly all parts of the State on the subject. We think a loud call has been made for the enactment of such a law.

GEO CONE.
J. S RATHBURN,
V G. BELL.

The following message was received from the Senate:

SENATE CHAMBER, March 18, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate concurred in Assembly amendment to Senate bill No. 77, an Act extending the time for presentation and allowance of Claims against the Estate of S A. Brooks, deceased, in the County of Sonoma.

Also, passed Senate bill No. 125, an Act to fund the Debt of Sierra County, and provide for the payment of the same.

And indefinitely postponed Assembly Concurrent Resolution relative to the appointment of a District Attorney for the northern District of this State.

Respectfully submitted,

RASEY BIVEN,
Assistant Secretary of Senate.

Senate bill No. 125 was read a first and second time and referred to the delegation from Sierra.

The following communication was received from the Controller of State:

CONTROLLER'S OFFICE, }
March 18, 1856 }

To the Hon. J. T. FARLEY, *Speaker of the Assembly*

The following has been handed me:

ASSEMBLY CHAMBER, Jan. 15, 1856.

I hereby certify that a resolution this day passed the Assembly authorizing the State Translator to translate into Spanish the Governor's Message and accompanying documents; also, the Inaugural Message; and that the Secretary and Controller of State are authorized to audit and pay his account for the same.

Signed,

J. M. ANDERSON,
Clerk of Assembly.

Accompanying the above, Rasey Biven, as the Attorney in fact of A. Ainsa, filed two accounts for translating documents for the Assembly:

February 26, 1856, - - - -	$2,700 00
March 6, " - - -	862 00
	$3,562 00

The certificate of the Clerk, as you will see, is dated January 15, and hence payment cannot be made out of any fund created by the general appropriation Act.

The certificate does not state out of what fund the account shall be paid. If it is intended that it should be paid out of any other than the contingent fund of the Assembly, it will require a special enactment. Each House, as I understand it, can dispose of its contingent fund, by resolution, but in that case I require a certified copy of the resolution, and not a certificate that such a resolution had passed.

Very respectfully yours, etc.,

G. W. WHITMAN,
Controller of State.

Read and referred to Committee on Claims.

On motion, the Special Committee to whom was referred the "Proposed Amendments to the Constitution of the State of California," was granted until to-morrow to report

Mr. Oliver introduced the following resolution:

Resolved, That five hundred copies of the Surveyor General's Report be printed: two hundred and fifty for the use of the late Surveyor General, and two hundred and fifty for the use of the present incumbent, provided, that no additional charge be made for composition.

Laid over one day under the rule.

The special order of the day—Substitute reported by the Committee on Vice and Immorality for Assembly bill No. 87, entitled an Act for the better observance of the first day of the week, commonly called Sunday, was taken up.

Mr. Brent moved that the bill be made the special order for Wednesday, 26th inst.

Upon which motion, Messrs. Lamon, Bell and Bowe demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Brent, Brunton, Covarrubias, Ewalt, George, Hunt, Kendrick, Lewis, Lippincott, Pearson, Ricks, Sharp, Sherrard, Taliaferro—15.

NOES.

Messrs. Andrews, Batchelder, Bell, Borland, Bowe, Brush, Bynum, Carter, Cone, Davis, Dick, Dustin, Gage, Gaston, Hawes, Heald, Heiskell, Hoover, Kelly, Lamon, Leiby, Mathews, McDonald, McFarland, McGehee, Moulthrop, Oliver, Oxley, Peck, Pugh, Rathburn, Reynolds, Shearer, Stout, Turner, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston and Mr. Speaker—45.

So the motion was lost.

Mr. Beatty moved to recommit the bill to a special committee.

Pending discussion, Mr. Bell moved the previous question.

Sustained.

The vote was then taken upon the motion to recommit.

Upon which, Messrs. Stout, Bowe, and Cone, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Bell, Boring, Brent, Brunton, Brush, Bynum, Covarrubias, Curtis, Ewalt, George, Gray, Hunt, Kelly, Kendrick, Lewis, McGehee, Moulthrop, Oxley, Pearson, Ricks, Sharp, Sherrard, Sterritt, Stout, Swan, Talhaferro, Taylor, Upton, Van Dusen, Williams, Winsor, Winston, and Wohler—34.

NOES.

Messrs Andrews, Batchelder, Bowe, Cone, Coombs, Davis, Dustin, Gage, Gaston, Hawes, Heald, Heiskell, Hoover, Lamon, Mathews, McFarland, Oliver, Peck, Rathburn, Reynolds, Shearer, Wagner, Weir, Welch, White, and Mr. Speaker—26.

So the motion was carried.

Mr. Oxley moved to reconsider the vote just taken.

Mr. Beatty moved to indefinitely postpone the motion to reconsider.

On motion of Mr. Bowe, the motion to indefinitely postpone the motion to reconsider, was laid on the table.

Mr George introduced the following Joint Resolution, which lays over for one day under the rule.

Whereas, our Senator, Hon. John B. Weller, and our Representative, Hon J. W. Denver, have introduced measures in the national legislature for the immediate commencement and a speedy completion of the Atlantic and Pacific Railroad, and the construction of a Military Road from the Mississippi river to the State of California:

And whereas, from the isolated position of California upon the Pacific coast, her people are entirely unprotected from foreign aggression, and her cities, towns, and villages, upon an extended and open seaboard, liable at any moment to be destroyed by an invading for, more certain and easy access to the Pacific country is demanded by every consideration of safety:

And whereas, the rapidly augmenting commerce, foreign and domestic, of our people, absolutely requires more perfect and reliable intercommunication with the other States of the Confederacy.

And whereas, the present and future prosperity and happiness, increasing wealth, and safety of the people of California, absolutely requires the immediate establishment and early completion of these great highways of nations across the American continent:

And whereas, the people of this State regard the building of the Atlantic and Pacific Railway as not only conducive, but absolutely essential to the integrity, perpetuity, and well being of the Union:

And whereas, the powers of Congress under the limitation of the Constitution, as understood by the members of this Legislature, and their respective constituencies, not only authorize, but actually require the exercise, on the part of Congress, of such power as may be necessary to aid in the construction of works, national in their character, and which tend to advance the prosperity and promote the welfare of the whole Union: therefore,

Resolved, That we fully endorse the course of our Senator and Representative in thus promptly urging upon Congress these great national improvements.

Mr. Sharp introduced the following resolution.

Resolved, That the State Printer be ordered to print 500 copies of the late Board of State Prison Directors' Report, for the use of this House—the said Report having been made in the Senate.

Laid over under the rule.

On motion of Mr. Boring, Assembly bill No 82, entitled an Act for the regulation of Bankers, was taken up.

Mr. Rhodes moved a call of the House

Sustained.

The roll was called, and the following named members were absent:

Messrs Andrews, Blackburn, Brent, Cone, Davis, Ewalt, George, Haile, Heald, Holland, Hunter, Oliver, Pugh Reynolds, Ricks, Shearer, Sherrard, Sterritt, Swan, Talhaferro, Turner, Van Dusen, Welch and Mr. Speaker.

The Sergeant-at-Arms was directed to arrest and conduct the absentees to the Assembly Chamber.

Many of the absentees appearing at the door of the Chamber, Mr. Oxley moved that they be admitted.

Lost.

Mr. Oxley made a motion to dispense with further proceedings under the call.

Lost.

Mr. Sharp made a motion to adjourn

Lost.

Mr. Rhodes made a motion to dipense with further proceedings under the call.

Lost.

Mr. Bell made a motion to adjourn until seven o'clock this evening.

Lost.

On motion of Mr. Rhodes, the absentees were admitted and called upon for their excuses.

The absentees were then requested to present their excuses.

Pending which, Mr. Oxley made a motion to dispense with further proceedings under the call, and to excuse all the absentees.

Carried.

The question then recurred upon the passage of Assembly bill No. 82.

Upon which Messrs. Hawes, Sharp and Rhodes demanded the ayes and noes with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Boring, Borland, Bowe, Brunton, Brush, Bynum, Cartter, Cone, Coombs, Davis, Dick, Dustin, Gage, Gray, Hawes, Heald, Heiskell, Kelly, Kendrick, Lamon, Leiby, Lewis, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Oliver, Oxley, Pearson, Pugh, Rathburn, Reynolds, Ricks, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Upton, Van Dusen, Wagner, Weir, Welch, White, Winsor and Mr. Speaker—52.

NOES.

Messrs. Brent, Ewalt, George, Hunt, Lippincott, Rhodes and Sharp—7.

So the bill was read a third time and passed.

Mr. Cartter moved to reconsider the vote just taken.

Mr. Boring moved to indefinitely postpone the motion to reconsider,

Carried.

On motion of Mr. Upton, the substitute reported by the Committee on Ways and Means, for Assembly bill No 93, entitled, an Act to amend an Act to provide Revenue for the Support of the Government of this State, passed May 1-, 1854, and to amend the several Acts amendatory thereto, was taken up

Mr. Sharp made a motion to read the bill by sections, and vote upon each section separately.

Lost

Mr. Sharp offered to amend section nine, by striking out "three per cent" and inserting "one per cent."

Upon which, Messrs. Upton, Shearer and Hawes, demanded the ayes and noes, with the following result:

AYES.

Messrs Borland, Coombs, Ewalt, George, Holland, Lewis, Lippincott, Moulthrop, Sharp, Winsor, Mr. Speaker—11.

NOES.

Messrs. Andrews, Beatty, Bell, Bowe, Brunton, Bynum, Cone, Davis, Dick, Dustin, Gage, Gas on, Hawes Heald, Hunt, Kelly, Kendrick, Lamon, Mathews, McDonald, Meloney, Oliver, Oxley, Pearson, Rathburn, Reynolds, Ricks, Sellick, Shearer, Sherrard, Stephenson, Sterritt, Taliaferro, Upton, Van Dusen, Wagner, Weir, Welch, White—39.

So the amendment was not adopted.

On motion of Mr. Upton, the amendments made by the Committee of the Whole were concurred in by the House.

Mr. Meloney made a motion to adjourn.

Lost.

Mr. Reynolds offered the following amendments to the bill:

Amend section 6, line four, after the "same," insert "except such of his indebtedness as is secured by mortgage on real estate."

Add at the end of section 6, "Real estate which is subject to a mortgage, shall be assessed at its full cash value, without deduction on account of the mortgage. But payment of the taxes thereon, shall operate as a discharge both upon the real estate and upon the mortgage, when both are assessed in the same county to the amount of taxes paid; and when such payment is made by the

mortgager, his heirs or assigns, he or they shall be entitled to deduct, and be allowed the proportion of taxes from which the mortgage is thus discharged from any principal or interest due, or to become due and payable thereon."

Adopted.

On motion of Mr. George, the House at half-past 4 o'clock, P. M., adjourned.

IN ASSEMBLY.

THURSDAY, March 20, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

The Journal of yesterday was read and approved.

Mr Weir presented a petition from citizens of the State engaged in agricultural pursuits, praying the repeal of all laws requiring fences for the protection of such pursuits, and the enactment of a general law, allowing damages for trespasses on growing crops

Read, and referred to Committee on Agriculture.

Mr. Davis presented a petition from citizens of Santa Clara county, praying the formation of a new county out of portions of the Counties of Santa Clara and San Francisco.

Read, and referred to the Committee on Counties and County Boundaries.

Mr. Taylor presented a petition numerously signed by citizens of El Dorado Co., remonstrating against submitting the question of the removal of the County Seat of that county to the people at a special election

Also, a petition from citizens of El Dorado county, praying that if the question of the removal of the County Seat of that county is submitted to the people the voters be required to name their "first choice" and their "second choice," and in case no town receives a majority of all the voters as "first choice," then add together all the votes for the first and second choice for each place, and the town thus having the largest number of votes, to be declared the County Seat, &c.

On motion of Mr. Taylor, both petitions were laid on the table.

Mr McDonald introduced bill No 238, for an Act amendatory to an Act to regulate Proceedings in Civil Cases.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Weir introduced bill No. 239, for an Act concerning Lawful Fences, and Stock running at large in San Joaquin county.

Read a first and second time, and referred to the Committee on Agriculture.

Mr. Holland introduced bill No. 240, for an Act supplemental to an Act to provide for Funding the legal and equitable Debt of the City of San Francisco, and for the final redemption of the same, approved May 7, 1855.

Read a first and second time, and ordered printed, and referred to the San Francisco delegation.

Mr Cone introduced bill No. 241, for an Act to amend an Act to regulate Fees of Office, approved April 10, 1855

Read a first and second time and referred to the Judiciary Committee.

Mr. Shearer introduced bill No. 242, for an Act to separate the office of Collector of Taxes from the office of Sheriff, in the several Counties of this State, and to provide for the election of a Collector of Taxes in each of the Supervisor Districts in the several Counties of the same.

Read a first and second time and referred to the Judiciary Committee.

Mr. Lamon introduced bill No. 243, for an Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855.

Read a first and second time and referred to the Judiciary Committee.

Mr. Sellick introduced bill No. 244, for an Act amendatory of an Act entitled an Act to suppress Houses of Ill Fame, approved April 2, 1855.

Read a first and second time and referred to the Committee on Vice and Immorality.

Mr. Reily introduced bill No. 245, for an Act to exempt Mining Claims from forced sale on execution.

Read a first and second time, ordered printed, and referred to the Committee on Mines and Mining Interests.

Mr. Sharp introduced bill No. 246.

Mr. Bowe introduced bill No. 247, for an Act for the better observance of

the first day of the week, commonly called Sunday, in the County of El Dorado.

Read a first and second time and referred to the delegation from that county.

Mr Turner introduced bill No. 248, for an Act to prevent Hogs from running at large, from the first day of December to the first of July.

Read a first and second time and referred to the delegation from Yuba.

Mr Farley introduced bill No. 249, for an Act concerning the Officers and Pay of the Members of the Legislature.

Read a first and second time and referred to the Committee on Ways and Means.

Mr. Cartter introduced bill No. 250, for an Act for the relief of Cyrus Rowe and his Sureties.

Read a first and second time and referred to the Committee on Claims.

Mr. Upton introduced bill No. 251, for an Act to legalize and confirm the Election of certain Officers.

Read a first and second time and referred to the Committee on Elections.

Mr Sellick gave notice of a bill for the destruction of uncalled for County Warrants,

Also, of a bill to regulate Fees of Office in the County of Placer.

Mr Welch gave notice of a bill to prevent Frauds in Elections, and to define the duties of Electors in the incorporated towns and cities of this State.

Also, of a bill to amend the Election Laws of this State.

Mr Gray gave notice of a bill to amend an Act entitled an Act to authorize the Funding of the Floating Debt of the City of San Francisco.

Mr Taliaferro gave notice of a bill to make county scrip receivable for county dues.

Also, of a bill to provide for the office of State Librarian, and to prescribe his duties

Mr. Dustin gave notice of a bill to amend the Act concerning Houses of Ill Fame.

Mr Curtis gave notice of a bill, granting E. De Witt and others to build a bridge across the Klamath river, and collect tolls upon the same.

Mr Lewis gave notice of a bill for an Act to alter and define the Boundary Lines of Colusi County.

Mr Bowe gave notice of a bill for the relief of F. C. Coffman.

Mr. Meloney gave notice of a bill to encourage the construction of a Railroad from Martinez, in the County of Contra Costa, to the City of Stockton, in the County of San Joaquin

Mr Hawes gave notice of a bill concerning the County Recorder's Office of the County of San Francisco.

Also, of a bill concerning Assessment of Taxes in the City and County of San Francisco.

Also, of a bill providing for the Maintenance of the Indigent Sick in San Francisco County.

Mr. Mathews gave notice of a bill to provide for the Funding of the Debt of Monterey County.

Mr. Cartter gave notice of a bill to provide for the payment of a Salary to the Superintendent of Schools of Sacramento City.

Mr. Beatty gave notice of a bill to provide for the Collection of Delinquent Taxes in Calaveras County.

Also, of an Act relating to Juries.

Mr. Hunter gave notice of a Joint Resolution to go into the Election of Resident Physician, and all other Officers required to be elected by law, for the Insane Asylum at Stockton, in this State.

Mr. Stout gave notice of a bill concerning the Office of State Prison Inspector.

Mr. Taylor gave notice of a bill to provide for Deficiencies in Appropriations heretofore made and accruing from February 1, 1855, to January 31, 1856.

Mr. Bynum gave notice of a bill respecting the Salary of the County Judge of Yolo County.

Mr. Bell gave notice of a bill to prohibit Unlawful Intercourse with Indians and Chinese.

Mr. Holland gave notice of a bill concerning the Erection of a Sea Wall and Bulkhead at San Francisco.

Mr. McGehee gave notice of a bill to amend an Act entitled an Act to prevent the Improper and Criminal Use of Deadly Weapons, approved May 5, 1855.

Mr. Rhodes gave notice of a bill providing for the Annexation of a certain portion of the Territory of Mariposa County to Merced.

Mr. George gave notice of a bill entitled an Act explanatory of and supplementary to an Act to repeal the several Charters of the City of San Francisco.

Mr. Stevenson gave notice of a bill to submit the question of the location of the County Seat of Solano County to a vote of the People of said County.

Mr. Hunt gave notice of a bill for the relief of the San Bernardino Rangers.

Also, a bill for the relief of young Mrs. Oatman.

Mr. Brush gave notice of a bill concerning the Collection of Taxes in Marin County.

Mr. Brent gave notice of a bill for the better Protection of the Treasury of the State.

Mr. Leihy gave notice of a bill for a new Charter for the City of Sacramento.

Mr. Gray gave notice of a bill to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April 14, 1853.

Mr. Hunt gave notice of a bill to extend the Time for Collection of Taxes in San Bernardino and Los Angeles Counties.

Mr. Oxley gave notice of a bill amendatory of and supplementary to an Act entitled an Act concerning Corporations, approved April 22, 1850.

Also, of a bill for an Act to regulate the Practice of Medicine and Surgery in this State, and to define the Liabilities of Physicians and Surgeons.

Also, notice of Resolution in relation to allowing the Chief Clerk time and assistance to finish up the business of the session.

And also, notice of Resolution allowing certain accounts.

Mr. George gave notice of a bill for the relief of S. P. Burgess, and others.

Mr. Coombs gave notice of a bill for an Act approving the Contract between the City of Oakland and Rodmand Gibbons, for building a Wharf on Bay street, in said city.

Also, of a bill to amend the Charter of the City of Oakland.

Also, of a bill to change the Boundary Line between Stanislaus and Tuolumne Counties.

Also, of a bill to authorize the Sheriff of Alameda County to collect the Delinquent Taxes assessed for the Years 1854, 1855, and 1856.

Also, of a bill to provide for Removing the Obstructions to Navigation between San Francisco and San Antonio.

Also, of a bill to fix the Times of holding the Terms of the District Courts in the Third Judicial District of this State.

Mr. George gave notice of a bill to collect Delinquent Taxes in San Francisco.

The following reports were received from Committees:

Mr. Speaker :

The Judiciary Committee, to whom was referred Assembly bill No. 228, a bill for an Act entitled an Act to authorize the Courts of Record of this State, to admit Alfred W. Harcombe to practice as an Attorney and Counsellor at Law, have had the same under consideration, and respectfully beg leave to report the bill back to the House without amendment, and recommend its passage.

R. B SHERRARD,
Chairman.

Mr. Speaker :

The Committee on Accounts and Expenditures, to whom was referred Assembly bill No 231, an Act to amend an Act entitled an Act to organize the County of Plumas, passed March 18, 1854, having had the same under consideration, beg leave to report the same back to the House, and recommend its passage without amendment.

A. M. STEVENSON,
Chairman.

Mr. Speaker :

The Committee on Counties and County Boundaries, to whom were referred the petitions of sundry citizens in the township of Eureka, in the county of Nevada, praying not to be attached to the county of Sierra by any law; and a petition signed by sixty-eight names from the village of Eureka South, in the county of Sierra, praying a change in the boundary of said county, so as to run up the north fork of the Middle Yuba river to its source, and thence east to the State line; as also, a substitute Senate bill for attaching, by a new boundary, a portion of Sierra county to the county of Nevada; together with the *remonstrance* of the people, residing in that portion of Sierra, against being attached to Nevada county, as proposed by the substitute, having had the same under consideration, respectfully beg leave to report:

The first petitioners alluded to, state that "they are inhabitants of the township of Eureka," in the county of Nevada; that "they are informed that a bill will be introduced, or is now pending, for the purpose of having that township added to Sierra county, which they pray may not pass or become a law." The other petition, signed by the sixty-eight from the village of Eureka South, prays for the establishing of a new boundary between the two counties as above described.

Upon these petitions as a basis, it appears the Senate bill was introduced, to establish a new northern boundary for the county of Nevada, which, if it become a law, will attach a large section of the present territory of Sierra county to the county of Nevada. To this the people residing upon that territory remonstrate.

Upon examining the Act establishing the county of Nevada, we find the

words defining the northern boundary of that county, to read as follows: "beginning at the point in the Yuba river, opposite the mouth of Deer Creek, and running thence, up the Yuba river to a point opposite the middle branch of the Yuba river; thence, up the middle of said middle branch to a point opposite the mouth of Wolf Creek; thence, easterly in a straight line to the boundary of the State:" and we find that this line, in the formation of Sierra county is made the southern boundary of that county.

The substitute bill does not propose to carry out the expressed wishes of the sixty-eight; but proposes *materially to change the boundary* between the two counties, by following the Middle Yuba to the mouth of the south fork of said river; thence, up the south fork of the Middle Yuba to its source; thence, due east to the State line.

Your committee, from the documents referred to them, do not feel justified in recommending a change in the boundary between the two counties, but think, on the contrary, that it would be establishing a dangerous precedent to permit *the fears*, either pretended or real, of the people of one county of being attached to an adjoining county to be taken as a basis of action by the people of the *former, to secure a portion of the territory of the county to which they feared being attached.*

Your Committee, believing that the boundary of Nevada county was established in wisdom by those who organized it, would most respectfully report the following amendments to the substitute, and recommend its passage. To wit: In section 20, after the words "middle Yuba river," where they first occur, strike out the words "thence up said middle Yuba river to the mouth of the south fork of the same; thence up the said south fork to its source; thence due east to the eastern line of the State," and insert the following: "thence up said middle Yuba river to a point opposite the mouth of Wolf Creek; thence due east to the eastern line of the State," which, although it only re-establishes the original boundary of the county, will leave the inhabitants of the township of Eureka, as they desire in the county of Nevada, and the remonstrants as they wish in the county of Sierra. The petitioners pray that they may not be attached to Sierra county, and as there has been no bill before this body to effect that purpose, your Committee can see no just reason why their prayer should not be granted. The remonstrants, one hundred in number, complain that a change in the boundary line, as proposed by the bill, will entail upon them grievous burdens, by an increase of their taxes, and by an increase of distance to the Seat of Justice, for while now they state they are within twelve miles of Downieville, the County Seat of Sierra county' they are thirty miles from the County Seat of Nevada county.

Your Committee, therefore, being averse to the changing of the boundaries of counties, unless urgent necessities seem to require, are of the opinion that the prayer of the remonstrants should also be granted, by the adoption of the amendment proposed to the substitute.

All of which is most respectfully submitted.

R. S. WILLIAMS,
Chairman.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill No. 107, an Act

entitled, an Act to Regulate Fees of Office in the counties of Klamath and Colusi, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Committee on Roads and Highways, to whom was referred Assembly bill No. 213, an Act to authorize M. C. Ruckles and R. McCloud to construct a Wagon Road from Shasta City, Sacramento Valley, to Shasta Valley, and to regulate Tolls to be collected on the same, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage without amendment.

JOSEPH WINSTON,
Chairman.

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed, Bill No. 146, for an Act supplementary to an Act, entitled an Act concerning Official Bonds of Officers, passed February 28, 1850.

Also, Joint Resolution in reference to the Board of United States Land Commission.

LANSING STOUT,
Chairman.

Mr. Peck introduced the following resolution:

Resolved, That the Committee on Ways and Means be instructed to introduce a bill to provide for the payment of the claims arising under contracts made by the present Board of State Prison Directors.

Adopted.

Mr. Ricks presented the account of R. G. Crozier against the State.

Referred to the Committee on Claims.

Mr. Covarrubias offered the following Concurrent Resolutions:

Whereas, the people of the southern portion of the State of California are deeply interested in preserving peaceful relations with the numerous and warlike tribes of Indians in their neighborhood:

And whereas, the Sebastian Indian Reservation has in an eminent degree practically aided, and is still aiding, in the preservation of peace and quiet:

And whereas, furthermore, reports have been circulated that the Federal authorities contemplate a change of location of said Reservation, thereby jeopard-

izing the lives and property of our fellow citizens, and inviting Indian hostilities: therefore,

Resolved, by the Assembly, the Senate concurring, that our Senator and Representatives in Congress be requested to obtain such legislation from Congress as may prevent the removal of said Reservation from its present location; and that they be further requested to use their influence with the proper Executive department to induce a continuation of the present Reservation.

Resolved, further, That the Governor be requested to transmit copies of this Preamble and these Resolutions to our Representatives in Congress, and to the Secretary of the Interior.

Adopted.

The first special order Assembly bill No. 35, entitled an Act to provide for the more effectual enforcement of Public Taxes and Assessments, and creating a lien therefor, was taken up.

Mr. Reynolds moved to make the bill the special order for May 1st, 1856, at twelve o'clock, M.

Upon which, Messrs. Hawes, Wohler and Gray, demanded the ayes and noes, with the following result:

AYES.

Messrs. Bell, Blackburn, Boring, Brent, Coombs, Covarrubias, Dustin, Ewalt, Gaston, Heiskell, Holland, Hoover, Kelly, Kendrick, Lewis, Lippincott, McFarland, Reynolds, Rhodes, Sharp, Sherrard, Sterritt, Swan, Tahaferro, Van Dusen, Wagner, Winsor, Winston, Mr. Speaker—29.

NOES.

Messrs Andrews, Batchelder, Beatty, Borland, Bowe, Brunton, Brush, Bynum, Callbreath, Curtis, Davis, Dick, Gage, Gray, Hawes, Heald, Hunt, Hunter, Lamon, Leiby, McDonald, McGehee, Meloney, Moulthrop, Oliver, Pearson, Peck, Rathburn, Sellick, Shearer, Stout, Turner, Upton, Weir, Wohler—36.

So the motion was lost.

Mr. Beatty moved to lay the bill on the table.

Upon which motion, Messrs. Turner, George, and Hawes, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Bell, Blackburn, Boring, Borland, Bowe, Brush, Cone, Covarrubias, Curtis, Dustin, Gaston, Heiskell, Holland, Hoover, Kelly, Lamon, Leiby, Lewis, Lippincott, Mathews, McDonald, McGehee, Oliver, Rhodes, Ricks, Sherrard, Stevenson, Van Dusen, Wagner, Winsor, and Winston—32.

NOES.

Messrs. Andrews, Batchelder, Brent, Brnnton, Bynum, Davis, Dick, Ewalt, George, Gray, Hawes, Heald, Hunt, Hunter, Kendrick, McFarland, Moulthrop, Oxley, Pearson, Peck, Pugh, Rathburn, Reynolds, Sharp, Shearer, Stout, Swan, Taliaferro, Turner, Upton, Weir, White, Wohler, and Mr. Speaker—34.

So the motion was lost.

Mr. Rhodes moved to strike out the enacting clause of the bill.

Upon which motion, Messrs. Turner, Gray, and Wohler, demanded the ayes and noes with the following result:

AYES.

Messrs. Bell, Blackburn, Boring, Brent, Brush, Covarrubias, Dustin, Ewalt, Gaston, Heiskell, Holland, Hoover, Hunt, Hunter, Kelly, Kendrick, Lewis, Lippincott, Mathews, McFarland, Pearson, Reynolds, Rhodes, Sharp, Sherrard, Swan, Taliaferro, Van Dusen, Wagner, White, Williams, Winsor, Winston, and Mr. Speaker—34.

NOES.

Messrs. Andrews, Batchelder, Bowe, Brunton, Bynum, Cone, Curtis, Davis, Dick, George, Gray, Hawes, Heald, Lamon, Leihy, McGehee, Moulthrop, Oliver, Oxley, Peck, Pugh, Rathburn, Shearer, Stevenson, Stout, Turner, Upton, Weir, and Wohler—29.

So the motion was carried.

Mr. Rhodes moved to reconsider the vote just taken.

Mr. Van Dusen moved to indefinitely postpone the motion to reconsider.

Mr. Upton moved to lay the motion to indefinitely postpone the motion to reconsider, on the table.

Upon which, Messrs. Turner, Dick and Hawes, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder Bowe, Brunton, Bynum, Cone, Davis, Dick, George, Gray, Hawes, Heald, Hoover, Lamon, Leihy, Mathews, McDonald, McGehee, Moulthrop, Oliver, Rathburn, Shearer, Stevenson, Stout, Turner, Upton, Weir, Wohler—28.

NOES.

Messrs. Beatty, Bell, Blackburn, Brent, Brush, Coombs, Covarrubias, Curtis, Dustin, Ewalt, Gaston, Heiskell, Holland, Hunt, Hunter, Kelly, Kendrick,

Lewis, Lippincott, Pearson, Peck, Pugh, Reynolds, Rhodes, Ricks, Sharp, Sherrard, Sterritt, Swan, Taliaferro, Van Dusen, Wagner, White, Williams, Winsor, Winston, Mr. Speaker—39.

So the motion was lost.

The question then recurred upon the motion to indefinitely postpone the motion to re-consider the vote by which the bill passed.

Motion carried.

On motion of Mr. Upton, the substitute reported by the Committee on Ways and Means for Assembly bill No. 93, for an Act to amend an Act entitled an Act to Provide Revenue for the Support of the Government of this State, passed May 15, 1854, and to amend the several Acts amendatory thereto, was taken up.

Mr. Beatty moved to re-commit the bill to the Committee on Ways and Means.

Lost.

Mr. Hawes moved to amend the bill by inserting the following before the last Section, as an additional Section, viz:

The following property shall be exempt from taxation—Household Furniture, Farming Implements, Tools of Trade, and the Family Library, in the actual use of any family, and not exceeding the value of five hundred dollars.

Pending discussion, Mr. Dustin moved the previous question.

Sustained.

Upon the amendment proposed by Mr. Hawes, Messrs. Gray, Moulthrop, and Hawes, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Brent, Brush, Bynum, Coombs, Covarrubias, Curtis, Davis, Dick, George, Gray, Hawes, Heald, Hunt, Hunter, Kendrick, Lamon, Lewis, Mathews, Moulthrop, Oxely, Pearson, Rathburn, Rhodes, Sherrard, Stephenson, Stout, Taliaferro, Taylor, Turner, Upton, Weir, Welch—33.

NOES.

Messrs. Blackburn, Bowe, Brunton, Cartter, Cone, Dustin, Gaston, Heiskell, Hoover, Kelly, Leiby, McFarland, McGehee, Meloney, Peck, Reynolds, Ricks, Sharp, Shearer, Sterritt, Wagner, White, Winsor, Winston—24.

So the amendment was adopted.

Mr. Brent moved to amend the bill by inserting after the last line in Section 3, the following words:

"Ninth. All mules, horses, and neat cattle, less than one year old."

Upon which, Messrs. Dustin, Hawes, and Rathburn, demanded the ayes and noes, with the following result.

AYES.

Messrs. Andrews, Brent, Coombs, Covarrubias, Davis, George, Gray, Heald, Hunt, Kendrick, Lewis, Pearson, Peck, Pugh, Stevenson, and Winsor—16.

NOES.

Messrs. Beatty, Bell, Bowe, Brunton, Brush, Bynum, Cartter, Curtis, Dick, Downey, Dustin, Gage, Gaston, Hawes, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McGehee, Meloney, Moulthrop, Oxley, Rathburn, Read, Reynolds, Rhodes, Ricks, Shearer, Sherrard, Stout, Taliaferro, Taylor, Wagner, Welch, Winston, and Mr. Speaker—39.

So the amendment was not adopted.

The bill, as amended, was ordered engrossed.

The second special order of the day, Senate Concurrent Resolution relative to the adjournment of the Legislature, was taken up.

Mr. Gaston moved that the resolution be made the special order of the day for April 3, 1856, at 12 o'clock, M.

Pending discussion, Mr. McFarland moved the previous question.

Sustained.

Upon the motion to make the resolution the special order for April 3d, Messrs. Beatty, Brush and Taliaferro demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Boring, Borland, Cartter, Cone, Coombs, Curtis, Davis, Dick, Dustin, Gage, Gaston, Heiskell, Hoover, Hunter, Kelly, Leihy, Lewis, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Rathburn, Rhodes, Ricks, Sellick, Shearer, Stevenson, Stout, Taylor, Turner, Upton, Wagner, Weir, Welch, White, Williams, Winsor, Winston and Mr. Speaker—45.

NOES.

Messrs. Beatty, Bowe, Brent, Brunton, Brush, Bynum, Covarrubias, George, Gray, Heald, Holland, Hunt, Kendrick, Lamon, Mathews, McGehee, Meloney, Moulthrop, Pearson, Reynolds, Sharp, Sherrard, Sterritt, Swan, Taliaferro, Van Dusen, Wohler—27.

So the motion was carried.

The following message was received from the Senate:

SENATE CHAMBER, March 20, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on yesterday, passed Senate Judiciary Committee substitute for Senate bill No. 12, and substitute for Senate bill No 23, an Act for the Protection of Actual Settlers, and to Quiet Land Titles in this State.

Respectfully submitted,

WM. BAUSMAN,
Secretary of Senate.

On motion of Mr. Hunter, Senate Judiciary Committee substitute for Senate bill No. 12, and substitute for Senate bill No. 23, was taken up.

Read a first and second time

On motion of Mr. Peck, the rule was suspended for the purpose of taking further action on the bill.

Mr. White moved to lay the bill on the table.

Lost.

Mr. Taliaferro moved to make the bill the special order of the day for Tuesday next.

Lost.

Mr. Brent moved to amend the bill by adding in continuation of Section 13, the following words:

"Appeals are hereby allowed from the verdict rendered in pursuance of Section 4, in the same manner as from final judgment."

Upon which, Messrs. Covarrubias, Coombs, and Brent, demanded the ayes and noes, with the following result:

AYES.

Messrs. Brent, Brush, Covarrubias, Gray, Hunt, Kendrick, McFarland, Pearson, Rhodes, Sharp, Swan, Taliaferro, and Wohler—13.

NOES.

Messrs. Andrews, Batchelder, Bell, Borland, Bowe, Brunton, Bynum, Carter, Cone, Coombs, Davis, Dick, Dustin, Gaston, Hawes, Heald, Heiskell,

Hoover, Hunter, Kelly, Leihy, Mathews, McGehee, Meloney, Oliver, Oxley, Peck, Pugh, Rathburn, Reynolds, Ricks, Sellick, Shearer, Sherrard, Stevenson, Stout, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, and Mr. Speaker—46.

So the amendment was not adopted.

Pending discussion, Mr. Bell moved the previous question.

Not sustained.

Mr. George moved to strike out the enacting clause of the bill.

Lost.

Pending discussion, Mr. Hunter moved the previous question.

Sustained.

Mr. Rhodes made a motion to adjourn.

Lost.

On the passage of the bill, Messrs. Weir, Brush and Meloney demanded the ayes and noes with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Boring, Borland, Bowe, Brunton, Bynum, Cartter, Cone, Coombs, Davis, Dick, Dustin, Gage, Gaston, Gray, Hawes, Heald, Heiskell, Hoover, Hunter, Kelly, Leihy, Lewis, Mathews, McGehee, Meloney, Moulthrop, Oliver, Oxley, Peck, Pugh, Rathburn, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, Williams, Winsor, Winston, Mr. Speaker—51.

NOES.

Messrs. Beatty, Blackburn, Brent, Brush, Covarrubias, George, Holland, Hunt, Kendrick, Lippincott, McFarland, Pearson, Reynolds, Rhodes, Swan, Taliaferro, Wohler—17.

So the bill was read a third time and passed.

Mr. Oxley moved to reconsider the vote just taken.

Mr. Van Dusen moved to indefinitely postpone the motion to reconsider.

Mr. Taliaferro moved to lay the motion to indefinitely postpone the motion to reconsider on the table.

Lost.

The question then recurred on the motion to indefinitely postpone the motion to reconsider.

Carried.

The following message was received from the Senate:

SENATE CHAMBER, March 20, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day passed Senate bill No. 134, an Act to establish Pilots and Pilot Regulations at the Port and Harbors of Benicia and Mare Island.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

Senate bill No. 134 was taken up.

Read a first and second time and referred to the Committee on Commerce and Navigation.

The third special order of the day—Substitute for Assembly bill No 168, entitled an Act to submit the question of the removal of the County Seat of El Dorado county to the qualified voters thereof, was taken up.

Mr. Hoover moved to adjourn.

Lost.

Mr. Oxley moved to indefinitely postpone the bill.

Upon which motion Messrs. Gage, Hoover, and Heiskell, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Bynum, Cone, Dick, Gray, Hawes, Hunt, Kendrick, Leihy, McDonald, McFarland, Oliver, Oxley, Pearson, Rathburn, Rhodes, Stephenson, Taliaferro, Taylor, Welch, White, Williams—22.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Bowe, Brent, Brunton, Brush, Cartter, Coombs, Covarrubias, Davis, Dustin, Ewalt, Gage, George, Heiskell, Holland, Hoover, Hunter, Kelly, Lamon, Lewis, Mathews, McGehee, Meloney, Moulthrop, Peck, Pugh, Reynolds, Sellick, Shearer, Sterritt, Stout, Swan, Van Dusen, Winsor, Winston, Wohler, and Mr. Speaker—40.

So the motion was lost.

On motion of Mr. Oxley, the House, at 6 o'clock, P. M., adjourned.

IN ASSEMBLY.

FRIDAY, March 21, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

Journal of yesterday read and approved.

Mr. Hawes introduced bill No. 252, for an Act concerning the Office of County Recorder of the County of San Francisco.

Read a first and second time, and referred to the delegation from that county.

Mr. Brent introduced bill No. 253, for an Act for the better Protection of the State Treasury.

Read a first and second time, ordered printed, referred to Committee of the Whole, and made the special order of the day for the 26th inst., at 12 o'clock, M.

Mr. Coombs introduced bill No 254, for an Act to authorize the Sheriff of Alameda County to collect the Delinquent Taxes, assessed for the Years 1854, 1855, and 1856.

Read a first and second time, rules suspended, considered engrossed, read a third time, and passed.

Mr. Hunt introduced bill No. 255, an Act extending the Time of Collecting Taxes in the Counties of San Bernardino and Los Angeles.

Read a first and second time, rules suspended, considered engrossed, read a third time, and passed.

The following reports were received from committees.

Mr. Speaker:

The Judiciary Committee, to whom was referred the following bills, having

had the same under consideration, respectfully report them back, with the following recommendations.

Assembly bill No. 94, an Act defining the Time of commencing Civil Actions in Certain Cases, and recommend the passage of the same, without amendment.

Assembly bill No. 226, an Act amendatory of an Act to regulate the Settlement of the Estates of Deceased Persons, with an amendment thereto, and recommend the passage of the same, as amended.

Assembly bill No. 206, an Act to provide for the Appointment of a Bailiff for the Supreme Court, and define his duties, with the recommendation that the same be indefinitely postponed.

Assembly bill No. 76, an Act for securing Liens to Mechanics, and others, and recommend it to be indefinitely postponed.

R. B. SHERRARD,
Chairman.

On motion of Mr George, Assembly bill No. 76, reported back by the Judiciary Committee, was laid on the table.

Mr. Speaker:

The Committee on Commerce and Navigation, to whom was referred Assembly bill No 137, an Act entitled an Act to regulate Fares and Freights of Steamboats navigating the Waters of this State, having had the same under consideration, beg leave to report the same back, and recommend that it be indefinitely postponed.

They have also had under consideration Senate bill No. 134, entitled an Act to establish Pilots and Pilot Regulations for the Port and Harbor of Benicia and Mare Island, and report the same back, and recommend its passage.

HERMAN WOHLER,
Chairman *pro tem.*

Mr. Speaker:

The Committee on Claims, to whom was referred bill No. 223, an Act for the relief of the Heirs of Estates in which Funds were lost through a robbery committed in June last upon Thomas C. Brunton, at that time Public Administrator of Tuolumne County, have had the same under consideration, and beg leave to report:

That although they cannot recommend the policy of extending relief by the State to individual sufferers as a general thing, yet they feel, that in the case under consideration, there are peculiar features that recommend it to the careful consideration of the House. Your Committee, therefore, request to be discharged from its further consideration, and recommend that the bill be referred to the Committee of the Whole House.

Your Committee have also considered bill No. 234, an Act supplementary to an Act entitled an Act concerning the Escape of Convicts of the State Prison, approved April 30, 1853, and recommend the passage of the same without amendment.

G. H. RHODES,
Chairman.

On motion of Mr. Oxley, Assembly bill No. 223, reported back by Committee on Claims, was taken up.

Referred to Committee of the Whole, and made the special order for the 25th inst, at 10 o'clock, A. M.

Mr. Speaker:

The Committee on Corporations, to whom was referred the following bills, having considered the same, beg leave to report them back to the House, with the following recommendations:

Assembly bill No. 189, an Act to incorporate the town of Martinez, without amendment, and recommend its passage.

Also, Senate bill No. 220, an Act to amend an Act, authorizing the Trustees of the City of San Diego to make certain regulations to prohibit the obstruction of the streets of said city, passed May 7, 1855, without amendment, and recommend its passage.

Also, Senate bill No. 129, an Act providing for the Funding of the Debt of Contra Costa County, and recommend that the same be referred to the delegation from Contra Costa.

T. W. TALIAFERRO,
Chairman.

Mr. Speaker.

The Committee on Roads and Highways, to whom was referred Assembly bill No. 233, an Act to amend an Act concerning Roads and Highways, approved April 28,1855, have had the bill under consideration, and respectfully beg leave to report the same back to the House and recommend its passage.

JOSEPH WINSTON,
Chairman.

Mr. Speaker:

The Committee on Enrollment have examined Assembly bill No 32, an Act to change the name of Lewis Schletchway to that of Lewis Robinson, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Committee on Enrollment have this day examined Assembly bill No. 114, an Act to amend an Act entitled an Act to establish the Salaries of the Judges of the thirteenth, fourteenth and fifteenth Judicial Districts, and to define the time of holding Courts in said Districts, approved April 28, 1855, and find the same correctly enrolled.

L. S. WELCH,
Chairman, *pro tem.*

Mr. Speaker:

The Committee, to whom was referred Assembly bill No. 237, entitled an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon, have had the same under consideration, and beg leave to report the same back to the House, and recommend its passage.

A. R. MELONEY,
Chairman.

Mr. Speaker:

The Engrossing Committee have examined and found correctly engrossed bill No. 214, for an Act to Incorporate the Town of Eureka.

LANSING STOUT,
Chairman.

Mr. Speaker:

The Committee on Vice and Immorality, to whom was referred Assembly bill No. 192, an Act to Prohibit Raffles, and other Gambling Modes of Disposing of Property, beg leave to report the same back, and recommend its passage, with the amendments, herewith reported.

Respectfully submitted,

V. G. BELL,
Chairman, *pro tem.*

Mr. Hawes, from San Francisco Delegation, reported back Assembly bill No. 252, and recommended its passage, without amendment.

Mr. Oxley, from a portion of the Select Committee appointed to ascertain the facts in regard to the publication of the proposed amendments to the Constitution of the State of California in the Spanish language, made the following report:

Mr. Speaker:

The undersigned, a portion of the Select Committee, to whom was referred Assembly resolution in regard to the publication, in Spanish, of the several amendments to the Constitution of the State of California, proposed by the last Legislature of this State, and now pending their second action by the present

session of the Legislature, would most respectfully report: That they have had the matter under careful consideration; have addressed the Secretary of State, Controller of State, and, also, Ex Governor Bigler, in regard to the matter, but have been unable to obtain any information from either of those officials; which would go to show that the said proposed amendments to the Constitution were published in Spanish, previous to the last general election. We find that they were published extensively in most of the papers throughout this State, in the English language, and also that they were published in one German paper, which has an extensive circulation, and also in the French paper, known as "El Echo del Pacifique," which is published in San Francisco

The only evidence of the publication in Spanish of the said proposed amendments to the Constitution which your committee have been able to obtain, is found in the Statutes of 1855, which were published in Spanish, according to law, but were not distributed until about the time of the commencement of the present session of the Legislature; having been, from some cause best known to the State Printer, delayed an unusual, and your committee believe an unwarrantable length of time, as by reference to section 7th of an Act entitled an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election, passed May 1st, 1854, it will be seen, that the Laws and Journals are required to be ready for distribution within seventy days from the time the Legislature adjourns. Section 1st, Article 10th, of the Constitution, requires that when amendments are proposed to the Constitution by one Legislature, they shall be published for three months next preceding the next election for members of the Legislature, &c., and Section 21st, Article 11th, requires that all Laws, Decrees, Regulations and Provisions, which, from their nature, require publication, shall be published in English and Spanish.

Your Committee regret that the plain provisions of the Constitution, so far as relates to the publication of the proposed amendments to the Constitution in the Spanish language, have been neglected or disregarded. Yet we are clearly of the opinion that such neglect or disregard of the requirements of the Constitution by a public officer, should not deprive the people of their right to vote on a subject of such vital importance as the one in question. They are now groaning under the weight of a tax for the support of the goverment of this State, which is almost, if not quite, without a parallel in the history of any State in the Union. They have called loudly for measures of retrenchment and reform, and have but too often been answered with rumors and unheard of appropriations, and a general waste of their money by those who should have exercised a fostering care over a sacred trust, but instead thereof have, like the vulture, covered and devoured their prey. They demanded, two years ago, biennial sessions of the Legislature, hoping in that way, *not only to save from $300,000 to $500,000 per annum, as expenses incident upon* every session of the Legislature; but an equal amount in the gigantic schemes which have been concocted at almost every session of the Legislature in this State. This cherished object of their wishes they now have, as it were, in their very clutches, and it would appear hard indeed were it to be snatched from them, and two, three and perhaps five years elapse before they can obtain that which they confidently and anxiously hoped would be accomplished by the members of the present Legislature, and that, too, as a result of negligence or oversight in one whom they had elevated to a high and reponsible position, and whose duty it was to guard with an unremitting vigilance, their rights, and to comply, as far as was in his power, with their wishes as expressed by their representatives.

Your committee, notwithstanding the fact, that the "Proposed Amendments to the Constitution" were not published in the Spanish language prior to the last general election, cannot see the impropriety of legislative sanction to them,

under all the circumstances; neither do we propose to expound the Constitution, or argue the constitutionality of such legislative sanction, any further, than to most respectfully submit for your consideration, the facts in the case, and our humble views of what we conceive to be the spirit and intent of the Constitution. Under the circumstances, and in relation to the matter now before your committee, after we have done our duty to the best of our ability, then an appeal can be had to a higher tribunal, whose peculiar prerogative is to settle differences of opinion on such points, and one where more calm deliberation can be had upon such subjects, than in a legislative hall. If any action we might take in the premises, in again passing the "Proposed Amendments to the Constitution," should be unconstitutional, on account of a dereliction of duty, or an oversight on the part of a public officer, then such infractions of the fundamental law would soon become an every day occurrence, whenever it might suit the caprices or whims of public officers hereafter, in like manner, to outrage the sovereign will and dignity of a confiding and tax-ridden constituency.

As above stated, your committee find, on examination in the proper office, that the proposed amendments in question have been very extensively published in all parts of the State, in English, and also in French and German papers having a very large circulation, for which the State is expected to pay the handsome sum of between $25 000 and $30,000, and all this is to be a dead loss to the State, through the inattention of one individual to the letter of the Constitution, and the people's will again disregarded, and that by a technical quibble, unless the Legislature resolve to make the blame rest, where it properly belongs, and not upon the people, who are in no way the culpable parties in the matter.

THOMAS J OXLEY,
J. W. HUNTER,
A portion of Select Committee.

Sacramento, March 19, 1856.

Mr. Brent, from a portion of same committee, made the following report:

Mr. Speaker:

The undersigned, members of your Select Committee, to which was referred the question of investigating the fact, whether the proposed constitutional amendments were published in English and Spanish, together with instructions to report their opinion upon the necessity of publication in Spanish, having had the said matters under consideration, beg leave to submit the following report:

Article X of our State Constitution prescribes the mode of its being amended. The first two steps required by this Article, are the consent of a majority of the members elected to each of the two Houses, and then the publication of the proposed amendments "for three months next preceding the elections of the members of the Legislature."

The undersigned are of opinion that the publication for the three months designated, is as necessary a pre requisite, as the obtaining the consent of a majority of the members of the Senate and Assembly; hence they believe, that if the publication has not been made as provided for by the Constitution itself, the proper method for amending the Constitution has not been pursued.

Section 21 of Article XI prescribes, that when it is necessary to make publication of "laws, decrees, regulations, and provisions," the said publication shall be made in English and Spanish, and hence the undersigned believe that it is as

necessary to publish in Spanish as in English. The Committee have corresponded with the Secretary of State and Controller, concerning the publication of the constitutional amendments in Spanish, and herewith submit the answers received by them. The undersigned submit, as the result of their investigation, that the proposed constitutional amendments were not published in Spanish and English for three months next preceding the last election; that said publication was absolutely necessary, and was a condition precedent to our ability to agree to the proposed constitutional amendments.

J. LANCASTER BRENT,
T. W. TALIAFERRO,
Of Committee.

OFFICE OF SECRETARY OF STATE,
Sacramento, March 18, 1856.

SIR:

Your communication of this day's date, relative to the publication of the amendments to the Constitution, has been received. In reply, I have to state, that the amendments proposed to the Constitution were not ordered to be published in Spanish, so far as the records of this office show. If they were so published, it was done by the secret order of the Governor, without the fact being made known to this office. I am under the impression, however, that they were copied and printed in that language by the Spanish papers of this State.

Very respectfully,

DAVID F. DOUGLASS,
Sec'y of State.

By W. H. R. WOOD,
Deputy.

HON. J. L. BRENT,
Chm. of Select Com.

OFFICE OF SECRETARY OF STATE,
March 19, 1856.

SIR:

Yours of yesterday is received. You desire to know, on what my impression that the proposed amendments to the Constitution were published in Spanish, is founded. The impression was probably derived from the fact, that they were translated by the State Translator, and published in the Volume of Spanish Laws of the last session; and from the further fact, that it has been customary when important matters of that kind have been published by authority, for them

to be copied into the French and Spanish papers I do not now recollect to have seen them published in any Spanish papers, but they are published in the Volume of Spanish Laws. You desire to know at what time the Spanish Laws were delivered to the State; they were delivered in the month of January last. Hoping that this will be satisfactory,

I have the honor to be,
Very respectfully,

DAVID F. DOUGLASS,
Sec'y of State.
By W. H. R. WOOD,
Deputy.

Hon. J. L. BRENT,
Chm. Select Com.

P. S. The records of this office do not show that these amendments were printed in Spanish, because we do not keep a record of the simple direction of the Governor, as to what papers any particular advertisement is to be published in. Information of this kind will be better furnished by the late Governor.

OFFICE OF CONTROLLER OF STATE,
Sacramento, March 19, 1854.

SIR

In answer to your communication requesting information regarding the publication in Spanish of the proposed amendments to the Constitution, I would state, that there are no accounts on file in my office from any Spanish newspaper, for the publication of the above. The only journal claiming compensation, other than American, is the German and French paper, known as "Echo de Pacifique."

Respectfully yours,

GEO. W. WHITMAN.
Controller of State.
By WM. WILLIS,
Clerk.

Hon. J L. BRENT,
Chm. Select Com.

SACRAMENTO, March 20, 1856.

GENTLEMEN:

Your note of March 16, 1856, reached me last evening. In it you make the following inquiries—to wit:

"We would therefore respectfully inquire from you, whether the Constitutional amendments were published by *your directions* in Spanish, during the three months next preceding the last General Election."

In reply, I beg leave to remark, that the Legislature of 1855 adjourned without directing or authorizing the Executive, or any other officer of government to have the Constitutional amendments published

But in order if possible to secure early action in relation to them, I had the amendments prepared for publication, stating to publishers, in every case, that I was not authorized by law to direct publication to be made;--that no money had been appropriated for that purpose, and that if they made publication, they must look to the Legislature for compensation.

The amendments may have been, and I think were, published in the Spanish language, in a paper in San Francisco, but I have no recollection of having *directed* such publication to be made

In fact, I did not at the time I had the amendments prepared for publication, nor do I now regard the Constitution as requiring proposed amendments to that instrument to be published in the Spanish language.

I then, as now, regarded Section first of Article 10th, which relates to the "mode of amending and revising the Constitution," (and not Section 21 of Article 11,) as controlling the matter of publication of proposed amendments to the Constitution.

I have the honor to be,
Very respectfully,
Your obedient servant,

JOHN BIGLER.

Messrs BRENT, TALIAFERRO, and OXLEY,
Committee.

The reports were read, and on motion, the rule was suspended, and five hundred copies of each report ordered printed.

Mr. Speaker:

The Committee on Ways and Means, to whom was referred Senate bill No. 58, for an Act making Appropriations to meet Deficiencies in Appropriations heretofore made to defray the Civil Expenses of the Government from the first day of February, 1855, to the first day of February, 1856, ask leave to report the same back to the House, with sundry amendments, and recommend the adoption of the amendments.

Your Committee deem it proper to call attention to the fact, that the limited time they have had the bill under consideration, precludes the possibility of their obtaining definite information in regard to the amount due from the State upon the matters for which appropriations are mentioned in the original bill, and they are compelled to rely upon the recommendations of the Senate Committee, and upon certificates of various officers, to the correctness of the accounts upon which the respective claims are based. In most cases, these certificates are extra official, the law not making it the duty of the officer to make such certificate, and in the opinion of your committee, entitled to the same consideration as the certificate of a private citizen.

Your committee also deem it their duty in this connection to refer to the fact, that more than half the expenses of the State Government are incurred in discharging claims, the amount of which are not previously fixed by law, and the amount paid for which, is, to a great extent, dependant upon the action of legislative committees; a class of officers, who, on account of the short time in which they are compelled to decide upon an endless variety of questions, are, perhaps, the best prepared of any that could be selected to determine matters of this kind requiring tedious investigations of books and accounts

Your committee are of opinion that three-fourths of the contingent expenses of the State offices, and of the State buildings' expenses, might be saved by providing by law that each officer should be allowed a fixed amount for that purpose, and be required to pay the expenses of his office or department at his own charge; and by making similar provisions in regard to the officer having charge of the State buildings The items of expense above referred to have been so very considerable up to this date, as to form a very heavy burden upon the Treasury.

In connection with the appropriation of $62,000 for the printing of last year, together with $4,600 for paper furnished the State Printer during that time, making $66,600, in addition to the large appropriation of the last Legislature, your committee feel compelled to advert to the fact, that, in their opinion, the amount heretofore paid for State Printing is excessive and exorbitant Your committee would most respectfully submit, that in these respects, the law should be amended, and would recommend that the appropriate committees be instructed to bring in bills for that purpose

Your committee deem it idle to talk of putting the State upon a "cash basis," by changing the form of her indebtedness, so long as the expenses annually exceed the receipts. To increase the amount of taxes is an expedient evidently to be avoided, if possible, and your committee know of no other practicable mode, either in public or private affairs, to institute a "cash basis," but to limit and restrict expenditures to an amount less than the receipts

W. W. UPTON,
C. S. RICKS,
LANSING STOUT.

The following message was received from the Governor.

EXECUTIVE DEPARTMENT.
Sacramento, March 19, 1856.

To the Assembly of California:

An Act entitled, an Act authorizing the Sheriff of Alameda county to proceed and collect the delinquent Taxes assessed for the years 1854 and 1855, is herewith returned to your honorable body, in which it originated, without my approval.

Section 2d of said Act prescribes as follows: "The said Sheriff is hereby authorized to bid, in the name and on behalf of said county, upon any real estate that may be offered for sale for said taxes, and the said county, upon the same being so purchased, shall become the owner, in its corporate capacity, of such land, to the same extent, and with the same rights and liabilities, as if purchased by an individual at such sale, and the Board of Supervisors of said county shall have full power to sell or dispose of, rent or lease said land, or transfer, for the county bid thereon, to any person on such terms as they shall deem proper, provided that

in case any person or persons shall bid the amount of taxes due upon any assessment, the said Sheriff shall not bid upon such sale." Authority is here given to the Sheriff to bid in for the county, in its corporate capacity, property so offered for sale, and thenceforward the title of such property, vested in the county, and the Board of Supervisors have unlimited and unrestricted authority "to sell or dispose of rent or lease said land, or transfer the county bid thereon to any person on such terms as they shall deem proper."

Such absolute power of disposition of as vast landed estates should never be given to any Board of Supervisors, without proper restrictions placed on their action, and a precedent of this kind once established, it is not improper to suggest, might be fraught with the most alarming consequences of speculation and fraud upon the rights of the citizens, and fully justifies me in refusing sanction to an Act, which, by even a possibility, could be the instrument in producing such results. Furthermore, no provision is made therein for the payment into the State Treasury that proportion of taxes to be realized from this process of collection which would properly be due to the State. Wherefore, the Act referred to is returned for the further consideration of the Legislative department.

J. NEELY JOHNSON.

The question being, "Shall the bill pass, notwithstanding the objection of the Governor?"

The following named members voted in the negative:

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Bowie, Brent, Brunton, Bush, Cone, Curtis, Davis, Dustin, Ewalt, Gage, George, Hale, Heald, Heiskell, Holland, Hoover, Hunt, Hunter, Kelly, Kendrick, Lamon, Leiby, Lewis, Mathews, McDonald, McFarland, McGehee, Moulthrop, Oliver, Pearson, Peck, Pugh, Rathburn, Read, Rhodes, Ricks, Sherrard, Sterritt, Stout, Taliaferro, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, Wohler—58

So the bill did not pass.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 19, 1856

To the Assembly of California:

Herewith I return, without approval, an Act concerning the Collection of Taxes now due in the County of Marin. According to the provisions of section 1st of this Act, the Sheriff is required to proceed with such collection by the provisions of an Act to provide Revenue for the support of the Government of this State, passed May 15, 1854, and also an Act to amend an Act to provide Revenue for the support of the Government of this State, passed April 17, 1855, and in said collections is restricted in his duties (except in the time of making return) to the provisions of the two Acts before alluded to, by the following positive language—"in said collections he shall be governed *in all respects by said Acts*."

Now it is quite obvious that it had escaped the attention of the Legislature

that the material portions of the Act of May 15th, 1854 were amended on the 27th of April, 1855, (*vide* Act 1855, page 172,) which, in effect, repealing so much of the original Act as, without also embracing the provisions contained in the amendatory Act, would invest the Sheriff, as tax collector, with no power or authority to collect any taxes since he "must be governed *in all respects* by a law once in existence, but unfortunately for the successful workings of this bill was long since repealed.

Wherefore it will be readily perceived that the purposes and design of this Act cannot be successfully accomplished as it is now presented, and would tend but to embarrass the Collector in his official duties, and, in all probability, involve the delinquent tax payer in prolonged and expensive litigation, without, in the least manner, facilitating the collection of taxes, hence the objections to its approval.

J. NEELY JOHNSON.

The question being, "Shall the bill pass notwithstanding the objection of the Governor?"

The following named members voted in the negative:

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Bowe, Brent, Brunton, Brush, Bynum, Cone, Covarrubias, Curtis, Davis, Ewalt, Gage, Gaston, George, Hale, Heald, Heiskell, Holland, Hoover, Hunt, Hunter, Kelly, Kendrick, Lamon, Leahy, Lewis, Mathews, McDonald, McFarland, McGehee, Meloney, Monkthrop, Oliver, Oxley, Pearson, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Shearer, Sherrard, Stevenson, Sterrit, Stout, Taliaferro, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Winsor, Winston, Wohler and Mr Speaker—62

So the bill did not pass.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on yesterday, passed Assembly bill No. 32, an Act to change the name of Lewis Schlatchway to that of Lewis Robinson

Also, on this day, passed Senate bill No 136, an Act concerning the transportation of Prisoners to the State Prison, and to appropriate money for the same.

Also, yesterday, passed Senate bill No 109, an Act amendatory of and supplementary to an Act concerning the organization of the Militia, passed April 25, 1855.

Also, to-day, passed Senate bill No. 45, an Act to Incorporate the City of Nevada.

Also, passed Assembly bill No. 114, an Act to amend an Act entitled an Act to establish the Salaries of the Judges of the Thirteenth, Fourteenth and Fifteenth

Judicial Districts, and to define the time for holding Courts in said Districts, approved April 28, 1855.

W. BAUSMAN.
Secretary of Senate.

Senate bill No. 136, was read a first and second time, and referred to the Committee on Ways and Means.

Senate bill No. 109, was read a first and second time, and referred to the Committee on Military Affairs.

Senate bill No. 45, was read a first and second time, and referred to the Delegation from Nevada.

On motion of Mr. Stevenson, the rules were suspended, and Senate bill No. 134, entitled an Act to establish Pilots and Pilot regulations for the Port and Harbors of Benicia and Mare Island, was taken up, read a third time, and passed.

Mr. Gray gave notice, that on to-morrow he would move a reconsideration of the vote just taken.

On motion of Mr. Lewis, Assembly bill No. 60, for an Act to create the County of Tehama, to define its Boundaries, and provide for its Organization, was taken from the calendar.

On motion of Mr. Coombs, the rule was suspended, for the purpose of considering amendments to the bill.

On motion of Mr. Lewis, the 2d and 12th sections of the bill were stricken out, and new sections adopted in lieu thereof.

The bill as amended was then read a third time and passed.

On motion of Mr. Batchelder, Assembly bill No. 76, entitled, an Act for securing Liens to Mechanics, and others, was taken from the table, and made the special order for the 24th inst., at 12 o'clock, M.

Mr. Beatty introduced the following resolution:

Resolved, That the State Printer be, and that he is hereby requested to furnish immediately to the Sergeant-at-Arms, one hundred copies of the Surveyor General's Annual Report, so far as the same is printed. Also, that he be requested to furnish one hundred copies of the balance, as the same shall be printed, from time to time; also, that the Sergeant-at-Arms be, and is hereby required to notify the State Printer, forthwith, of the passage of this resolution:

Adopted.

On motion of Mr. Stout, the rules were suspended, and Assembly bill No. 228 entitled, an Act to authorize the Courts of Records of this State to admit Alfred W. Harcombe to practice as an Attorney and Counsellor-at-Law, was taken from the calendar, considered as engrossed, read a third time and passed.

The special order of the day, Assembly bill No. 17, entitled an Act for the Protection of Actual Settlers, and to quiet Land Titles in this State, and for other purposes concerning Real Property, was taken up.

On motion of Mr. Weir, the bill was indefinitely postponed.

On motion of Mr. Curtis, Assembly bill No. 15, entitled an Act to create a Board of Commissioners, to revise, reform and properly codify the Laws of the State of California, was taken from the table.

Mr. Beatty moved to strike out all after the enacting clause of the bill.

Upon which, Messrs. Stout, Rathburn and Beatty demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Boring, Brunton, Bynum, Gage, Heald, Hoover, Hunt, Hunter, Kendrick, Lamon, Leihy, Meloney, Pearson, Pugh, Rathburn, Sellick, Stout, Taliaferro, Weir—19.

NOES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Bowe, Brent, Castro, Cone, Coombs, Covarrubias, Curtis, Davis, Dick, Ewalt, Gaston, George, Gray, Haile, Holland, Lewis, Lippincott, McDonald, McFarland, McGehee, Moulthrop, Oliver, Oxley, Peck, Reynolds, Rhodes, Ricks, Sherrard, Stevenson, Sterritt, Swan, Taylor, Upton, Van Dusen, Wagner, Welch, White, Williams, Winsor and Mr. Speaker—42.

So the motion was lost.

Mr. Weir moved to lay the bill on the table.

Lost.

Pending discussion, Mr. Rhodes moved the previous question.

Upon which, Messrs. Stout, Rathburn, and Meloney, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Blackburn, Boring, Coombs, Rhodes, Ricks, Upton, and Winston—9.

NOES.

Messrs. Beatty, Bell, Borland, Bowe, Brent, Brunton, Bynum, Cartter, Cone, Curtis, Davis, Dick, Dustin, Ewalt, Gage, George, Gray, Haile, Heald, Heiskell, Holland, Hunt, Hunter, Kendrick, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee. Meloney, Moulthrop, Oliver, Oxley,

Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Taliaferro, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Wohler, and Mr. Speaker—59.

So the previous question was not sustained.

Mr. Curtis moved to amend the bill by striking out the names of J. G. Baldwin and Joseph Hoge, and inserting in lieu thereof, the names of Wm. T. Wallace and W. W. Stow.

Mr. George demanded a division of the question.

The vote was first taken upon the motion to strike out the name of Mr. Baldwin.

Carried.

Mr. Weir gave notice, that on to-morrow he would move a reconsideration of the vote just taken.

Upon motion of Mr. Oxley, the following words were added in continuation of section first, viz:

Provided, That unless the said Board of Commissioners shall make a full and final report of all their labors by the fifteenth day of January, A. D. 1857, and at that time submit a manuscript copy of all the laws of this State, so revised, they shall receive no compensation for the labor.

On motion of Mr. Curtis, the blank in the second line of the second section of the bill was filled, by inserting the words "thirty days"

Mr. Gray moved to refer the bill to the Committee of the Whole.

Lost.

Mr. Curtis moved to fill the blank in the sixth line of the second section, by inserting the sum of $5000 as the compensation of W. T. Wallace, and $7000 as the compensation of each of the other Commissioners.

Mr. Beatty moved to amend the amendment, by inserting $5000 as the compensation for each of the Commissioners,

Upon which, Messrs. Ricks, Bell and Curtis, demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Beatty, Borland, Bowe, Brunton, Bynum, Cone, Davis, Ewalt, Gage, Gaston, Gray, Haile, Heald, Hoover, Kendrick, Lamon, Leihy, Mathews, McGehee, Meloney, Moulthrop, Pearson, Rathburn, Ricks, Shearer, Stout, Taliaferro, Turner, Van Dusen, Wagner, Weir, Winsor—33.

NOES.

Messrs. Andrews, Bell, Blackburn, Boring, Cartter, Coombs, Covarrubias, Curtis, Dick, Dustin, George, Heiskell, Holland, Lewis, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Reynolds, Rhodes, Sherrard, Stevenson, Sterritt, Swan, Taylor, Welch, White, Williams, Winston, Wohler, Mr. Speaker—33.

So the motion was lost.

Mr. Leihy made a motion to adjourn.

Lost.

Mr. Winsor moved to lay the bill on the table.

Lost.

Upon the motion to strike out the name of Mr. Hoge, Messrs. Gray, George and Winsor demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Bowe, Cartter, Cone, Curtis, Davis, Dick, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Lamon, Leihy, Lewis, Mathews, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Rathburn, Reynolds, Rhodes, Ricks, Shearer, Sherrard, Sterritt, Stout, Swan, Taylor, Upton, Welch, White, Williams, Winsor, Winston and Mr. Speaker—43.

NOES.

Messrs. Beatty, Boring, Brunton, Bynum, Coombs, Covarrubias, Ewalt, George, Gray, Heald, Holland, Hunt, Kendrick, McGehee, Meloney, Pearson, Stevenson, Taliaferro, Weir, Wohler—20.

So the motion was carried.

Upon the motion to insert the names of Messrs. Wallace and Stow, the ayes and noes were demanded by Messrs. Gray, George, and Winsor, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Cartter, Cone, Covarrubias, Curtis, Davis, Dick, Dustin, Ewalt, Gage, Gaston, Haile, Heiskell, Holland, Hoover, Lamon, Leihy, Lewis, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Reynolds, Rhodes, Ricks, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Taliaferro, Taylor, Turner, Welch, White, Williams, Winsor, Winston, and Mr. Speaker—51.

NOES.

Messrs. Beatty, Boring, Bynum, Coombs, George, Gray, Heald, Hunt, Kendrick, Meloney, Pearson, Weir, and Wohler—13.

So the motion was carried.

The following message was received from the Senate:

SENATE CHAMBER, March 21, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, this day, passed Assembly bill No. 202, an Act amendatory of an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Also, passed Assembly bill No. 224, an Act to appropriate the sum of three thousand five hundred and ninety-seven dollars, to meet Deficiencies of an Appropriation for the Support of the Insane Asylum of California, for the year 1855.

Also, passed Senate bill No. 143, an Act entitled an Act fixing the times of holding the Court of Sessions, the County Court and the Probate Court, in and for the County of Solano.

Also, passed Senate bill No. 138, an Act supplemental to an Act entitled an Act making Appropriations for the Civil Expenses of the Government of this State, approved March 5, 1856.

Also, on yesterday, passed Assembly Joint Resolution concerning the Sebastian Indian Reservation.

Also, Senate Concurrent Resolutions relating to uniform rates of Letter Postage, and other matters therein named.

Also, Senate Concurrent Resolution in relation to the establishment of an additional Land District for the northern Counties of this State.

Also, concurred in Assembly Concurrent Resolution in relation to attaching certain portions of Utah Territory to the State of California.

Also, passed Assembly bill No. 26, an Act amendatory to an Act entitled an Act to provide for the disposal of Lots in the Towns and Villages on the public lands in Humboldt County, passed April 27th, 1855.

All of which is respectfully submitted,

WM. BAUSMAN,
Secretary of Senate.

The following resolutions were concurred in:

Resolved, by the Senate and Assembly, That our Senators be instructed, and our Representatives in Congress requested, to exercise their influence to procure the establishment of an additional Land District in the northern counties in this State, and that said "Land Office" be established in Humboldt county.

Resolved, That the Governor be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

The following resolutions were concurred in:

Resolved, by the Senate, the Assembly concurring, That our Senator be instructed, and our Representatives in Congress be requested, to urge the passage of a new general postage law, embracing the following provisions:

1. Uniform postage of two cents on letters, and a cheap uniform rate for printed matter.
2. Receiving houses and letter carriers for the collection and delivery of letters in cities and principal towns, without extra charge.
3. Money orders for sums not exceeding $25, to be drawn by the principal Post Offices on each other.
4. Compulsory pre-payment to be abolished, and double postage to be charged on all mail matter not prepaid.
5. All dead letters to be returned to the writers, and, whenever possible, without opening.
6. The postage of all franked matter to be paid by the Government

Resolved, That his Excellency the Governor be requested to forward copies of the above resolution to our members and Senator in Congress.

Senate bill No. 138, an Act supplemental to an Act entitled an Act making Appropriations for the Civil Expenses of the Government of this State, approved March 15, 1856.

Read first and second time, and referred to Committee of Ways and Means.

Senate bill No. 136, an Act concerning the Transportation of Prisoners to the State Prison, and to appropriate Money for the same.

Read first and second time, and referred to Committee of Ways and Means.

Bill No. 168, an Act to submit the question of the removal of the County Seat of El Dorado County, to the qualified voters thereof.

Substitute adopted.

Mr. Bowe moved to strike out the word "within," in the first line of the first section.

Carried.

Mr. Taylor offered the following amendment.

Strike out section 1st, and insert

SECTION 1. The Board of Supervisors of El Dorado County shall, at least four weeks prior to the next general Election, make proclamation to the voters of said county, and shall cause the said proclamation to be published in all the

newspapers of said county, as often as the same may be issued, that at the said next general Election, the question of the Removal of the County Seat shall be voted on by the qualified voters of said county, and stating the form of ballot to be used at said Election, which shall be as follows:

"For County Seat—First Choice," and "For County Seat—Second Choice," to be voted for on one ballot, and naming the place to be voted for as the first choice, and the place voted for as second choice, and the said ballots shall be cast and counted in the same manner as those cast for the officers to be chosen at the said election, *provided*, that no place or town shall be voted for as both first and second choice, on the same ballot, and each ballot shall contain the name of a town as first choice, and the name of a town as second choice, or it shall be rejected. The returns or votes so cast for a County Seat, shall be made to the County Clerk, as in manner provided by law.

The amendment of Mr. Taylor was lost.

Mr. Bowe moved to amend the first section of the bill by striking out fifteen days in first line, and inserting thirty days.

Upon which Messrs. Gage, Winsor and Bowe demanded the ayes and noes with the following result:

AYES.

Messrs, Batchelder, Bell, Boring, Borland, Bowe, Brunton, Coombs, Covarrubias, Ewalt, Gage, Gaston, George, Haile, Heiskell, Holland, Hoover, Hunt, Lamon, McGehee, Peck, Rathburn, Reynolds, Shearer, Sterritt, Stout, Swan, Turner, Winsor, Wohler and Mr. Speaker—30.

NOES.

Messrs. Blackburn, Bynum, Cartter, Davis, Dick, Dustin, Gray, Kendrick, Leihy, McFarland, Oliver, Oxley, Pearson, Rhodes, Ricks, Taliaferro, Taylor, Van Dusen, Wagner, Welch, White, Williams and Winston—23.

So the amendment of Mr. Bowe was adopted.

Mr. Oxley moved to make the bill the special order for to-morrow, the 22d of March, 1856, at 11 o'clock, A. M.

Carried.

On motion of Mr. Taliaferro, the House adjourned at half past four o'clock, P. M.

IN ASSEMBLY.

SATURDAY, March 22, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev Mr. Cavanaugh.

Roll called, and members all present, except those absent on leave.

Messrs. Brush and Turner were each granted leave of absence for two days.

The Journal of yesterday was read and approved.

Mr. Sherrard introduced bill No 256, for an Act concerning the Office of Surveyor General.

Read a first and second time, and referred to the Committee on Agriculture.

Mr. Bynum introduced bill No. 257, for an Act to fix the Compensation of the County Judge of the County of Yolo.

Read a first and second time, and referred to the Delegations from Sonoma and Yolo.

Mr. Rhodes introduced bill No. 258, for an Act to amend an Act entitled an Act to create the County of Merced, to define its Boundaries and to provide for its Organization, approved April 19, 1855.

Read a first and second time, and referred to the Delegation from Mariposa.

Mr. Coombs introduced bill No. 259, for an Act to confirm the Contract of Rodmand Gibbous, with the City of Oakland, to build a Wharf.

Read a first and second time, and referred to a select committee, consisting of Messrs. Coombs, Blackburn, and Sterritt.

Mr. McDonald introduced bill No. 260, for an Act to authorize B Wordheimer, F. F. Mann, and such others as they may associate with them, to construct a Wharf at Trinidad, in the Bay of Trinidad.

Read a first and second time, and referred to Committee on Commerce and Navigation.

Mr. Coombs introduced bill No. 261, for an Act amendatory of an Act entitled an Act to incorporate the City of Oakland, passed March 25, 1854.

Read a first and second time, and referred to the Committee on Corporations.

Mr. Peck introduced bill No 262, for an Act to fix the Time of Holding the District Court in the Third Judicial District.

Read a first and second time, and on motion, the rules were suspended, the bill considered as engrossed, read a third time, and passed.

The following reports were received from Committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred the following bills, respectfully report the same, with the following recommendations:

Assembly bill, No. 229, an Act to abolish the Office of Harbor Master at San Francisco, and to provide for the Appointment of two Dock Masters, and recommend the passage of the same.

Assembly bill No 241, an Act to amend an Act to regulate Fees of Office, approved April 10, 1855, and recommend its passage, without amendment.

Assembly bill No. 242, an Act to separate the Office of Collector of Taxes from the Office of Sheriff in the several Counties of this State, and recommend that the same be indefinitely postponed.

Assembly bill No. 243, an Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855, and recommend that it be indefinitely postponed.

R. B. SHERRARD,
Chairman.

Mr. Speaker:

The Committee on Enrollment have this day examined Assembly bill No. 202, an Act amendatory of an Act entitled an Act dividing the State into Counties, and of establishing the Seats of Justice therein, passed April 29, 1855, and find the same correctly enrolled

They would, however, report that they find in the engrossed as in the enrolled bill, in each case where the county of San Bernardino occurs, it is spelled San Benordino.

Also, have this day examined Assembly bill No. 224, an Act to appropriate the sum of three thousand five hundred and ninety-seven dollars, to meet deficiencies of an appropriation for the support of the Insane Asylum of California, for the year 1855, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker

Your Committee on Military Affairs to whom was referred Senate bill No.

109, an Act amendatory of and supplementary to an Act entitled an Act concerning the Organization of the Militia, passed April 25, 1855, beg leave to report that they have had the same under consideration, and concur in recommending its immediate passage.

Your Committee would represent that that the object of the bill under consideration is to foster, encourage and perfect our militia organization and make it effective for those great and deplorable emergencies to which our people are liable at any time to be subjected, and which present indications seem to shadow forth.

Isolated and unprotected as we are, we cannot absolve ourselves from blame, as Representatives of the people, if we fail to make due preparation for the emergencies which may at any time be thrust upon us, we, therefore, earnestly recommend the passage of the bill.

J. HUNT,
Chairman.

On motion of Mr. Heiskell, Senate bill No. 109 was laid on the table.

Mr. Speaker:

Your Committee on Ways and Means ask leave, in pursuance of a resolution of instructions to report bill No. 263, for an Act making an appropriation of money to defray the expenses of the State Prison, from the first day of January, 1856 to the first day of April, 1856, and recommend that the same be referred to the Committee of the Whole.

The same committee ask leave to report Senate bill No. 105, entitled an Act concerning Official Advertisements, and to provide for their payment, without amendment, and recommend the reference of the same to the Committee of the Whole.

W. W. UPTON,
Chairman.

On motion, bill No. 263, reported by the Committee on Ways and Means was read a first and second time and referred to the Committee of the Whole.

Mr. Speaker:

The Committee on Mileage, to whom was recommitted bill No. 79, an Act amendatory of, and supplementary to an Act entitled an Act defining the legal distances from the County seat of each County in the State of California, to the State Capitol at Sacramento, to the State Lunatic Asylum at Stockton, and to the State Prison at San Quentin, having the same under consideration, report it back to the House with a substitute, and recommend the passage of the substitute.

D. DUSTIN,
Chairman.

The substitute reported by the Committee on Mileage for Assembly bill No. 79, was read a first and second time and placed on the calendar.

Mr. Speaker :

The Committee on Elections, to whom was referred Assembly bill No. 251, an Act to legalize and confirm the Election of certain Officers, have had the same under consideration and herewith report the bill back to the House, and recommend its passage without amendment.

THOS. C. BRUNTON,
Chairman.

T. H READ,
T. M. COOMBS,
J. DICK.
Committee.

Mr. Speaker :

The select committee [Tuolumne Delegation,] to whom was referred Assembly bill No. 222. entitled,an Act to re-incorporate the City of Sonora, have had the bill under consideration and report the same back, with amendments, and recommend its passage as amended.

THOS. C. BRUNTON,
Chairman.

On motion, Assembly bill No. 222, reported by the Tuolumne delegation, was made the special order for 28th inst., at one o'clock, P. M.

Mr. Speaker:

Your Committee on Claims, to whom was referred Assembly bill No. 120, an Act for the relief of Horace Wheeler, have had the same under consideration, and beg leave to report:

This claim against the State is for furnishing Indian goods to the expedition for suppressing Indian hostilities in Los Angeles county, in the year 1852. These goods were used by the expedition as a means of obtaining peace with said Indians, and not as supplies for the expedition; hence, did not come within the provisions of the law providing for the maintenance of said expedition, and could not, therefore, be paid out of the appropriation for that purpose. In view of these facts, your committee recommend that the bil be passed without amendment.

Your committee have also considered Assembly bill No. 250, an Act for the relief of Cyrus Rowe, and sureties. The petitioner in this case was the County Treasurer of Sacramento county from 1851 to 1853, and lost by the fire of 1852 moneys belonging to the State amounting to $6,000, for which the State has obtained a judgment against him, one-half of which he has paid, and he now asks to be released from paying the remainder; inasmuch as the loss was not caused by any carelessness on the part of the petitioner, but by a calamity that he could not prevent. Your committee are of the opinion the relief he asks for should be granted, and therefore recommend the passage of the bill, with an amendment.

Your committee have also considered a communication from the State Con-

troller, in relation to the State Translator, and recommend the passage of the following resolution:

Resolved, That the account of A. Ainsa, State Translator, for translating the Messages and Documents of State Officers for the present session of the Legislature, be paid out of the contingent fund of the Assembly, and that the Controller of State is hereby authorized to draw his warrant on the Treasurer of the State for the same.

Your committee have before them the bills for printing notices of Land Sales, in German newspapers, and ask leave to report them back to the House, and request to be discharged from their further consideration.

Your committee make the same request in regard to the claims against the State in favor of G. W. Tenbroock and W. H. Lyons, for services alleged to have been rendered, in selecting Seminary Lands in the county of San Diego, in the year 1853, by authority of Gov. Bigler.

Your committee have also considered claim of R. G. Crozier, against the State, and recommend that it be referred to the Committee of the whole House.

Your committee have had under consideration the petition of Richard Cole, asking to be remunerated for translating certain laws into the Chinese language. "Your petitioner was employed by the Secretary of State, by virtue of a law passed during the session of 1853, to make said translation, and have the same printed; your petitioner made the translation, and contracted for the printing of three thousand copies, (the number aushorized by the law, for $400." It appears, however, that notwithstanding your petitioner had made the above contract in accordance with his instructions and the law, yet, Governor Bigler, for no other reason in the opinion of your committee, than to reward a favorite, placed the printing in other hands, and ordered 500 copies more than the law authorized printed, giving the balance of the appropriation, ($200) for the extra printing; which amounted to no more or less than making a present to his favorite, of two hundred dollars, less the price of a ream of paper, and about one day's work, which the Governor as a practical printer well knew. This action of the Governor consumed the entire appropriation, and left nothing for the translator.

Your committee, in view of these facts, are of the opinion, that justice demands your petitioner should be paid, and therefore introduce a bill for the purpose, and recommend its passage.

GEO. H. RHODES,
Chairman.

Mr. Speaker:

The Select Committee, to whom was referred Senate bill No. 125, an Act entitled an Act to Fund the Debt of Sierra County, and provide for the payment of the same, have had the same under consideration, and respectfully beg leave to report the same back, and recommend its passage without amendment.

A. A. HOOVER,
H. A. GASTON.

Mr. Weir introduced the following resolution:

Resolved, by the Assembly, that a committee of three be appointed by the Speaker, to examine for a suitable location for the State Prison or Penitentiary, and that said committee report upon all the advantages and disadvantages of the places they examine, and report the same to this House at an early day.

Adopted.

The Speaker apppointed Messrs. Weir, Leihy, and Peck, as committee.

Mr. Lippincott gave notice, that on Monday he would move a reconsideration of the vote by which the resolution passed.

The following Message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 21, 1856.

To the Assembly of California:

I have this day approved an Act creating a Board of State Prison Commissioners and defining their duties

As this Act is one involving an expenditure of a large sum of money for the one specific object of providing for the security and maintenance of our State Prison convicts, and after but a brief experiment in attempting the management of this branch of expenditure under the direction of State authorities, contemplates a return to the "leasing system," I have deemed it not improper to suggest the reasons which induce me to give approval to an Act which may be, and possibly is, defective in some particulars, and will require additional legislation to carry out fully the design of the legislative department—that of saving to the State as much as possible in its future management of this expenditure—and at the same time suggest such additional legislation as may be conducive to this purpose.

Up to the 1st day of June, 1855, when by the provisions of the Act of May 7th, 1855, the State, under the management of a Board of Directors, assumed the control and expense of the prisoners, they had cost the State comparatively but a small amount of money; and by many they were regarded as a source from whence would be derived a considerable revenue under the system then adopted.

Now we have the result exhibited, and from official data the reverse is shown to a most alarming extent.

As exhibited by a report made by the Joint Committee of the two branches of the present Legislature to examine State Prison affairs from the first of June—the time when the State Prison convicts were given up by the Lessee—to the first day of January, the expenditures for State Prison purposes (including the wall) over and above the amount received from the sale of brick manufactured during the period, amounted to the sum of $382,226 84, being an average cost per month of $54,603 83.

A statement of the expenditures from the time the present Board of Directors entered upon their duties, (the first of January, 1856,) which they have furnished me, shows that the expenses up to the first of April next, exclusive of salaries of Directors, estimated for the current month; also of an estimate of $9,000 for additional provisions for the same period, and inclusive of the sum received from the

sale of brick, will amount to the sum of $76,458 02, being a monthly average of $25,486 The aggregate for ten months, exclusive of the proceeds of the State Prison labor, amounts to the enormous sum of $458,684 86, being a monthly average of $45,868 48.

Under the Act just approved, the Board of Commissioners are authorized to contract for leasing out the prison labor on such terms as will relieve the State of all expenses of every character whatever, incident to the maintenance, security and proper care of these convicts, except the salaries of Directors, which shall in no event exceed $15,000 per month, and may possibly fall short of it. This sum, it must be remembered, includes also the expense for the erection of such additional prison buildings, etc., as are now or may be necessary, during the term of the contract.

The enormous expenditure under State management for the ten months the experiment has been tested, admonishes us that the abolishment of a plan so expensive is essential to our financial prosperity; and the only recourse now, is a return to the "leasing system," by which we will at least know in advance what the cost will be, and under no possible circumstances can it exceed one-third of the average expenditure under the law which this one repeals; wherefore the alternative is presented, either to adopt the new, with all its possible objections, or to retain the old law, which has proven so alarmingly expensive; hence this Act has received my approval.

I submit for the consideration of your honorable body the necessity to make appropriations for the payment of the legal and valid indebtedness existing against the State on account of the State Prison management, under the law repealed by the present Act, which, from the first of January to the first of April, will show a deficiency, according to a report furnished me by the Board of Directors, of $61,458 02.

If it is deemed necessary, under the present system, to retain the services of the Directors, an additional appropriation will be indispensable for the payment of their salaries, (amounting to $7,507 39,) from the first of April to the first of January next.

The Board of Commissioners have authority in the contract they may enter into, for leasing the State Prison labor, to provide for the erection of prisons, buildings, &c., wheresoever they may direct, on property leased or owned by the State, and in view of the universally recognized fact that the present location of the State Prison is objectionable, I would suggest that a place be designated, or for such purpose that authority be given the Commissioners, as a site for an additional Prison, which, from its location, would constitute a saving of expense in the transportation of prisoners from the several counties, and having regard to the time when the State would be required to take charge of the prisoners, their labor would be rendered most remunerative. For this purpose a small appropriation, not exceeding $5,000, will be necessary to purchase a site for the prison.

Furthermore, it will be necessary to carry out the design of saving expense in the mileage allowed for the transportation of prisoners, to specify the prison, (at such time as an additional one shall be erected,) to which convicts shall be taken from the respective counties of the State.

The importance to be given such suggestions as are here made, having reference to further legislation in this regard, it is earnestly desired will receive your due consideration and action prior to the close of the present session.

J. NEELY JOHNSON.

On motion of Mr. Rathburn, Assembly bill No. 209 entitled an Act defining

the time of holding the several Courts authorized to be held by the County Judge in the County of Sonoma, was taken from the file.

Rules suspended, and bill considered as engrossed.

Read a third time and passed.

The special order of the day—substitute for Assembly bill No. 168, entitled an Act to submit the question of the removal of the County Seat of El Dorado County to the qualified voters thereof, was taken up.

On motion of Mr. Taylor the bill was amended by adding an additional section, to be numbered Section 4.

On motion of Mr. Bowe, the bill was considered as engrossed.

On the prssage of the bill, Messrs. Bowe, Gage and Hunter demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Boring, Borland, Bowe, Brunton, Covarrubias, Dick, Ewalt, Gage, Gaston, Haile. Heiskell, Holland, Hoover, Hunter, Kelly, Lamon, Lewis, McGehee, Moulthrop, Peck, Read, Reynolds, Sellick, Shearer, Sterritt, Swan, Van Dusen, Winsor, Wohler and Mr. Speaker.—33.

NOES.

Messrs. Blackburn, Bynum, Cone, Curtis, Davis, Dustin, George, Hunt, Kendrick, Leihy, Lippincott, McFarland, Oliver, Oxley, Pearson, Rathburn, Rhodes, Ricks, Stevenson, Stout, Taliaferro, Taylor, Wagner, Welch, White, Williams, Winston—27.

So the bill was read a third time and passed.

On motion of Mr. Ricks, Assembly bill No. 26, entitled an Act amendatory to an Act entitled an Act to provide for the disposal of Lots in the Towns and Villages on the public lands in Humboldt County, passed April 27th, 1855, was taken from the table.

Senate amendments concurred in, and the bill, as amended, read a third tim and passed.

On motion of Mr. McFarland, Assembly bill No. 33, entitled, an Act relativ to Escheated Estates, was taken from the table, and made the special order fc the 27th instant, at 12 o'clock, M.

On motion of Mr. Stout, Senate bill No. 126, entitled, an Act concerning th office of Public Administrator, in the counties of Nevada, Sacramento, Place. and Amador, was taken from the table.

On motion of Mr. Stout, the words "Placer County" were stricken out of the bill, and the words "Monterey County," inserted in lieu thereof.

The bill as amended, was then read a third time and passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 22, 1856.

To the Assembly of California:

I have this day approved a bill originating in the Assembly, entitled, an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

Respectfully,

J. NEELY JOHNSON.

Mr. McDonald introduced the following Concurrent Resolutions:

Resolved, by the Assembly, the Senate concurring, That our Senators and Representatives in Congress, be requested to urge upon Congress the necessity of immediate action, to provide some means for the extinguishment of Indian Titles to lands in this State.

Resolved, That the Governor of this State be, and he is hereby requested to transmit copies of these Resolutions to our Senators and Representatives in Congress.

Lays over one day under the rules.

On motion of Mr. Stevenson, Senate bill No. 143, entitled, an Act fixing the times of holding the Courts of Sessions, the County Courts, and the Probate Court, in and for the County of Solano, was taken from the table.

Read a third time and passed.

On motion of Mr. Oxley, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Senate bill No. 105, entitled an Act concerning Official Advertisements, and to provide for their Payment

House in Committee of the Whole.

Mr. Oxley in the chair.

On motion of Mr. Van Dusen, the committee rose, reported the bill back to the House, and recommended its passage without amendment.

Report received and committee discharged.

Mr. Batchelder moved to strike out the words "two thousand and fifty-two dollars," for the California Express, and insert in lieu thereof the words "one thousand and twenty-five dollars."

Lost.

Mr, Winsor moved to recommit the bill to the Committee on Claims.

Lost.

Pending discussion, Mr. George moved the previons question.

Sustained.

Upon the passage of the bill, Messrs. Farley, McFarland, and Bell, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Blackburn, Boring, Cartter, Coombs, Covarrubias, Curtis, Ewalt, Gray, Holland, Hunt, Kelly, Kendrick, Leihy, Lewis, Lippincott, McDonald, Meloney, Oliver, Pearson, Rhodes, Sellick, Sherrard, Stevenson, Swan, Taliaferro, Taylor, Upton, Weir, Welch, White, Winsor, Winston, Wohler —35.

NOES.

Messrs. Andrews, Batchelder, Bell, Bowe, Brunton, Bynum, Davis, Dick, Dustin, Gaston, George, Haile, Heald, Heiskell, Hoover, Lamon, McFarland, McGehee, Oxley, Peck, Rathburn, Reynolds, Ricks, Shearer, Sterritt, Stout, Van Dusen, Wagner, and Mr. Speaker—30.

So the bill was read a third time, and passed.

Mr. Beatty gave notice, that on Monday, he would move a reconsideration of the vote just taken.

Mr. Gray moved to reconsider the vote by which the Assembly, on yesterday, passed Senate bill No. 134, entitled an Act to establish Pilots and Pilot Regulations for the Ports and Harbors of Benicia and Mare Island.

Mr. Oxley moved that the motion of Mr. Gray be indefinitely postponed.

Upon which, Messrs. Gray, Rathburn, and Stout, demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Beatty, Bell, Bynum, Coombs, Covarrubias, Dick, Heald, Kendrick, Lamon, Lewis, McDonald, McGehee, Oxley, Pearson, Reynolds, Rhodes, Ricks, Shearer, Sherrard, Stevenson, Sterritt, Swan, Taliaferro, Upton, Van Dusen, White, Winsor, Winston, and Wohler—30.

NOES.

Messrs. Andrews, Blackburn, Boring, Bowe, Brunton, Cartter, Cone, Davis, Dustin, Ewalt, George, Gray, Haile, Heiskell, Holland, Hoover, Hunt, Kelly,

Leihy, Lippincott, McFarland, Peck, Rathburn, Stout, Welch, and Mr. Speaker —26.

So the motion was carried.

Mr. McFarland introduced the following resolution:

Resolved, That no new bill shall be introduced into the Assembly after Tuesday next: whether notice thereof shall have been given or not, unless with the consent of two thirds of the members present.

Laid on the table.

A communication was received from Ex-Governor Bigler, in relation to the publication in Spanish of the proposed amendments to the Constitution, which was ordered printed, in connection with a Report heretofore made on the same subject by Messrs. Brent and Taliaferro.

The following message was received from the Governor, vetoing an Act in relation to Reporter:

EXECUTIVE DEPARTMENT,
Sacramento, March 22, 1856.

To the Assembly of California:

An Act supplementary to an Act concerning the office of Reporter, passed April 12, 1850, I return to your branch of the Legislature, the same in which it originated, without approval.

In the exercise of competent legislative authority the Act to which this is supplementary was adopted, whereby the Supreme Court was authorized to appoint a Reporter, and the only compensation therein to be given, the State agreed to take three hundred volumes of Reports, at a price which was originally affixed at $16 per volume; but latterly reduced to $10. Under this law Mr. Hepburn was appointed the Reporter of the Court, performed the service and received pay for the books which have been furnished. It was in the character and nature of a contract with the State on certain stipulated terms, and an act wholly voluntary on the part of that gentleman, the acceptance of the position on the terms proposed in the law—and if the sale of books have not yielded a sufficient profit to remunerate him for his services, which it is conced were ably and satisfactorily performed, is a source of regret, yet, under existing circumstances, cannot constitute the subject matter of legislative relief. At most it was a speculation uncertain in its results, like any other contract made with the State; and if the principal is now to be established that the State must be held responsible for the losses an individual may suffer under a contract, then I apprehend there will be no end to the applications which will be made for relief under like circumstances.

It is quite as much as can be required of this State—financially depressed as at the present period—to pay all she honestly contracts and agrees to; and her creditors and tax payers have the right to require a strict adherence to this rule of action in all cases, it matters not how trival the sum involved, until a more auspicious period shall reveal the expenses of government less burthensom than at present.

I have not deemed in necessary to refer to more than so much of the Act as proposes to pay for services already performed under such contract as existed. Of

course it is competent for the Legislature to make such arrangements as may be deemed proper for the performance of these duties in the future.

J NEELY JOHNSON.

On motion of Mr Hunt, the Message was made the special order for Tuesday, 25th instant, at 7 o'clock, P. M.

Mr. Holland moved, that the day and hour the above Message was received by the Assembly, should be noted on the Journal of the House.

Carried.

Accordingly, the following entry is made:

The Message vetoing the Act supplementary to an Act, concerning the Office of Reporter, passed April 12, 1850, was received in the Assembly, through the Governor's Private Secretary, at precisely five minutes before two o'clock, P. M., on Saturday, the 22d March, 1856. The hour stated, being the time as shown by the clock of the Assembly.

Mr. Rhodes moved to adjourn.

Lost.

On motien of Mr. Upton, the rules were suspended, and Assembly bill No. 251, entitled an Act to legalize and confirm the Election of certain Officers, was taken up.

Considered as engrossed, read third time, and passed.

Mr. Beatty moved a call of the House.

Lost.

Mr. Curtis introduced the following resolution:

Resolved, That the Secretary and Controller of State are hereby authorized to audit the account of the State Printer, for translating the Governor's Message and accompanying documents into the German language, in accordance with a resolution passed to that effect, and order the same to be paid from contingent fund of the Assembly, provided the rate does not exceed the amount paid for the French and Spanish translation of the same work.

On motion of Mr. Curtis, the resolution was referred to the Select Committee on Translating.

Mr. Meloney moved that two thousand copies of Senate bill, entitled an Act for the protection of actual Settlers, and to quiet Land Titles, be ordered printed,

Pending the consideration of which—

On motion of Mr. Brunton, the House, at 3 o'clock, P. M., adjourned until Monday, 24th inst., at 9 o'clock, A. M.

IN ASSEMBLY.

MONDAY, March 24, 9 o'clock, A. M.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and the following members were absent:

Messrs. Brent, Cartter, Coombs, Covarrubias, Ewalt, Hawes, Mathews, Moulthrop, Read, Sellick, Swan, Taliaferro, Winsor.

Leave of absence was granted Messrs. Brush and Hoover, for one day.

Journal of Saturday, 22d instant, read and approved.

Mr. Boring presented a petition from citizens of the county of Nevada, praying the passage of a Settler's bill, in conformity with the principles contained in the Resolutions adopted at the State Settler's Convention, held in Sacramento on the 8th and 9th days of August, 1855.

On motion the petition was laid on the table.

Mr. Haile introduced bill No. 264, for an Act to fix the compensation of District Attorney for the county of Napa.

Which was read a first and second time, and referred to the delegations from Sonoma and Napa.

Mr. Lewis introduced bill No. 265, for an Act to alter and define the Boundary Lines of Colusi county, which was read a first and second time.

By leaveof the House, Messrs. Lewis and Dick, presented petitions relative to the subject matter of the bill, and on motion, the bill and petitions were referred to the delegations from Colusi, Yolo, Butte, and Sutter.

Committee on Claims introduced bill No, 266, for an Act for the relief of Richard Cole.

Which was read a first and second time, and placed on the calendar.

Mr. Peck introduced bill No. 267, for an Act fixing the time of holding the Court of Sessions, for the County of Santa Clara.

Which was read a first and second time, and referred to the delegation from that county.

The following reports were received from committees:

Mr. Speaker :

The Committee on Ways and Means, to whom was referred Senate bill No. 5, for an Act to establish the Pay of the Officers and Employees of the Senate and Assembly, and to repeal the existing laws relating thereto, ask leave to report the same back to the House without amendment, and recommend its passage.

The same committee ask leave to report Senate bill No. 136, for an Act concerning the Transportation of Prisoners, and to appropriate money for the same, together with a substitute for so much of the bill as relates to the appropriation of money, and recommend the passage of the bill as amended, and the passage of the substitute.

Also, Assembly bill No. 249, with amendments, and recommend the passage of the bill as amended.

Also, Assembly bill No. 132, without recommendation.

W. W. UPTON,
Chairman.

Mr. Lamon, from the Committee on Federal Relations, to whom was referred the Joint Resolutions introduced by Mr. George, on January 15, 1856, relative to the Pacific Railroad, presented a substitute therefor, and made a report.

Mr. Speaker:

The Committee on Federal Relations, to whom were referred the Joint Resolutions introduced by Mr. George, relating to the establishment of a Railroad from the Mississippi River to some point in the State of California, having had the same under consideration, respectfully submit the following report;

The Committee regret that circumstances attending the investigation of this important subject, have not permitted us to give it the minute examination it demands, feeling, as we do, that it is a matter of the greatest importance and most vital interest, not to the State of California only, but to her sister States upon the Atlantic slope, and to the Union as a whole. The intensity of our interest in the subject has increased as we have the more minutely examined it, and we offer the result of our investigations with diffidence, briefly alluding to the value of California to the Union as a source of wealth, considering her own resources only; the necessity of developing those resources; an increase of inhabitants the only method by which they can be developed; and a speedy, cheap and safe means of intercommunication with the Atlantic States the only method by which she can be peopled with a population desirable, and her perfect safety insured.

An attempt to estimate the value of California, in a pecuniary point of view, would be vain, yet your committee have deemed it expedient to present some statistics relating to the export of gold from the State, as a basis for calculating the value of her mining interests in future. The amount of treasure shipped from California, of which an account has been taken, during the last five years, is two hundred and thirty millions of dollars, ($230,000,000.) At a reasonable calculation, an amount equal to twenty per cent of this shipment, or forty-six millions of dollars, ($46,000,000), has been carried by passengers, and consequently has not come to public knowledge, and it is equally reasonable te estimate twenty per cent, or forty-six millions of dollars, ($46,000,000) as the amount reserved by miners and other people of the State for private purposes.

The committee, indeed, consider forty per cent. in the latter case, as nearer the fact, but at the estimate given, we Save the sum of three hundred and twenty-two millions of dollars as the result of five years labor in the gold mines of California alone.

But aside from shipments of gold, California is already beginning to assume a prominent position in the export of grains and products of her soil, to the various ports upon the coast and the Islands of the Pacific, as well as to the countries of Asia; but we deem it sufficient to say that, during the year 1855, these articles of export from the port of San Francisco, amounted to four millions eight hundred and seventy-seven thousand five hundred and nineteen dollars.

In the opinion of your committee, hardly a commencement has been made towards a development of the resources of the State. Discoveries of mineral deposits are daily being made, surpassing in value, richness, and extent, former discoveries, and to us, the conclusion is irresistible, that many centuries of constant labor will not suffice to exhaust the mountains of California of their golden wealth. The surface has, in comparatively a few places, been skimmed over; but now our mining population are diving into the interiors of the mountain ranges, by means of tunnels, and with a certain prospect of success. This is a fact now so generally known, that we have thought it necessary to revert to it only. Aside from the gold deposits in the State, large quantities of cinnabar are found, and mining for that article has already assumed a character of great importance.

The discoveries made of veins of silver, copper, galena, and beds of coal, lead us to the conclusion, that mining for these minerals will, at no distant day, be a prolific source of wealth to the State and nation; but the high price of labor, and the fever for gold, have heretofore prevented other metals than gold from receiving the attention their importance demands. We feel it proper to mention in this connection, that the fertility of the soil of California is unsurpassed by any State in the Union, and, that probably no country in the world, of equal extent, can boast of so productive lands, or a more salubrious climate, than ours, from one extreme of the State to the other. California has an area of 188,981 square miles, of 122,947,840 square acres of land, with a seaboard of between seven hundred and eight hundred miles in length; and yet the population of this vast territory does not probably far exceed four hundred thousand white inhabitants, and these mostly congregated in mountain villages, and the cities and villages of the plains, so that our soil, which is capable of sustaining a population more dense than even China, is left untilled, save an occasional spot; and the immense resources of the State, for agricultural as well as mineral productions, remain undeveloped.

Your committee look upon it as an axiom, that in order to develop the resources of the State, the number of her inhabitants must be increased. But the present means of intercommunication between California and the Atlantic States are too limited, expensive, inconvenient, and uncertain, to afford us reasonable

grounds of hope for the accomplishment of this desirable result, other than by the establishment of a railway from the western frontiers of the States upon the Atlantic slope, to some point upon the Pacific coast. But there is another, and, in the opinion of your committee, a more important view, plainly showing to all who give the subject a candid examination, that this great work is an imperative duty of the General Government without delay.

The United States cannot reasonably hope, at all times to be at peace with the powerful nations of the old world, and should the mischance occur, that our beloved country be embroiled in war with any European nation, the great extent, and unprotected condition of our seaboard, make California the most vulnerable point of attack in the Union. Unless the means of ready transit for soldiers and munitions of war across the continent be provided, nothing could prevent the landing of hostile forces on our coast, or the descent of armies upon us from the north, through Oregon. or through Mexico, from the south. Under such circumstances, the blow for a time would not only be disastrous to California, but to the whole country.

Your committee call your attention to the important and almost startling fact, as stated in some of the public prints, that British, French, and Mexican capitalists have undertaken the building of a Railroad from Vera Cruz to the city of Mexico, the termination of which, ultimately will be the Pacific Ocean. The preliminary arrangements for its construction, it is understood, are already made, actual, *bona fide*, cash capital is secured to complete the work. It is estimated that the cost of building the road to the city of Mexico, will be $12,000,000; six millions have been subscribed by that city. No reflective mind can fail to see the effect of that road upon the United States. Unless the Atlantic and Pacific Road be built, that road will command the principal trade and passage between the Atlantic States and the States on the Pacific coast. The money expended in that trade, or upon passage, will go to increase the wealth of foreign capitalists. The wealth which Americans should by interest and nature inherit, will be drawn into the coffers of those inimical to the prosperity of our country.

In case of hostilities between our government and any European nation, that road will be the scene of rapid transit for our enemies, while our own soldiers would be compelled to force their way for two thousand miles, on foot, along the track where a Railway should carry them, and by their necessary delay, California, the coming glory of the United States, might be wrested from her hand, through her own unpardonable negligence. A Railroad between the old States and California, would be an instrument of greater terror to an invading power, than forts and arsenals. The general government, and each State in the Union, is interested, and should exercise an active interest in the safety and well-being of California, because her sons are here.

There are other, to the minds of the committee, important considerations in favor of the General Government taking immediate action in this great work. California has already secured to herself the attention of the world. The European, when contemplating a trip to Australia, regrets that his course does not lead through California. Merchants at Asiatic ports have surrounded the name of California with a golden halo. There is not a settled portion of the United States which has not been electrified by the positive influence of this young State, and with just reason Taking the maps of the civilized world, California is now the converging point of the nations of the earth. There are but few men in any nation boasting of civilization, who have not a friend in California.

In this connection, the attention of your committee has been drawn to the increased commercial interests resulting to the Union from the establishment of this Railroad. While there are many articles of commerce which will ever fol-

low the slower transportation by sail vessels, there are others, by the exchange of which a greater profit is realized, which take the more speedy conveyance, as experience has proved that the more rapid mode of transit is the most profitable, the cheapest and best.

By the establishment of a Railroad from the Missouri or Mississippi river to the Pacific, San Francisco would be within ten days travel of Boston, New York, Charleston or Savannah. The more profitable trade of the Atlantic States and Europe with the Celestial Empire, the southern countries of Asia, and the Islands of the Pacific would naturally follow this channel as the cheapest and most expeditious, and it would be useless to remark, that the revenue of the General Government would be enhanced in proportion as the trade of nations is drawn through this channel. Travel, a great source of wealth to those within its influence, would in this direction be immense; and along the line of the road would spring into life and activity new States, to swell the revenue of the Government and increase the wealth of the nation. The people of London and Paris and the nations of Europe, seeing their coast but twenty-one days from the coast of the Pacific, would feel dissatisfied until they had passed over the great American Railroad, and placed their feet upon the golden soil. Business men and men of independence in the old States, desirous of spending their winters in the lovliest of climates, will avail themselves of this Road for a sojourn of a few months annually in California: and those wasting in ill-health or fleeing from the ravages of disease will hasten to it as the healthiest land in the world.

This is not the language of declamation, but calm conviction based upon experience: the natural course of events and the principles of the human mind. California is second to no State in her attachment for the Union. Your committee will be permitted the suggestion, that the Government of the United States, founded as it is in the attachment of the people to its institutions, and dependent for its *support* upon that attachment, should adopt every reasonable measure for increasing the bond of union, by the more intimate alliance of interest. Experience in the Atlantic States has proved that those sections which are united by means of speedy conveyance from one extreme to the other, thereby causing a constant interchange of feeling and interest, and more closely allied in sentiment than those sections which have not been favored with such facilities of intercourse. So this national Railroad, your committee believe, would more strongly cement the bond of union between the Atlantic and Pacific States, as well as the Atlantic States themselves, and each individual of the nation, in whatever extreme, would feel that he has an interest in this national work, of which he would never willingly be disfranchised, and it follows, as a natural sequence, that he will also feel interested in the welfare of every State in the Union.

The committee hardly deem it necessary, in this day of progress and enlightened reason, to revert to the constitutionality of an apropriation by Congress of lands or money, or both, for the accomplishment of a work so greatly to the enhancement of the general welfare of the Union. That question has already been settled by former appropriations of lands for the benefit of railroads, in the States. But another matter presents itself for consideration in this connection, by an appropriation of alternate sections or divisions of land along the line of the road, for the purpose of building it the General Government would be greatly benefitted, by an increase of revenue, consequent upon the rapid and permanent settlement of the country through which the road must pass. The tariff being the same, the revenue must increase in proportion to the increase of articles imported, and imports will augment in proportion as demand for them increases. The demand for articles of import would be as great, by people settled along the line of this road, as by an equal number of people in the States, now

settled. More than this, immense tracts of land which now are useless to the General Government would be brought into market, and become of great value. But your committee deem it unnecessary to pursue this part of the subject further. With regard to the practicability of the enterprize, the committee are of the opinion that no Californian, acquainted with the various railways in the Atlantic States, and who has traveled the overland route to California, can entertain any doubt, "as Nature has already graded the road for more than fifteen hundred miles, and the remainder is by far less difficult to be surmounted than many of the routes in the Atlantic States." As to which would be the better route, although there is no diversity of opinion in the committee respecting it, yet they deem it better that no opinion be expressed, leaving that to the result of a survey by a competent corps of Engineers.

Respecting the granting of the right of way for the road through any portion of the State of California, there could hardly be found a dissenting voice. Every Californian feels the necessity of having the road, and will be found ready to do anything within the bounds of California liberality to secure its early accomplishment.

Estimates have formerly been made upon the cost of building the Atlantic and Pacific Railroad, varying from eighty to one hundred and fifty millions of dollars; but the committee having had the matter of the cost under consideration, taking the middle or Platte River Route as the basis of their calculation, have arrived at the conclusion that a medium between these extremes, from one hundred millions to one hundred and fifteen millions of dollars, will be much nearer the probable cost.

There are now in operation, and in process of construction in the United States 16,000 miles of railroad, of which the Chicago and Galena road, it is believed, pays the highest dividend, in proportion to the amount of capital invested; but your committee are satisfied that dividends on the Atlantic and Pacific railroad must be much greater in proportion to the amount of capital employed in its construction than the road referred to, as the travel and freight passing over the Atlantic and Pacific road cannot but be proportionally much greater than that over the Chicago and Galena road, and your committee are further firmly of the opinion, from a knowledge of the country through which the Chicago and Galena road passes, and the route over which we are satisfied the Atlantic and Pacific road must pass, that the cost of building the latter road cannot be proportionally greater than the expenses of constructing the Chicago and Galena road.

Your committee think it not proper to withhold an expression of opinion, that so great a work as the Atlantic and Pacific Railroad should not be left to individual enterprize, believing that it can hardly be so accomplished; and admitting it can be, it would be impolitic in creating a monopoly which would be dangerous; the immense profits of the road, going as they would in that case, to a few individuals only, when they should be distributed to the people of the States. They are also equally of the opinion, that it should not be exclusively a work of the General Government—for, although in the latter case, if properly conducted, the profits would benefit the whole nation, the throwing of such immense patronage into the hands of the General Government, would give to the few who manage its concerns, too great an opportunity for injustice and fraud. Your committee, therefore, have thought it proper to suggest the outlines of a plan by which, with such assistance as may be obtained from the General Government, the road can soon be built, and every individual in the Union be benefited by it, while peculation will almost certainly be prevented, which we now submit:

Each State in the Union, or as many as see fit, should make itself a party or stockholder in the road, in proportion to the amount of taxable property within

its limits. By a reference to the statistics of taxable property in the United States, the amount of such property will be found to be nine billions of dollars. A tax of two and a half mills on a dollar levied by each State, on the taxable property within its borders, would amount annually to twenty-two millions five hundred thousand dollars. Such a tax levied by each State, for five consecutive years, would alone, and without assistance from the General Government, except the granting of a charter, and the expense of surveying the route, build the road. But your committee cannot doubt that the General Government will grant assistance to the enterprize, sufficient to defray at least one half of the expense of completing it. Now if the Legislature of each State were to submit to its people, the proposition asking them to vote upon, and express their willingness or unwillingness to be taxed to the amount of two and a half mills on the dollar, for the purpose of building this road, and at the same time set before them the ultimate advantages which would accrue to them by its construction; your committee are of opinion, from their knowledge of the enterprise and public spirit of our brethren in the Atlantic States, that a large majority in each State would vote in favor of being taxed.

It is doubtful, even if the heaviest capitalists would object to such taxation, although the greater burthen would fall on them. The plan then proposes, that each Legislature submit to its respective people the proposition of a tax of two and a half mills on a dollar on the property, for the purpose of building the Atlantic and Pacific Railroad, and if a majority of the people are in favor of it, the plan further proposes that each State (or so many as vote in favor of the proposition) select one Railroad Director and one Engineer, and one Assistant Engineer, to discharge the duties of such offices, as in other roads.

As soon as laws are passed by the respective States, levying such tax, the labor upon the road can commence, and the circulating medium cannot be seriously affected by the concentration of a large amount of money, for that would soon find its way back to every section of the States, to purchase articles for the road, and means of subsistence for the laborers upon it, thus keeping up a constant circulation, and preventing the accumulation of a large amount of money at one time. Arrangements also might be made, by which the States could pay in their amounts at different times, which would remove all objection to a fancied "tightness" in the money market, from a concentration of capital at any one point. If, however, these regulations should be thought insufficient, each State could issue bonds for the amount of taxes collected for this purpose, drawing a reasonable rate of interest, and retain the money in her possession, for a term of years, or until the dividends from the road cancel the amount. Should the latter suggestion be deemed the most feasible, each State could issue her bonds immediately upon her passing a law levying a tax which would expedite the work. As before stated, the plan proposes that each State holds stock in the road in proportion to the amount paid in by her, and when the road is completed, the dividends to each State will, of course, be in proportion to that amount, and your committee are confident in the opinion, that in a few years the entire amount contributed will be returned to the States respectively, in the way of dividends, which they can constitute into a perpetual school fund, or make such other disposition of as, in their wisdom, they shall see fit.

Should this or some similar plan be adopted, the cost of the road would fall lightly upon the entire people of the United States, and grants made by the General Government for the road, would be indirect grants to the people of each State in the Union, which, as an ultimate result, must suggest itself to the mind of every one of ordinary capacity.

With regard to the appointing of Commissioners to visit the several legislative bodies of the Union, for the purpose of securing their influence in behalf of this

work, the committee can see no necessity for such appointment, believeing that a calm statement of facts, as set forth in this report, will convince those honorable bodies of the importance to them and their interest with us in the success of this enterprise, and secure for it their hearty co-operation. The interests of the nation require that this work be accomplished ; and when directed to it, intelligent minds cannot fail to enter upon it with zeal and give to it their earnest support.

In view of carrying out the matters contained in this report, your committee submit the following preamble and resolutions, as a substitute to those referred to them for consideration, and recommend their adoption:

" *Whereas*, the isolated position of California, the unparalleled accumulation of her wealth, the rapid increase of her foreign and domestic commerce, and the safety, prosperity and happiness of her people, require that measures be taken by parties interested, and especially by the General Government, immediately to provide for the protection of our people against foreign aggression, to cement more closely the bonds of union between the inhabitants of the Pacific and those of the Atlantic coast, and to make our country, as it should be, the highway of the nations of the world. Therefore

Resolved, (by the Senate and Assembly of California,) That our Senator and Representatives in Congress be requested to urge upon that body, the necessity of establishing a Railroad from the Missouri or Mississippi rivers to some point in the State of California, and to use their utmost endeavors to procure the passage of a law in Congress providing for the construction of such Road, by the donation of alternate sections or divisions of the public lands along the route of said Railroad, or by the appropriation of money from the Treasury of the United States, or both, and the adoption of such other measures as shall be necessary to secure, at an early day, the completion of this great national work.

Resolved, That the proposition of a tax of five mills on a dollar on all taxable property in this State, and in addition thereto, a tax of two dollars per capita on all able bodied men in the State, for the purpose of building the Atlantic and Pacific Railroad be, and is hereby submitted to the people of California, to be voted upon at the general Election, in September next.

Resolved, That the Governor of the State be requested to transmit a copy of this report to each Senator and Representative in Congress, and to the Executive of each State in the Union, and that we ask their hearty co-operation with us, by using their influence for the early accomplishment of this great work of mutual benefit.

The committee have also had under consideration, that portion of the Governor's Message referred to them, having reference to the Pacific Railroad, and respectfully beg leave to report it back to the House incorporated with, and as a portion of this report:

PACIFIC RAILROAD.

The rapid progress which has, during the past year been made in developing the vast and unequalled resources of the Pacific country, together with the evident fact, that additional population alone is required on this coast to give it still

greater prominence in the eyes of the world, and immensely to augment the national prosperity and wealth, has called forth from our people a universal demand for the speedy construction of a thoroughfare across the continent, connecting the Atlantic and Pacific Oceans.

The growing importance of California—the wants of her people, and the requirements of her fast augmenting commerce, would seem to demand the consideration of the Federal Government, and that prompt, decisive, and judicious legislation which should ever characterize its action in matters involving the national welfare, or the prosperity of the individual States.

That it is peculiarly the province of Congress, at least to lend a helping hand to this vast undertaking, uniting with bands of iron, and the more indissoluble bonds of a common interest, the extremes of our mighty confederacy, few will deny. Forming a part of the same free republic—having a common interest in the affairs of the nation—partaking of the same blessings, and submitting to the same burthens:—enjoying identical institutions, with similar laws and language, and firmly united in feeling with our sister States, the people of California are yet more widely separated in distance from the parent Government than they are from the Empires of China and Japan. With all their wealth, free institutions, commercial importance and mineral resources, they are, at this time, on a far off coast, beyond the protecting arm of the General Government, and, in case of war, are left almost entirely to their own resources to defend their hearths or repel aggression. With our national fleet at a distance of fifteen thousand miles, an army of rescue would be compelled to travel through a foreign country or traverse an unpeopled waste, across a continent, with stores, munitions of war, and artillery, ere we could receive succor in case of invasion. It is a wise maxim and one now especially worthy of consideration, which teaches governments "in time of peace to prepare for war," and it is the part of true wisdom for the General Government to attend to the wants of our people in this respect, ere their necessities shall demand it, or the threatened safety of the youngest and brightest star of the confederacy show the fallacy of a procrastination which has already been felt too long, and which, in the end, must redound to the injury of California, if not irreparable loss to the Union.

The time has at length arrived when our people can no longer brook delay, and when renewed and constant exertions on our part are eminently demanded, to press upon Congress the importance and the necessity of an early completion of the Atlantic and Pacific Railroad.

It is true, that now, while all Europe is trembling on the verge of an interminable warfare, and while her battle-fields ring with the clang of arms and the roar of artillery—while thrones, principalities and kingdoms rock with internal discord, and the mutterings of popular outbreak are heard on every side, we are calmly enjoying the blessings of continued peace, and in plenty and prosperity reveling in the fruits of abundant harvests and peaceful pursuits.

But we know not how long this happy state may continue—how long we may be exempt from the ravages of foreign war—or how soon a combination of the great Powers of the earth may wreak vengeance or envy upon our own people. Standing in the vanguard of nations in commerce, civilization, and enlightened progress—in agriculture, manufactures, arts, literature and science—in all that elevates the man, dignifies the race, or makes renowned a people, it is our duty, which prudence, if not necessity, should dictate, to be prepared for any emergency; to be ready as well to meet an enemy at the threshold, as to give succor to a friend.

While we, with hospitable arms and generous liberality, extend an invitation and kindly greeting to the downcast and oppressed of every land, and offer a home and protection to those who seek our shores to share our privileges and

burthens, and enrich the State, we should not, in the days of prosperity, forget, that, in the course of events, and from the very necessity of things, we, too, may be called upon to defend our honor and our homes against the aggressions of an invading foe. It is needless for me to say, that in such an event, in our present condition, California would be entirely unable to protect herself. With an open and almost unprotected seaboard of seven hundred miles in extent, her cities, from north to south, would be liable to capture and destruction, ere succor could reach these shores: her people could be harassed, their property destroyed, their commerce, domestic and foreign, completely annihilated, and a sufficiently powerful armament could, for a time at least, terminate the political existence of this the brightest gem in the galaxy of States.

To avert so dire calamities, and, also, to foster and extend our varied commerce, to advance our prosperity, and to add to the glory and wealth of this young State, as well as to promote the dignity, importance and welfare of the whole Union, is the province and the duty of the Congress of the nation. In no way can this so well be accomplished—in no way so many blessings be vouchsafed and insured, or evils untold averted, as by the speedy construction of a great national highway from the Mississippi to the shores of the Pacific.

But the benefits of this enterprise, although immensely important to California, will not be confined solely to her, and it is not alone in her behalf that we urge the measure upon the consideration of Congress. The railroad across the continent is a great national work, eminently worthy of the enterprise, industry, wealth and energy of this great Confederacy.

Its magnitude and utility to the whole Union, embracing, with its branches, every section of the country, and uniting with iron bands the outermost portions of a mighty empire, render it a proper object for the exhibition of the powers and resources of the United States, and when once completed, will forever remain a monument to the intelligence, progress, wisdom, and energy of the nineteenth century.

As a thoroughfare for the certain and speedy transportation of mails, munitions of war, and emigrants who may desire to find a new home on the Pacific, as well as to increase the facilities required by the commerce of the world, and that frequent and safe intercommunication and friendly interest necessary between the people of the same great confederacy, this road is demanded by every consideration of justice, necessity, and propriety

In the consideration of this truly important question, it should be borne in mind that this young giant republic, with its three millions of square miles of territory, extending from ocean to ocean, over a space of twenty degrees of latitude, (being nearly one million square miles more than the Russian possessions proper), with its twenty-six millions of inhabitants,—with its unequalled resources of wealth, and all the elements of true greatness, has no national highway, no grand thoroughfare extending across its compact territory; in truth, has no reliable means of transit for its mails, munitions of war or troops, from one portion of the continent to the other.

In order to remedy this great want now beginning to be felt as a necessity by our people, I regard it as the duty of Congress to provide at an early day for the building of the road, and, if necessary, to lend the name, credit and territory of the nation in assisting in its speedy completion. So far as the construction of the road by Congress is concerned, I deem it proper to state, that I regard the Atlantic and Pacific Railroad as a necessity of the age, as a great national enterprise, and that the constitutional power of Congress to provide for its construction through territory *exclusively under the jurisdiction of the Federal Government*, by the donation of alternate sections of such territory, or, if necessary, by the appropriation of treasure from the coffers of the nation, cannot be questioned. The refined distinction, advanced by some, between the donation of lands, and the appropriation

of money derived from the sale of those lands, is, in my opinion, not authorized by any principle of constitutional construction, nor can it be derived, either expressly or impliedly, from the language, context or tenor of that instrument. With reference to the great question of internal improvements I desire here to state, that the position taken by the framers of the Constitution itself, and by the great lights who followed them, whose names and deeds are now history, as understood by me, has always been that Congress possessed the constitutional power to commence, carry on and complete, with the public funds, if necessary, each and every work, *national* in its character, and which is requisite to advance the prosperity and provide for the *common defense* and general welfare of the whole people.

In a word, the line of distinction drawn, is between a system of internal improvements for the special benefit of individual States, and those larger, more extended and important enterprises which embrace in their nature the well being of the whole nation—those national undertakings which are necessary to preserve its unity, defend its outposts, and provide for the protection and fostering of its extended foreign and internal commerce. As such a work, the Pacific and Atlantic Railroad pre-eminently deserves to receive the aid and care as well as the resources of the nation.

In conclusion of this highly important and interesting subject, I would simply remark, that, in my opinion, the most advisable plan to secure the early completion of this great work, would, perhaps, be the donation of alternate sections of land on the route selected, and, if need be, the lending of the name and credit of the nation, with a lien upon the road itself, as security for payment.

The first would not only be amply sufficient in a short time, to raise funds to complete the road, but would greatly enhance the value of the alternate sections reserved by the Government, so that while the country now unpopulated would be opened up to the industry and enterprise of our people, the revenue of the nation derived from the sale of these lands would not be diminished but actually increased. The latter would, perhaps, be necessary to begin the work and assist in its speedy completion, and would assuredly secure the Government from loss."

In conclusion, your committee, feeling that this subject is one of most vital importance to California and the Union, cannot but express the hope and belief that the Legislative bodies of the Union will look favorably upon the enterprise and join with us in the work.

All of which is most respectfully submitted,

R. B. LAMON,
Chairman.

S. T. GAGE,
H. A. GASTON,
J. M. COVARRUBIAS,
Committee.

On motion of Mr. Beatty, the reading of the report was dispensed with, and it was ordered printed.

Mr. Speaker:

The Committee on Roads and Highways, to whom was referred Assembly bills Nos. 92, 116, 141, and 190, concerning Roads and Highways, have had

the several bills under consideration, and respectfully beg leave to report the same back to the House, with a substitute for said bills, and recommend the passage of the substitute.

JOSEPH WINSTON,
Chairman.

On motion, the substitute reported by Committee on Roads and Highways, for Assembly bills Nos. 92, 116, 141, and 190, entitled an Act concerning Roads and Highways, was read a first and second time, and ordered printed.

Mr. Speaker:

The undersigned, of your Committee on Military Affairs, to whom was referred Senate bill No. 109, a bill for an Act amendatory of and supplementary to an Act concerning the Organization of the Militia, passed April 25th, 1855, begs leave to make the following Minority Report.

The bill proposes to levy an additional tax of seventy-five cents on every person liable to perform military duty. The undersigned believes it inexpedient to burthen the people, now groaning under most enormous taxation, for the support of an organization entirely useless, and wanting the merit claimed for it by its admirers. There is no justice in a proposition to tax the people of the State to support a few volunteer companies organized in the cities for the recreation of young men, and to exhibit their awkwardness to an admiring multitude of boys and idlers. It is argued, that the defenceless and isolated condition of our State demands the organization of volunteer companies, in order to qualify enough persons to officer the militia of the State, in case of invasion. That we should be supplied with arms and munitions to arm and equip the militia of the State, in such an emergency, the undersigned will readily admit, but the well contested and victorious battles of the citizen soldiery, "who, taken from the quiet pursuits of life and transported in ten days to battle on the bloody fields of Mexico, proved themselves equal to any emergency," this exemplification of the efficiency of our militia is fresh on the minds of all. The utility of the militia system has long been questioned, and in many of the older States it has been abolished entirely: in other States the system exists only as a time honored institution and a jubilee day to their citizens.

From these considerations, with numerous others, the undersigned would respectfully recommend the indefinite postponement of the bill.

T. D. HEISKELL,
Chairman.

Mr. Speaker:

Your Committee on Vice and Immorality, to whom was referred Assembly bill No. 244, an Act amendatory of an Act to suppress Houses of Ill Fame, beg leave to report the same back and recommend its passage.

Respectfully submitted,

V. G. BELL,
Chairman *pro tem.*

Mr. Speaker:

The San Francisco Delegation, to whom was referred Assembly bill No. 151, entitled a bill for an Act amendatory of an Act to regulate the Fire Department of the City of San Francisco, have had the same under consideration and beg leave to report back a substitute entitled a bill for an Act to regulate the Fire Department of the City of San Francisco, and unanimously recommend its passage.

B. S. LIPPINCOTT,
Chairman.

The substitute reported by the San Drancisco delegation for Assembly bill No 151, was read a first and second time.

On motion, the rule was suspended, the bill considered as engrossed, read a third time and passed.

Mr. Speaker:

The Nevada Delegation, to whom was referred Senate bill No. 45, an Act to incorporate the City of Nevada, respectfully report the same back to the House without amendment, and recommend its passage.

D. DUSTIN,
V. G. BELL,
S. W. BORING,
G. A. F. REYNOLDS,
T. B. McFARLAND.

Mr Speaker:

The Select Committee, composed of the Delegation from Napa, Solano, and Sonoma Counties, to whom was referred Assembly bill No. 212, entitled an Act to fix the Compensation of the County Judge of the County of Napa, have had the same under consideration, and beg leave to report it back to the House, and recommend its passage without amendment.

R. C. HAILE,
J. S. RATHBURN,
H. G. HEALD,
A. M. STEVENSON.
Committee.

Mr. Speaker:

The delegation from Santa Clara, to whom was referred Assembly bill No. 211, an Act to fund the Debt of the County of Santa Clara, and to provide for the payment of the same, have had the same under consideration, and report a substitute, and recommend the passage of the substitute.

CASWELL DAVIS.

On motion, the substitute reported by the Santa Clara delegation for Assembly bill No 211, was read a first and second time, and on motion, the rules were suspended, it was considered as engrossed, read a third time, and passed.

Mr. Speaker :

The San Francisco delegation, to whom was referred Assembly bill No 240, a bill for an Act supplemental to an Act to provide for Funding the Legal and Equitable Debt of the City of San Francisco, and for the final redemption of the same, approved May 7, 1855, report the same back, with a substitute for the same, and recommend its passage without amendment

BEN. S. LIPPINCOTT,
N. HOLLAND,
JOHN EWALT,
HERMAN WOHLER,
JAMES GEORGE,
C. W. MOULTHROP.

On motion, substitute reported by the San Francisco delegation for Assembly bill No. 240, was read a first and second time, and laid on the table

The following message was received from the Senate

SENATE CHAMBER, March 22, 1856.

Mr. Speaker :

I am directed to inform the Assembly, that Senate this day passed Senate bill No 94, an Act to provide for the payment of T. F. W. Price, for services rendered, moneys expended, and supplies furnished to the Volunteers, in an expedition under his command against the hostile Indians in the Northern portions of Yolo and Napa counties, during the year one thousand eight hundred and fifty one.

Also, on yesterday, passed Senate bill No. 52, an Act to legalize the election of certain officers of Trinity County.

Also, Senate bill No. 137, for the relief of David Frank Hensem

Also, Senate bill No. 9, an Act to create the county of Fresno, to define its boundaries, and provide for its organization.

Also, on this day passed Senate bill No. 69, an Act to authorize Benjamin F. Forsyth, and others, to construct a wharf in Solano County.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

Senate bill No. 94, was read a first and second time, and referred to the Committee on Claims.

Senate bill No. 52, was read a first and second time, and referred to the Committee on Elections.

Senate bill No. 137, was read a first and second time, and referred to the Committee on Claims.

Senate bill No. 97, was read a first and second time, and referred to the the delegations from Tulare and Mariposa.

Senate bill No. 69, was read a first and second time, and referred to Committee on Corporations.

The following message was received from the Senate:

SENATE CHAMBER, March, 24 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on Saturday passed Senate bill No. 90, an Act to amend an Act entitled, an Act to provide for the formation of Corporations for certain purposes, approved April 14, 1855.

Also, Senate bill No. 91, an Act to amend an Act entitled, an Act concerning Corporations, passed April 22, A. D. 1850.

Also, Senate bill No. 11, for an Act to repeal an Act entitled an Act to amend an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, passed April 30, 1855, and to revive the original Act.

Also, Senate bill No. 48, an Act amendatory of an Act to provide revenue for the support of this State, passed April 27, 1855.

Respectfully,

W. BAUSMAN,
Sec'y of Senate.

Senate bill No. 90, was read a first and second time, and referred to Committee on Corporations

Senate bill No. 91, was read a first and second time, and referred to Committee on Corporations.

Senate No. 11, was read a first and second time, and referred to the Judiciary Committee.

Senate bill No. 48, was read a first and second time, and referred to the Committee on Ways and Means.

Mr. Heald introduced the following resolution:

Resolved, That the Secretary of State shall, immediately upon the Act for the Protection of Settlers, becoming a law, cause 1000 certified copies to be printed in pamphlet form, and distribute one to each of the County, District, and Supreme Judges, and one to each of the County Clerks and Sheriffs, and the remainder *pro rata* to the members of this House.

On motion of Mr. Beatty, laid on the table.

Mr. Hunter introduced the followiug resolution:

Resolved, That from and after this date this House hold Evening Sessions, commencing at six o'clock.

On motion of Mr. Oxley, laid on the table.

Mr. Curtis introduced the following resolution:

Resolved, That the Special Committee of five, appointed under Mr Brent's resolution, to examine into the past and present financial condition of the State, report within three days, the result of their investigations upon the same.

Adopted.

On motion of Mr. Gaston, Senate bill No. 125, entitled an Act to Fund the Debt of Sierra County and to provide for the payment of the same, was taken from the calendar.

Read a third time and passed.

On motion, the concurrent resolution introduced by Mr. McDonald on the 22d inst, relative to the extinguishment of Indian Titles to Lands in this State, was taken from the table.

Mr. Beatty moved their indefinite postponement.

Lost.

On motion, the resolution was adopted.

On motion of Mr. McFarland, Assembly bill No. 200, entitled an Act to provide for the payment of the Debt of Santa Barbara County, was taken from the calendar.

Considered as engrossed, read a third time and passed.

Mr. Hunter moved to take Assembly bill No. 197 from the calendar.

Lost.

Mr. Upton introduced the following resolutiou:

Resolved, That hereafter no business shall be made the special order for a future time, unless by a two-thirds vote

On motion, laid on the table.

On motion of Mr. Beatty, the general Calendar of Bills was taken up, viz:

Assembly bill No. 27, entitled an Act concerning Estray Animals.

Read a third time, and passed.

Assembly bill No. 78, entitled an Act to provide for the Erection of a Jail in the County of Tuolumne

Read a third time, and passed.

Assembly bill No. 152, entitled an Act granting the privilege to Robert Haley, and others, to erect and build a Wharf on the ranch of San Pablo, in Contra Costa county.

Considered as engrossed, read a third time, and passed.

Assembly bill No. 118, entitled an Act to define the Time when the County Officers of Sierra County shall enter upon the discharge of their duties.

Read a third time and passed

Assembly bill No. 57, entitled an Act to enforce the speedy Collection of Road Taxes in the County of Tuolumne.

Considered as engrossed, read a third time, and passed.

Assembly bills Nos 119 and 150, entitled an Act to suppress Gaming, were laid on the table.

Assembly bill No. 142, entitled an Act to repeal an Act entitled an Act authorizing Married Women to transact Business in their own Name, as Sole Traders.

Mr. Oliver moved that the bill be indefinitely postponed.

Upon which, Messrs Haile, Weir, and Bowe, demanded the ayes and noes, with the following result:

AYES.

Messrs Batchelder, Bell, Blackburn, Brunton, Callbreath, Coombs, Covarrubias, Dustin, Gaston, George, Gray, Hunter, Kelly, Kendrick, Leihy, McGehee, Meloney, Moulthrop, Oliver, Peck, Pugh, Rathburn, Rhodes, Ricks, Selluck, Stevenson, Stout, Taylor, Upton, Weir, Welch, Williams, and Mr. Speaker—33.

NOES.

Messrs. Andrews, Beatty, Boring, Borland, Bowe, Bynum, Cartter, Cone, Curtis, Davis, Dick, Ewalt, Gage, Haile, Heald, Heiskell, Holland, Hunt, La-

n·on, Lewis, Mathews, McDonald, McFarland, Oxley, Pearson, Read, Reynolds, Shearer, Sherrard, Sterritt, Van Dusen, Wagner, White, and Winsor—34.

So the motion was lost.

Mr. Bell moved that the bill be made the special order for May 1, 1856.

Pending discussion, Mr. Oxley moved the previous question.

Sustained.

The vote was then taken on the motion to make the bill the special order for May 1st

Upon which, Messrs Bell, George and Gray, demanded the ayes and noes with the following result.

AYES.

Messrs. Batchelder, Beatty, Bell, Blackburn, Brunton, Bynum, Callbreath, Coombs, Covarrubias, Dustin, Gaston, George, Gray, Holland, Hunter, Kelly, Kendrick, Leihy, McGehee, Meloney, Oliver, Peck, Pugh, Rathburn, Rhodes, Ricks, Sellick, Stevenson, Stout, Swan, Taliaferro, Upton, Van Dusen, Wagner, Weir, Welch, Williams, Winston, Wohler—39.

NOES.

Messrs. Andrews, Boring, Borland, Bowe, Cartter, Cone, Curtis, Davis, Dick, Ewalt, Haile, Heald, Heiskell, Hunt, Lamon, Lewis, Mathews, McDonald, McFarland, Moulthrop, Oxley, Pearson, Read, Reynolds, Shearer, Sherrard, Sterritt, White, Winsor—29.

So the motion was carried.

The special order of the day Assembly bill No. 76, entitled an Act for securing Liens to Mechanics, and others, was taken up.

Mr. McDonald moved a call of the House.

Lost.

Mr. George offered an amendment in continuation of section 3 of the bill.

The amendment was adopted.

Pending discussion, Mr. Hunter moved the previous question, which was not sustained.

Mr. Farley moved that the enacting clause of the bill be stricken out.

Lost.

Several amendments were offered, pending the discussion of which,

Mr. Taliaferro moved that the bill be made the special order for Thursday, 27th inst., at 12 o'clock, M.

Mr. Beatty moved to amend, by recommitting the bill to a special committee of five.

Mr. Farley moved to lay the whole subject matter on the table.

On motion of Mr. Beatty, the House, at half past 2 o'clock, P. M., adjourned.

IN ASSEMBLY.

TUESDAY, March 25, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and all the members present, except those absent on leave

Mr. Hoover was granted leave of absence for one day.

Journal of yesterday was read and approved.

Mr. Hunt introduced bill No 268, for an Act for the Relief of Olive Oatman.

Read a first and second time, and referred to the Committee of the Whole.

Mr. Welch introduced bill No. 269, for an Act to prevent Frauds in Elections, and to define the Duties of Electors in the Incorporated Towns or Cities of this State.

Read a first and second time, and referred to the Committee on Elections.

Mr. Hunt introduced bill No. 270, for an Act to authorize the Treasurer of San Bernardino County to retain Money belonging to the General Fund of the State, for the benefit of the San Bernardino Rangers.

Read a first and second time, and referred to the Committee of the Whole.

Mr. McFarland introduced bill No. 271, for an Act amendatory of an Act

entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and of the several Acts amendatory of said Act.

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

The following reports were received from Committees:

Mr. Speaker:

Your Committee on Claims, to whom was referred bill No. 207, an Act for the Relief of the Heirs of John C Gulick, deceased, have considered the same, and beg leave to report it back to the House, and recommend its passage without amendment.

Your committee have also had before them the Surveyor General's Report, and ask to report the same back to the House without recommendation; inasmuch as the necessary appropriation required for that office has been included in the Deficiency Bill, now before the House.

GEO. H. RHODES,
Chairman.

Mr. Speaker:

The special committee, consisting of the delegations from Yolo and Sonoma counties, to whom was referred bill No. 257, being an Act to fix the Compensation of the County Judge of the County of Yolo, have had the bill under consideration, beg leave to report the same back with a substitute, and recommend the passage of the substitute.

E. BYNUM,
For the Delegations.

The substitute for Assembly bill No. 257 was read a first and second time, and placed on the Calendar.

Mr. Speaker:

The Committee on Enrollment have this day examined Assembly bill No. 255, an Act extending the Time of collecting Taxes in the Counties of San Bernardino and Los Angeles, and find the same correctly enrolled.

Also, examined Assembly Joint Resolution, with regard to the wish of the citizens of Carson Valley, in Utah Territory, to be attached to the State of California, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Committee on Public Lands, to whom was referred Assembly bill No. 83, an Act relative to the Sixteenth and Thirty-sixth Sections of the Public Lands

of this State, have had the same under consideration, and report said bill back to this House without amendment, and respectfully recommend its passage.

GEO. PECK,
Chairman.

The following message was received from the Senate:

SENATE CHAMBER, March 25, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on yesterday, passed Senate bill No 140, an Act to authorize the Board of Supervisors in and for Butte county, to purchase the Bridge that is being erected across Feather river, at Bidwell, Butte county, owned by the Bidwell Bridge Company.

Also, passed Senate bill No 121, an Act for the relief of James Kerrick.

Also. passed Assembly bill No 255, an Act extending the time of collecting taxes in the counties of San Bernardino and Los Angeles.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

Senate bill No. 140, was read a first and second time, and referred to the Committee on Corporations.

Senate bill No. 121, was read a first and second time, and referred to the Committee on Claims.

On motion, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Senate bill No. 58, entitled, an Act making Appropriations to meet Deficiencies in Appropriations heretofore made, to defray the Civil Expenses of government from the 1st day of February, 1855, until the 1st day of February, 1856.

House in Committee of the Whole.

Mr. Rhodes in the chair.

On motion of Mr. Van Dusen, committee rose, reported progress, and asked leave to sit again.

Report adopted.

On motion, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 223, entitled, an Act for the relief of the Heirs of Estates, in which funds were lost through a robbery committed in June last, upon Thomas C. Brunton, at that time Public Administrator of Tuolumne county.

House in Committee of the Whole.

Mr. Upton in the chair.

On motion of Mr. Van Dusen, the committee rose, reported the bill back to the House, and recommended its passage without amendment, and also asked to be discharged from further consideration of the bill.

On motion, the report of the committee was received, and they were discharged.

Mr. Beatty moved that the bill be indefinitely postponed.

Pending discussion, Mr. Bell moved the previous question, which was sustained.

The question then recurred on the motion to indefinitely postpone the bill, upon which, Messrs. Beatty, Bynum, and Taliaferro, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Beatty, Bynum, Davis, Haile, Heald, Meloney, Rathburn, Stout, Taliaferro, Taylor, Mr. Speaker—12.

NOES.

Messrs. Bell, Blackburn, Boring, Borland, Bowe, Brush, Cartter, Callbreath, Cone, Coombs, Covarrubias, Curtis, Dustin, Ewalt, Gage, Gaston, George, Gray, Heiskell, Holland, Hunt, Hunter, Kelly, Kendrick. Leihy, Lewis, Lippincott, Mathews, McDonald. McFarland, McGehee, Moulthrop, Oliver, Oxley, Pearson, Peck, Pugh, Read, Reynolds, Shearer, Stephenson, Van Dusen, Wagner, White, Williams, Winsor, Winston, Wohler—48.

So the motion was lost.

The question then recurred upon ordering the bill engrossed for a third reading.

Carried.

On motion of Mr. Oxley, the vote by which the bill was ordered engrossed was reconsidered.

On motion, the rules were suspended, the bill was considered as engrossed and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Beatty, Taliaferro, and Oxley, with the following result:

AYES.

Messrs. Bell, Blackburn, Boring, Borland, Bowe, Brush, Cartter, Callbreath, Cone, Coombs, Covarrubias, Curtis, Dustin, Ewalt, Gage, Gaston, George, Gray,

Heiskell, Hunt, Hunter, Kelly, Kendrick, Leihy, Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee, Moulthrop, Oxley, Pearson, Peck, Read, Reynolds, Sellick, Shearer, Stevenson, Swan, Van Dusen, Weir, White, Williams, Winsor, Wohler—46.

NOES.

Messrs. Andrews, Batchelder, Beatty, Bynum, Davis, Heald, Meloney, Rathburn, Stout, Taliaferro, Taylor, Mr. Speaker—12.

So the bill was passed.

On motion of Mr. Rhodes, the resolution reported by the Committee on Claims on the 22d inst, relative to the State Translator, was taken up.

On motion of Mr. Beatty, the resolution was recommitted to the Committee on Claims, with instructions to inquire into the validity of the State Translator's account, and, if found correct, to report a bill for its payment.

Mr. Gaston introduced the following resolution:

Whereas, The subject of the Pacific Railroad is a matter of vital importance to the State of California; therefore,

Resolved, That one thousand copies of the report, submitted by the Committee on Federal Relations upon that subject, be printed, and that the report be made the special order of the day for Tuesday next, at 12 o'clock.

On motion, the rules were suspended, and it was adopted.

On motion of Mr. Ricks, the rules were suspended, for the purpose of acting on Assembly bill No. 268, introduced this day by Mr. Hunt.

On motion, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration the following named Assembly bills, to wit:

Bill No. 268, entitled an Act for the relief of Olive Oatman.

Bill No. 120, entitled an Act for the relief of Horace T Wheeler.

Bill No. 250, entitled an Act for the relief of Cyrus Rowe and his sureties.

House in Committee of the Whole.

Mr. Ricks in the chair.

On motion of Mr. Van Dusen, the Committee rose, reported the bills back to the House, and recommended their passage without amendment. Also, asked to be discharged from further consideration of the same.

Report received and Committee discharged.

Mr. Beatty moved that the House adjourn until 7 o'clock, P. M.

Lost.

The rule was suspended, and, on motion of Mr Hunt, Assembly bill No. 268, reported by Committee of the Whole, was considered as engrossed.

Read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Stout, Haile and Rathburn, with the following result:

AYES.

Messrs Bell, Boring, Borland, Bowe, Brent, Brunton, Brush, Cartter, Callbreath, Cone, Coombs, Covarrubias, Curtis, Dick, Ewalt, Gaston, George, Gray, Heiskell, Holland, Hunt, Hunter, Kelly, Kendrick, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Oliver, Pearson, Peck, Read, Reynolds, Rhodes, Shearer, Stevenson, Sterritt, Swan, Upton, Van Dusen, Wagner, Weir, Welch, Williams, Winsor, Winston and Mr. Speaker—54.

NOES.

Messrs. Batchelder, Beatty, Blackburn, Bynum, Davis, Haile, Heald, Rathburn, Ricks, Stout—10.

So the bill was passed.

The rule was suspended.

On motion of Mr. Brent, Assembly bill No 120, reported by the Committee of the Whole, was considered as engrossed and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Beatty, Rathburn, and Bell, with the following result:

AYES.

Messrs Andrews, Boring, Bowe, Brent, Brunton, Bynum, Cartter, Cone, Coombs, Covarrubias, Curtis, Davis, Dick, Ewalt, George, Gray, Holland, Hunt, Kelly, Kendrick, Lamon, Lewis, Mathews, McDonald, McGehee, Pearson, Peck, Read, Rhodes, Ricks, Shearer, Stevenson, Sterritt, Swan, Weir, Welch, Winson, Winston – 38

NOES.

Messrs. Batchelder, Beatty, Bell, Blackburn, Borland, Haile, Heald, Heiskell, Hunter, Pugh, Stout, Van Dusen, Mr. Speaker—12.

So the bill was passed.

The rule was suspended, and, on motion of Mr. Cartter, Assembly bill No. 250, reported by Committee of the Whole, was considered as engrossed and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Beatty, Cone, and Cartter, with the following result:

AYES.

Messrs. Andrews, Boring, Bowe, Brent, Brunton, Bynum, Cartter, Callbreath, Cone, Coombs, Covarrubias, Curtis, Davis, Ewalt, George, Gray. Haile, Hunt, Lamon, Leihy, Lewis, Mathews, McDonald, McGehee, Peck, Read, Rhodes, Ricks, Sherrard, Stevenson, Sterritt, Swan, Upton, Welch, Winsor, Winston—36.

NOES.

Messrs. Batchelder, Beatty, Bell, Blackburn, Borland, Heald, Heiskell, Hunter, Pearson, Rathburn, Stout, Wagner—12.

So the bill was passed.

Mr. Beatty moved that the House adjourn until 7 o'clock, P. M.

Lost

On motion, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 263, introduced by the Committee on Ways and Means, entitled an Act making an appropriation of money to defray the Expenses of the State Prison from the first day of January, 1856 to the first day of April, 1856.

House in Committee of the Whole.

Mr. Lamon in the chair.

On motion of Mr. Van Dusen, the Committee rose and reported the bill back to the House, with an amendment, and recommended its passage as amended, and asked to be discharged from further consideration of the bill.

The amendment made by the Committee was concurred in by the House, and the Committee discharged.

On motion, the bill No. 263, was ordered engrossed for a third reading.

Mr. Rhodes introduced the following resolution:

Resolved, That the committee appointed for the purpose of selecting a site for a State Prison, be increased to five.

On motion of Mr. Beatty, laid on the table.

On motion of Mr. Lewis, the House at 3 o'clock, P. M., adjourned until 7 o'clock this evening.

EVENING SESSION.

TUESDAY EVENING, March 25, 7 o'clock.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and the following members were absent:

Messrs. Boring, Borland, Hawes, Lewis, Sharp, and Williams.

On motion, leave of absence was granted for the evening to Messrs. Lamon, Oxley, Gage, and Taliaferro.

The following report was received from the Engrossing Committee.

Mr. Speaker:

The Committee on Engrossment have examined, and find correctly engrossed, substitute for Assembly bill No. 68, an Act to submit the question of the Removal of the County Seat of El Dorado County to the qualified Voters thereof.

NATHL. HOLLAND,
Chairman.

Mr. Sherrard moved that the House adjourn.

Lost.

The special order, Assembly bill No. 129, entitled an Act supplementary to an Act entitled an Act concerning the Office of Reporter, passed April 12, 1850, which was returned by the Governor on the 22d inst., with his objections to the same becoming a law, was taken up.

On motion, the Governor's Message, relative to the subject matter under consideration, was taken from the table, and read.

On motion, the communication received February 12, 1856, from Messrs. Murray and Heydenfeldt, Judges of the Supreme Court, relative to the payment of Mr. Hepburn, for services rendered as Reporter, was taken from the table and read.

Pending discussion, Mr. Rhodes moved the previous question.

Sustained.

The question then recurred upon the passage of the bill notwithstanding the objection of the Governor, and resulted as follows:

AYES.

Messrs Batchelder, Beatty, Brent, Brunton, Brush, Bynum, Cartter, Calbreath, Cone, Coombs, Covarrubias, Dick, Ewalt, Gray, Holland, Hunt, Lewis McDonald McFarland, McGehee, Meloney, Moulthrop, Pearson, Sherrard Sterritt, Swan, Taliaferro, Taylor, Turner, Winsor—30.

NOES.

Messrs. Andrews, Blackburn, Bowe, Davis, George, Haile, Heald, Heiskell, Kelly, Kendrick, Mathews, Oliver, Peck, Pugh, Rathburn, Read, Rhodes, Ricks, Sellick, Shearer, Stout, Upton, Van Dusen, Weir, Welch, White, Winston, Wohler, Mr. Speaker—29.

So the bill did not pass.

Mr. Rhodes gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

On motion of Mr. Van Dusen, the House, at 10 o'clock, P. M., adjourned.

IN ASSEMBLY.

WEDNESDAY, March 26, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and the following members were absent:

Messrs. Covarrubias, Ewalt, Hawes, Taliaferro, Wagner, and Wohler.

Journal of yesterday was read and approved.

Mr. Batcheld r introduced bill No. 272, for an Act amendatory of and supplementary to an Act to incorporate the City of Marysville, approved March 5, 1855.

Read a first and second time, and referred to the Delegation from Yuba.

Mr. Peck introduced bill No. 273, for an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Read a first and second time, and referred to the Delegation from Santa Clara.

The Committee on Ways and Means introduced bill No. 274, for an Act appropriating Money to defray the expense of transporting Convicts to the State Prison.

Read a first and second time, and placed on the Calendar.

Mr. Oxley introduced bill No. 275, for an Act amendatory of and supplementary to an Act concerning Corporations, passed April 22, 1850.

Read a first and second time, and referred to the Committee on Hospitals.

Mr. Ewalt introduced bill No 276, for an Act to amend an Act to regulate Fees of Office, approved April 10, 1855.

Read a first and second time, and referred to the Delegation from San Francisco.

The following reports were received from committees:

Mr. Speaker.

The Engrossing Committee have examined, and find correctly engrossed, bill No 263, for an Act making Appropriations of Money to defray the Expenses of the State Prison, from the first day of January, 1856, to the first day of April, 1856, and to pay the Salaries of the State Prison Directors.

LANSING STOUT,
Chairman

On motion of Mr. Upton, Assembly bill No. 263, reported by the Committee on Engrossment, was laid on the table.

Mr. Speaker:

The Committee on Elections, to whom was referred Assembly bill No. 269, an Act to prevent Frauds at Elections, and define the Duties of Electors in the incorporated Towns and Cities of this State, have had the same under consideration, and would herewith report the bill back, and recommend its passage without amendment.

T. C. BRUNTON,
Chairman.

On motion of Mr. Cartter, Assembly bill No. 269, reported by the Committee on Elections, was ordered printed, and laid on the table.

Mr. Speaker:

The special committee, to whom was referred the following resolution: "*Resolved*, That the Secretary and Controller of State are hereby authorized to audit the account of the State Printer for translating the Governor's Message and accompanying documents into the German language, in accordance with a resolution passed to that effect, and order the same to be paid from the contingent fund of the Assembly, provided, the rate does not exceed the amount paid for the French and Spanish translations of the same work," have had the same under consideration, and find that under authority of Assembly resolution, passed on the 15th of Jan. ult., and above referred to, the following named documents have been translated into the German by order of the State Printer. We, therefore, in order to render the resolution more definite, recommend the passage of the following, as a substitute for the original resolution:

Resolved, That the Secretary and Controller of State are hereby authorized to audit the account of the State Printer for translating Governor Johnson's Inaugural, Governor Bigler's Message and Appendix, and Reports of Controller, Treasurer and Superintendent of Public Instruction into the German language, in accordance with a resolution passed to that effect; and order the same to be paid from the contingent fund of the Assembly, provided, the rate does not exceed that paid for the French and Spanish translation of the same work.

M. McGEHEE,
Chairman.

On motion, the report of the special committee, relative to the payment of translator for services rendered in translating certain documents into the German language, was referred to the Committee on Claims, with instructions to examine the validity of the account, and, if found correct to report a bill for the payment of the same.

The following message was received from the Senate:

SENATE CHAMBER, March 25, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day passed Assembly bill No. 228, an Act to authorize the Courts of Record of this State to admit Alfred H. Harcombe to practice as an Attorney and Counsellor at law.

Also, passed Senate bill No. 57, an Act to amend an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853, and amended May 5, 1854, and amended April 10, 1855.

Also, passed Assembly bill No. 100, an Act to legalize the incorporation of the town of Santa Clara.

Also, passed Assembly bill No. 127, an Act to authorize the funding of the Debt of the City of San Jose, and to provide for the payment of the same.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

Senate bill No 57, reported in the foregoing message from the Senate, was read a first and second time and referred to the Committee on Corporations.

On motion of Mr Holland, Assembly bill No 168, entitled an Act to submit the question of the removal of the County Seat of El Dorado County to the voters thereof, which was reported by the Engrossing Committee, on yesterday, as correctly engrossed, was recommitted to that Committee, with instructions to have the Engrossing Clerk correct errors made by him in engrossing the same.

By unanimous leave of the House, Mr. Boring presented a petition from citizens of Nevada county, praying the passage of a bill by which the road tax may be collected at any time during the year.

Read and referred to the Committee on Roads and Highways.

Mr. Swan introduced the following Joint Resolution:

Resolved, (by the Assembly, the Senate concurring,) That our Senator be instructed and our Representatives in Congress be requested to exert their most strenuous efforts to procure the establishment of an additional Land Office District in the southern portion of this State, and that said Land Office be established at Visalia, Tulare county, in accordance with a similar resolution passed last session.

Resolved, That the Governor be requested to send a copy of these resolutions to each of our Representatives in Congress.

On motion, the rules were suspended and it was passed.

By unanimous leave of the House, Mr. Lippincott presented a petition from the Military Companies of San Francisco and Sacramento, praying the passage of a bill relative to the levying of a Tax for the support of the military of the State.

Read and referred to the Committee on Military Affairs

On motion of Mr. Hunt, Senate bill No 109, entitled an Act amendatory of and supplementary to an Act concerning the organization of the Militia, passed April 25, 1855, was taken from the table and re committed to the Committee on Military Affairs.

On motion of Mr. Hunter, Assembly bill No. 197, entitled, an Act to amend an Act entitled an Act to apportion the Senatorial and Assembly Districts of this State, passed May 18, 1853, was taken from the table.

Mr. Hunter introduced a substitute for Assembly bill No. 197.

Read a first and second time, and referred to the delegations from San Joaquin, Santa Clara, Alameda, and Contra Costa.

Mr Rhodes moved a re-consideration of the vote by which an Act supplementary to an Act entitled an Act concerning the office of Reporter, passed

April 12, 1856, and returned by the Governor on the — inst, with his objections to the same becoming a law.

Lost,

Upon which, Messrs. Stout, Rhodes, and Beatty demanded the ayes and noes, with the following result.

AYES.

Messrs. Batchelder, Beatty, Boring, Brent, Brunton, Brush, Bynum, Carter, Cone, Coombs, Covarrubias, Curtis, Dustin, Ewalt, Gage, Gaston, Gray, Hawes, Heald, Holland, Hunt, Lamon, Lewis, Lippincott, McDonald, McFarland, McGehee, Meloney, Moulthrop, Pearson, Reynolds, Rhodes, Sharp, Sherrard, Sterritt, Swan, Taliaferro, Taylor, Van Dusen, Winsor—40.

NOES.

Messrs. Andrews, Bell, Blackburn, Borland, Bowe, Davis, George, Haile, Heiskell, Hunter, Kelly, Kendrick, Leihy, Mathews, Oliver, Oxley, Peck, Pugh, Rathburn, Ricks, Sellick, Shearer, Stephenson, Stout, Wagner, Weir, Welch, White—28.

It requiring a two-third vote to adopt it, the motion was lost.

On motion, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Senate bill No 58, entitled an Act making Appropriations to meet Deficiencies in Appropriations heretofore made, to defray the civil expenses of government, from the first day of February, 1855, until the first day of February, 1856.

House in Committee of the Whole.

Mr. McFarland in the chair.

On motion of Mr. Van Dusen, the committee rose, reported the bill back to the House with amendments, and recommended its passage, and asked to be discharged from further consideration of the same.

The report of the committee was received, the amendments made by them to the bill concurred in by the House, and they were discharged.

Mr. Wohler moved to amend the bill by adding the following words, to wit:

For payment of Commissioners appointed to select School Lands in the county of San Diego, in 1853, $2,240 00.

Pending discussion, Mr. Gaston moved the previous question.

Sustained.

The question then recurred on the amendment offered by Mr. Wohler, upon

which, Messrs. Wohler, Gray, and Winsor, demanded the ayes and noes, with following result:

AYES.

Messrs Brush, Ewalt, Gray, Holland, Hunt, Kendrick, Lippincott, Moulthrop, Oxley, Sherrard, Winsor, Wohler—12

NOES.

Messrs Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Bowie, Brent, Brunton, Bynum, Carter, Calhbreath, Cone, Coombs, Curtis, Davis, Dick, Dustin, Gage, Gaston, Haile, Heald, Heiskell, Hunter Kelly, Lamon Leiby, Mathews, McFarland, McGehee, Meloney, Oliver, Pearson, Peck, Pugh, Rathburn, Reynolds, Rhodes, Ricks, Sellick, Sharp, Shearer, Sterritt, Stout, Swan, Taliaferro, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, White, Williams, Winston, Mr. Speaker—56.

So the motion was lost.

The bill was then read a third time and passed.

Mr Haile introduced the following resolution:

Resolved, That all bills now on the table, and that may be hereafter reported from committee, shall be placed in their order on the regular file, and that from this time this House will not take up any bill only in its regular order, unless by unanimous consent.

On motion laid on the table.

The following message was received from the Senate:

SENATE CHAMBER, March 25, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on yesterday passed the following Senate bills:

Senate bill No. 138, an Act supplemental to an Act entitled an Act making Appropriation for the Civil Expenses of the government of this State, approved March 15, 1856.

Senate bill No. 67, substitute for Military Committee for Senate bill No 67, an Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of the Volunteer Companies under Capt White, Capt. Daniel Reams, Capt Thomas B. Lynch, and Capt. F. M. Kelly, in suppressing Indian hostilities on the northern frontier of the State of California, in the year 1855.

Senate bill No. 162, an Act concerning Proceedings in Courts being in the Spanish language.

Senate substitute for Senate bill No. 116, an Act to amend an Act entitled an Act concerning Roads and Highways, passed April 28, 1855.

Also, amended and passed Assembly bill No 54, an Act to authorize David Gherky and others to build a Wharf at Santa Cruz.

Also, amended and passed Assembly bill No 55, an Act authorizing, J. E. Davis and A. P. Jordan, and others, to construct a Wharf at Santa Cruz.

Also, Senate bill No 86, an Act to provide for the Payment of the Salary of the County Judge of Sacramento County.

Also, Senate bill No. 48. an Act amendatory of an Act to provide Revenue for the Support of the Government of the State, passed April 27, 1855.

Respectfully submitted,

RASEY BIVEN,
Assistant Secretary of Senate.

The following named bills, referred to in the foregoing Senate message, were taken up:

Senate bill No. 138, was read a first and second time, and referred to the Committee of the Whole.

Substitute of Military Committee of Senate for Senate bill No 67, was read a first and second time, and referred to the Committee on Claims.

Assembly bill No. 54, was read as amended by the Senate, and the amendment concurred in.

Assembly bill No. 55, was read as amended by the Senate, and the amendments concurred in.

Senate bill No. 86, was read a first and second time, and referred to the Judiciary Committee.

Senate bill No. 48, was read a first and second time, and referred to the Committee on Ways and Means.

Senate bill No. 162, was read a first and second time, and referred to the Judiciary Committee.

Senate bill No. 116, was read a first and second time, and referred to the Committee on Roads and Highways.

Mr. Stevenson introduced the following resolution:

Resolved, That the State Printer be instructed to print five hundred additional copies of each of the reports of Select Committee in regard to the proposed Amendments to the Constitution.

Lays over under the rule.

On motion of Mr. Upton, Assembly bill No. 263, entitled an Act to make an Appropriation of Money to defray the Expenses of the State Prison, from the first day of January, 1856 to the first day of April, 1856, was taken up.

Mr. Brent moved to lay the bill on the table.

Lost.

Mr Curtis moved to re-commit the bill to the Committee on Ways and Means, with instructions to report a bill specifying the exact amount to be paid for supplies furnished the State Prison, &c.

Pending discussion, Mr. Lamon moved the previous question.

Sustained.

The vote was then taken on the motion to re-commit the bill with instructions, &c.

Motion lost.

The bill was then read a third time, and

Upon its passage, the ayes and noes were demanded by Messrs Upton, Beatty, and Turner, with the following result:

AYES.

Messrs Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Brush, Bynum, Caillbreath, Covarrubias, Davis, Dick, Dustin, Gage, Gaston, Haile, Heiskell, Holland, Lamon, Leiby, Lippincott, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Rhodes, Ricks, Sellick, Shearer, Stout, Swan, Upton, Van Dusen, Weir, Welch, White, Winsor, Winston —43.

NOES.

Messrs. Beatty, Boring, Brent, Cone, Coombs, Curtis, George, Heald, Hunt, Kendrick, Mathews, Meloney, Moulthrop, Pearson, Sharp, Sherrard, Stevenson, Sterritt, Taliaferro, Turner, Wagner, Wohler, Mr. Speaker—23.

So the bill passed.

Mr. Bell gave notice that on to morrow he would move a re-consideration of the vote just taken.

On motion, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration Assembly bill No. 253, entitled an Act for the better protection of the State Treasurer.

House in Committee of the Whole.

Mr. Rhodes in the Chair.

On motion of Mr Van Dusen, the Committee rose, reported the bill back to the House, with amendments and recommended its passage, and asked to be discharged from further consideration of the same.

The amendments reported by the Committee were concurred in by the House, and they were discharged.

Mr. Turner moved to strike out in relation to advertising in the San Francisco and Stockton papers.

Lost.

On motion of Mr. Brent, the bill was considered as engrossed, read a third time and passed.

On motion of Mr Farley, Assembly bill No 90, an Act entitled, an Act to submit the question of the Removal and Location of the County Seat of Amador County to the choice of the Voters of the County, was read as amended by the Senate.

The House refused to concur in the amendments made by the Senate.

On motion, the General Calendar of Bills was taken up, viz:

Assembly bill No 162, entitled an Act to change the time of holding the Probate Court of the County of Merced.

Considered as engrossed, read a third time, and passed.

Assembly bill No 163, entitled an Act to exempt Merced County from the provisions of an Act passed April 4th, 1854, entitled an Act concerning County Judges, was considered as engrossed, read a third time and passed.

Assembly bill No 164, entitled an Act to authorize Jno. M Sidwell to build a Wharf in Sacramento County, was considered as engrossed, read a third time and passed

Assembly bill No. 154, entitled an Act to repeal the several Acts exempting Firemen from Militia service and Jury duty, so far as the same extends to Solano County, was considered as engrossed, read a third time and passed.

Assembly bill No. 170, entitled an Act to reward J. Hackley and others, was laid on the table.

Assembly bill No 126, entitled an Act to provide for the Salary of the Treasurer of Alameda County, was considered as engrossed, read a third time and passed.

Assembly bill No. 147, entitled an Act to provide for the safe custody of Public Moneys.

Mr. Hawes moved that the bill be considered as engrossed.

Mr Winsor moved a call of the House.

Lost.

Mr. Reynolds moved to strike out the enacting clause of the bill.

Upon which Messrs. Wagner, Haile and Hawes demanded the ayes and noes, with the following result.

AYES.

Messrs Beatty, Bell, Bynum, Cone, Coombs, Dustin, Ewalt, Gaston, Haile, Holland, Hunt, Lamon, Leiby, McDonald, McFarland, Meloney, Oliver, Pearson, Reynolds, Rhodes, Ricks, Selluck, Sterritt, Stout, Taliaferre, Van Dusen, Wagner, Welch, Winston—29.

NOES.

Messrs Batchelder, Blackburn, Borland, Bowe, Brent, Callbreath, Davis, George, Gray, Hawes, Heald, Heiskell, Hunter, Kendrick, Moulthrop, Peck, Rathburn, Shearer, Sherrard, Stevenson, Swan, Taylor, White, Winsor—24.

So the motion was carried.

Mr. Bell moved to reconsider the vote just taken.

Mr. Welch moved to indefinitely postpone the motion to reconsider.

Upon which, Messrs. Heiskell, Hawes, and Winsor, demanded the ayes and noes, with the following result:

AYES.

Messrs Beatty, Bell, Boring, Brush, Bynum, Cone, Coombs, Downey, Ewalt, Gaston, Haile, Holland, Lamon, Leiby, McDonald, McFarland, Oliver, Pearson, Reynolds, Rhodes, Ricks, Selluck, Sharp, Stout, Taliaferro, Van Dusen, Wagner, Welch, Winston—30.

NOES.

Messrs. Batchelder, Blackburn, Borland, Bowe, Brent, Brunton, Callbreath, Davis, George, Gray, Hawes, Heald, Heiskell, Hunt, Kendrick, Meloney, Moulthrop, Peck, Rathburn, Shearer, Sherrard, Stevenson, Sterritt, Taylor, Turner, Weir, White, Winsor—28.

So the motion was lost.

The following report was received from the Enrolling Committee:

Mr. Speaker:

The Committee on Enrollment, have this day examined Assembly bill No. 228, an Act to authorize the Courts of Records of this State, to admit Alfred W. Harcombe to practice as an Attorney and Counsellor-at-Law, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Assembly bill No. 160, an Act to submit the question of the removal and location of the County Seat of Sutter county to the Voters of said county, was considered as engrossed and read third time and passed.

Senate bill No. 99, an Act to increase the number of Fire Companies in the city of Marysville.

Read a third time and passed

Assembly bill No. 198, an Act to amend an Act entitled an Act to apportion the Senatorial and Assembly District of this State, passed May 18th, 1853.

Mr. Farley moved to consider the bill engrossed.

Mr Bell moved the previous question, upon which, Messrs Brent, George, and Taliaferro, demanded the ayes and noes, with the following result:

AYES.

Messrs Bell, Blackburn, Borland, Bowe, Cone, Curtis, Davis, Dustin, Gaston, Haile, Heiskell, Holland, Hunter, Lamon, Leiby, Mathews, McDonald, McFarland, Oliver, Peck, Rathburn, Reynolds, Ricks, Sellick, Shearer, Van Dusen, Wagner—27.

NOES.

Messrs Batchelder, Beatty, Boring, Brent, Brunton, Bynum, Callbreath, Coombs, Covarrubias, Dick, Ewalt, George, Gray, Heald, Hunt, Kelly, Kendrick, Lippincott, McGehee, Meloney, Moulthrop, Pearson, Rhodes, Sharp, Stevenson, Sterritt, Stout, Swan, Taliaferro, Taylor, Turner, Weir, Wohler, Mr. Speaker—34.

So the previous question was not sustained.

The bill was then considered as engrossed, read third time, and upon the passage of the bill,

Messrs. Beatty, Taliaferro, and Callbreath, demanded the ayes and noes, with the following result:

AYES.

Messrs Batchelder, Bell, Blackburn, Borl nd, Bowe, Brunton, Cartter, Cone, Coombs, Curtis, Davis, Dick, Dustin, Gaston, Hale, Heiskell, Lathy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Rathburn, Reynolds, Rhodes, Ricks, Sellick, Shearer, Stevenson, Stout, Taylor, Turner, Van Dusen, Wagner, Welch, and Mr. Speaker—37.

NOES.

Messrs. Beatty, Brent, Bynum, Callbreath, Covarrubias, Ewalt, George, Gray, Heald, Holland, Hunt, Kelly, Kendrick, Lippincott, Meloney, Pearson, Swan, Tahaferro, Weir, and Wohler—20.

So the bill passed.

Mr. Oxley moved to re-consider the vote.

Mr. Van Dusen moved to indefinitely postpone the motion to re-consider.

Carried.

Mr. George offered the following resolution:

Whereas, Assembly bill No. 2, which has passed the Assembly under the impression that an amendment adopted in Committee of the Whole had been engrossed in the bill, which amendment was of the following effect:

Amend Section 74, after the last enumeration of power of the Board of Supervisors, by inserting the following; Twenty-fourth, To provide ways and means for the prosecution of the claims in the name of the city of San Francisco to the Pueblo Lands now pending for the same. Therefore,

Resolved, By the Assembly, that the Senate be requested to return said Assembly bill No. 2 to this House.

Mr. Oxley moved the previous question.

Sustained.

The resolution was then adopted.

On motion of Mr. Rhodes, the House adjourned at 4 o'clock, P. M.

IN ASSEMBLY.

THURSDAY, March 27, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and the members all present, except those absent on leave.

Leave of absence granted Mr. Winsor for one day.

The Journal of yesterday was read and approved.

Mr. Curtis moved that the House resolve itself into secret session, for the purpose of investigating certain charges relative to Assembly bill No 2, being San Francisco City and County Consolidation Bill.

Lost.

Mr. Hawes moved the appointment of a special committee to investigate the subject.

Lost.

Mr. Rhodes moved that the subject be made the special order for two o'clock, P. M.

Lost.

Mr. Hawes moved to temporarily suspend the rules of the House.

Upon which, Messrs Hawes, Wohler and Meloney demanded the ayes and noes, with the following result:

AYES.

Messrs Andrews, Boring, Brent, Brush, Cartter, Callbreath, Cone, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Ewalt, Gray, Hawes, Heald, Heiskell, Holland, Hoover, Kelly, Kendrick, Lamon, Lewis, Lippincott, Mathews, McDonald, McFarland, Meloney, Moulthrop, Oxley, Pearson, Peck, Rathburn, Rhodes, Sharp, Shearer, Sherrard, Swan, Taliaferro, Turner, Van Dusen, Wagner, White, Wohler and Mr. Speaker—46.

NOES.

Messrs Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Bynum Gage, Gaston, George, Hale, Kelly, Pugh, Read, Reynolds, Stewart, Stout, Taylor, Weir, Welch, Winston—21.

Carried.

Mr. Lewis introduced the following resolution:

Resolved, That the House now go into Committee of the Whole, on the subject of the abstraction of certain amendments to the San Francisco Consolidation bill.

Pending discussion, Mr. Hunt moved the previous question.

Lost.

Mr. Ricks moved that the resolution be made the special order for seven o'clock this evening.

Lost.

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

Lost.

Mr. Callbreath offered the following as a substitute:

Resolved, That the resolution passed by this House, on yesterday, requesting the Senate to return to this House Assembly bill No. 2, be and the same is hereby rescinded.

Lost.

The vote was then taken on the motion to adopt the resolution offered by Mr. Lewis.

Lost.

Mr. McDonald introduced the following resolution:

Whereas, doubts are entertained in regard to the correctness of the engrossed copy of the Assembly bill No. 2, which has been transmitted by the Assembly to the Senate: and

Whereas, The Assembly deem it due to the dignity of the Assembly, and the members thereof, that an investigation should be had in regard to the supposed errors in the engrossed copy, and certain charges connected therewith, therefore

Resolved, That the Senate be respectfully requested to return the said Assembly bill, No. 2, to the Assembly.

Resolved, That a committee of three be appointed to wait upon the Senate and present such request.

Mr. Taliaferro moved that the House adjourn.

Lost.

Mr. Hawes moved to strike out the words "certain charges," in the resolution.

Mr. Upton moved to amend by inserting the words "certain privileges," in place thereof.

Mr. Cartter demanded a division of the question.

Pending discussion, Mr. Sharp moved the previous question, which was sustained.

The question then recurred on the motion to strike out the words "certain charges,"

Lost.

The resolution was then passed, and the Speaker appointed Messrs. McDonald, Taylor, and Peck, as committee, in pursuance of the resolution.

Mr. Oxley presented a petition, numerously signed, praying the passage of a bill levying a tax for the support of the Militia of the State.

Read, and referred to the Committee on Military Affairs.

Mr. McGehee presented a petition from citizens of Tuolumne county, praying the reduction of the tax now imposed upon the Chinese.

Which was read and referred to the Committee on Mines and Mining Interests.

Mr. McFarland presented a petition from citizens of Eureka township, Nevada county, praying the Legislature to grant leave of absence for three months L. A. Sackett, Justice of the Peace for that township.

Read and laid on the table.

Mr. Batchelder presented a petition from citizens of Yuba county, praying the enactment of a law to provide for the support of the Indigent Sick of that county.

Read and laid on the table.

Mr. Sterritt asked leave to introduce a bill without notice.

Mr. Beatty moved a call of the House.

Carried

Pending the call of the roll, Mr. Taliaferro moved that further proceedings under the call be dispensed with.

Carried.

Leave was then granted to Mr. Sterritt to introduce bill No 277, for an Act to provide for the support of the Indigent Sick in Yuba county.

Read a first and second time, and referred to the delegation from Yuba.

Mr. Callbreath introduced bill No. 278, for an Act for the relief of John S. Clarke, late Deputy Sheriff of the county of Stanislaus.

Read a first and second time, and referred to the Committee on Claims.

The following reports were received from committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred Senate bill No 73, having had the same under consideration, respectfully report it back with amendments thereto, and recommend its passage, as amended.

Also, Assembly bill No. 232, and report the same back for the consideration of the House, without recommendation.

The same committee, to whom was referred Assembly bill No 158, a bill for an Act entitled an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend that it be indefinitely postponed.

R. B. SHERRARD,
Chairman.

On motion of Mr Stevenson, Senate bill No. 73, entitled an Act to provide for the Election or Appointment of a Reporter of the Decisions of the Supreme Court, and for the publication of the same, reported back by the Judiciary Committee, with amendments, was laid on the table.

Mr. Speaker:

The Committee on Claims, to whom was referred Senate bill No 121, for the relief of J. Kerrick, have considered the same, and recommend its passage without amendment.

They have also considered the petition of J H & R L Robertson, for remuneration for coal supplied the State Marine Hospital, and find, upon examination, that the required appropriations to meet the above claim has been included in the appropriations made and provided for by the Deficiency Bill.

Your committee have also considered Senate bill No. 137, for the relief of D. F. Newson. This bill authorizes the Board of Supervisors of the County of San

Luis Obispo to remunerate the County Auditor of said county for services rendered, and your committee do not see any reason why the bill should not pass, and therefore recommend its passage, without amendment.

Your committee have also considered Senate bill No. 94 for the relief of T. F. W. Price, for services rendered the people in the northern parts of Yolo and Napa counties, in the years 1851 and 1852, in suppressing Indian hostilities in that part of the State, and recommend its passage without amendment.

GEO. H. RHODES,
Chairman.

JAS. E. BOWE,
A. R. ANDREWS,
CASWELL DAVIS.

On motion, Senate bill No 94 was laid on the table.

Mr. Speaker:

The Committee on Enrollment have this day examined Assembly Joint Resolution, calling upon our Senators and Representatives in Congress to use their utmost exertions to procure the establishment of an additional Land Office District in the southern portion of this State, and to establish said Land Office at Visalia, Tulare county, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Committee on Agriculture, to whom was referred bill No. 256, being an Act concerning the Office of Surveyor General, have had said bill under consideration, and beg leave to report the same back to the House with amendments, and recommend its passage as amended.

The same committee have had under consideration bill No. 239, being a bill for an Act concerning Lawful Fences and Stock running at large in San Joaquin county, report it back to the House, and recommend its indefinite postponement.

E BYNUM,
Chairman.

Mr. Speaker:

The Committee on Corporations, to whom was referred an Act to grant the Right of Way to parties therein named, to construct a Railroad and Wagon Road across the Sacramento river, beg to report the same back, and, at the request of the introducer of the bill, recommend its indefinite postponement.

T. W. TALIAFERRO,
Chairman.

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed, the following bills, viz:

Bill No. 268, an Act for the relief of Olive Oatman.

Bill No. 254, an Act authorizing the Sheriff of Alameda county to collect the Delinquent Taxes assessed for the years 1854, 1855, and 1856.

Bill No. 251, an Act to legalize and confirm the election of certain officers.

Bill No. 223, an Act for the relief of the heirs of Estates in which funds were lost through a robbery committed, in June last, upon Thomas C. Brunton, at that time Public Administrator of Tuolumne county.

Bill No. 250, an Act for the relief of Cyrus Rowe and his sureties.

Bill No. 262, an Act to fix the time of holding the District Courts in the third Judicial District.

Bill No. 200, an Act to Provide for the Payment of the Debt of the county of Santa Barbara.

Bill No 57, an Act to enforce the more speedy collection of the Road Tax in Tuolumne county.

Substitute for Assembly bill No 168, an Act to submit the question of the Removal of El Dorado County Seat to the Qualified Voters thereof.

Bill No. 120, an Act for the relief of Horace L. Wheeler.

Substitute for bill No. 151, an Act to Regulate the Fire Department of the city of San Francisco.

Also, bill No, 93, an Act to amend an Act to Provide Revenue for the Support of the Government of this State, passed May 15, 1854, and to amend the several Acts amendatory thereto.

J. C. CALLBREATH,
Chairman.

Mr. Speaker:

The Select Committee, to whom was referred Assembly bill No. 264, entitled an Act to fix the Compensation of the District Attorney for the county of Napa, beg leave to report, that they have had said bill under consideration, and report the same back to the House without amendment, and recommend its passage.

R. C. HAILE,
H G. HEALD,
J. L. RATHBURN,
Committee.

Mr. Speaker:

Your Committee, to whom was referred Assembly bill No. 138, entitled, an Act to authorize the Board of Supervisors of the county of Sacramento to establish a Work House in connection with the County Jail of said county, have carefully considered the said bill, and respectfully ask leave to report back the same, with a substitute therefor, and recommend the passage of the substitute.

GEO. H. CARTTER,
GEORGE CONE,
J. W. PUGH,
G. W. LEIHY.

Substitute reported by Sacramento Delegation for Assembly bill No. 138, entitled, an Act to authorize the Board of Supervisors of Sacramento county to employ the County Prisoners, and to establish a Work House in said county,

Read a first and second time, and placed on the Calendar.

The following message was received from the Senate:

SENATE CHAMBER, March 26th, 1856.

Mr. Speaker :

I am directed to inform the Assembly that the Senate on this day passed Assembly bill No 254. an Act to authorize the Sheriff of Alameda county to collect the Delinquent Taxes for the years 1854, 1855, and 1856

Also, passed Senate bill No. 158, an Act concerning the Records of Yuba county.

Also, passed Assembly bill No 45, an Act to repeal an Act entitled, an Act to create a Board of Supervisors for the county of Alameda, and to provide for the government of said county.

Also, concurred in Assembly Concurrent Resolution relative to the establishment of an additional Land Office in the southern portion of this State.

Also, on Tuesday, the 25th inst., passed the following substitute for Senate bill No. 79, an Act amendatory of and supplementary to an Act entitled, an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854.

Respectfully submitted,

R. BIVEN,
Assistant Secretary Senate.

The bills referred to in the foregoing message from the Senate were then taken up, to wit:

Senate bill No. 158, was read a first and second time and referred to Yuba delegation.

Senate substitute for Senate bill No. 79, was read a first and second time and referred to the Committee on Ways and Means.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 26, 1856.

To the Assembly of California:

I have this day approved the following Acts:

An Act to amend an Act entitled an Act to establish the Salaries of the Judges of the 13th, 14th and 15th Judicial Districts, and to define the Time of holding Courts in said Districts, approved April 28, 1855.

An Act amendatory of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

Also, on the 25th inst., I approved the following Acts:

An Act to appropriate the sum of three thousand five hundred and ninety-seven dollars, to meet the deficiencies of an appropriation for the support of the Insane Asylum for the year 1855.

An Act to change the name of Lewis Schletchway to that of Lewis Robinson.

J. NEELY JOHNSON.

The Sergeant-at-Arms made a report relative to the conveyance of mail matter, documents, &c., from March 8th to March 24th.

Read and laid on the table.

Mr. Bell introduced the following resolution:

Resolved, That from and after Monday next, no new bills be introduced in this House, whether notice thereof has been given or not, without a two-thirds vote.

Laid on the table.

The special order of the day, Assembly bill No. 33, entitled an Act relative to Escheated Estates, was taken up.

On motion of Mr. Curtis, it was made the special order for Tuesday next, at 12 o'clock, M.

On motion of Mr. Stevenson, the following resolution was taken from the table.

Resolved, That the State Printer be instructed to print five hundred additional copies of each of the reports of Select Committee, in regard to the proposed Amendments to the Constitution.

Upon the motion to adopt the resolution, the ayes and noes were demanded by Messrs. Dustin, Bell, and Batchelder, with the following result:

AYES.

Messrs. Beatty, Borland, Bowe, Bynum, Cartter, Cone, Covarrubias, George, Gray, Hawes, Heald, Holland, Hunter, Kendrick, Pearson, Rhodes, Ricks, Sharp, Sherrard, Stevenson, Sterritt, Swan, Taliaferro—24.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Brush, Callbreath, Davis, Dick, Dustin, Gage, Hunt, Kelly, Lamon, Leihy, Lewis, McFarland, McGehee, Meloney, Moulthrop, Oliver, Pugh, Rathburn, Read, Reynolds, Sellick, Shearer, Stout, Wagner, White, Mr. Speaker—30.

So the motion was lost.

On motion of Mr. Stout, the general calendar of bills was taken up, to wit:

Assembly bill No. 161, entitled an Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

The amendment reported by the Judiciary Committee was concurred in by the House, the bill was considered as engressed, read a third time, and passed.

Assembly bill No. 110, entitled an Act to amend an Act entitled, an Act to regulate Fees in Office, approved April 10, 1855, was laid on the table.

Assembly bill No. 115, entitled an Act to amend an Act entitled an Act concerning the Secretary of State, passed May 15, 1854.

The amendments reported by the Judiciary Committee were concurred in by the House, the bill was considered as engrossed, read a third time and passed.

Senate bill No. 26, an Act amendatory of an Act entitled an Act to provide for the Incorporation of Wagon Road Companies, passed April 22, 1853.

Read a third time and passed.

Senate bill No. 43, an Act to amend an Act entitled an Act to regulate Fees of Office.

The bill was amended, read third time, and passed.

Assembly bill No. 166, an Act to regulate Mortgages on Mining Claims.

Mr. Bowe moved to indefinitely postpone the bill.

Mr. Stout moved to recommit the bill to a Committee of three.

Upon which, Messrs. Haile, Reynolds, and Boring, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Bynum, Coombs, Covarrubias, Curtis, Davis, Dick, Dustin, Ewalt, George, Gray, Heald, Kelly, Lamon, Lippincott, McDonald, McFarland, Moulthrop, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Stout, Turner, Wagner, Welch, and White—32.

NOES.

Messrs. Beatty, Boring, Borland, Bowe, Brunton, Cartter, Gage, Gaston, Haile, Hoover, Hunt, Leihy, McGehee, Meloney, Oliver, Oxley, Pearson, Rhodes, Shearer, Stevenson, Swan, Taliaferro, Weir, and Mr. Speaker—24.

So the motion to recommit was carried.

The Speaker appointed Messrs. Stout, Dustin, and Bowe, the committee.

Mr. McDonald, from the special committee, made the following report:

Mr. Speaker:

The Committee of three, appointed by the Chair to wait upon the Senate, and request that honorable body to return to this House, through your committee, the San Francisco Consolidation bill, to have the same examined, beg leave to state, that the Senate having complied with the resolution of the House requesting the said bill, your committee herewith transmit the same.

WALTER McDONALD,
Chairman.

Mr. Peck introduced a remonstrance against cutting off a part of Santa Clara county for the purpose of creating a new county.

Referred to committee having that subject under consideration.

Mr. Ricks introduced the following resolution:

Resolved, That the Committee of Ways and Means be allowed the services of one Clerk from this date.

Laid on the table.

The following communication was received from the late State Treasurer:

To the Hon. the Senate and Assembly of the State of California:

GENTLEMEN:

The undersigned, late State Treasurer, would respectfully state to your honorable body, that his books and papers connected with the said office are now being examined by the Joint Committee appointed by both Houses, and that said committee, owing to the magnitude of the transactions, and the large amount of vouchers to be investigated, have appointed Mr. N. A. H. Ball as their clerk, who is required to make a statement, upon which said committee are to base their report, and that I have seen and examined the statement that will be submitted to said committee by Mr Ball, and know the same to be wholly wrong, and if acted on by the committee will inflict gross injustice upon me, as it is, to my knowledge, not a fair or correct EXHIBIT of the transactions of my office. I, therefore, do most solemnly *protest* against any report that may be made upon any statement of Mr. Ball, as I am fully persuaded he is entirely ignorant of the nature of the laws governing said office, and of the peculiar transactions relative thereto, and is incompetent to do myself or the State justice.

Under these circumstances, I would respectfully ask your honorable body to appoint a commission, composed of officers of the department, to wit: Controller, Treasurer, and Secretary of State, as they understand the intricacies and working of said office, as well as the laws governing the same: giving said commission full power to examine into the entire affairs of my office, in all its minutia and details, and to make a final and complete settlement between the State and myself, and report fully to the Governor of the State, that he may make it a part of his next annual message.

In making this request of your honorable body, for another commission, I would distinctly state, that I do not, by so doing, intend or wish to cast any reflections as to competency, or integrity of motives, upon the present Joint Committee, as I am satisfied that it is the wish of the committee to discharge their duties faithfully, but from the multiplicity and magnitude of the transactions in my office, amounting to about two millions eight hundred thousand dollars, that it is impossible during the session of any one Legislature, for any committee to give the same a complete and thorough investigation, and attend to their other duties.

I would now most respectfully ask your honorable body to grant my request, as my character as an officer and a private citizen are at stake.

I have the honor to be,
Very respectfully, &c.,

S. A. McMEANS,
Late State Treasurer.

Read and laid on the table.

Mr. Sharp moved to adjourn to 7 o'clock this evening.

Carried.

Mr. George moved to re-consider the vote.

Carried.

On motion of Mr. Oxley, the San Francisco Consolidation bill, and the question of engrossment, &c., connected with the bill, was made the special order for to-morrow, at 11 o'clock, A. M.

On motion of Mr. Van Dusen, the House adjourned at 4 o'clock, P. M.

IN ASSEMBLY.

FRIDAY, March 28, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and members all present except those absent on leave.

Mr. Brent was granted indefinite leave of absence on account of indisposition.

Journal of yesterday was read and approved.

Mr. Ricks, by leave, introduced bill No. 279, entitled, an Act amendatory of an Act fixing the time of holding the several Courts, authorized to be held by the County Judges, in the counties of Shasta, Santa Clara, and Monterey, approved March 9, 1855.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Ricks, by leave, introduced bill No. 280, entitled, on Act amendatory of an Act concerning County Judges, passed April 4, 1854.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Callbreath, by leave, introduced bill No. 281, entitled, an Act to grant to the Sheriff of Stanislaus county additional time to make his annual settlement for the collection of State and County Taxes for the year 1855.

Read a first and second time, and referred to the delegations from San Joaquin and Stanislaus.

The following reports were received from Committees:

Mr. Speaker:

The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 260, an Act to authorize B. Nordheimer, F. F. Marx, and others, to build a wharf at Trinidad, have had the same under consideration, and beg leave to report the bill to the House, with a substitute, and recommend the passage of the substitute.

HORACE HAWES,
Chairman.

The substitute for Assembly bill No. 260 was read a first and second time, and placed on the Calendar.

Mr. Speaker:

The Judiciary Committee, to whom was referred the following bills, would respectfully report as follows:

Senate bill No. 162, an Act concerning Proceedings in Courts being in the Spanish Language, and recommend its passage.

Senate bill No. 171, an Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853, and recommend its passage

Also, report a substitute for Assembly bill No 230, an Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850, and recommend the passage of the substitute

R. B. SHERRARD,
Chairman.

The substitute for Assembly bill No. 230 was read a first and second time, and placed on the Calendar.

Mr. Speaker:

The Committee on Military Affairs, to whom was re-committed Senate bill No. 109, an Act amendatory of and supplementary to an Act concerning the Organization of the Militia, passed April 25, 1855, have had the same under consideration, and most respectfully beg leave to report the same back, with amendments.

Your committee are of the opinion that the amendments proposed, will, if adopted and enforced, create a sufficient revenue to carry out the objects proposed by the petitions referred to your committee.

J. HUNT,
Chairman.
A. J. BATCHELDER,
WM. BLACKBURN,
G. A. REYNOLDS,
JOHN EWALT,
J. M. COVARRUBIAS,
Majority of Committee

On motion, Senate bill No. 109 was made the special order for Thursday next, at 5 o'clock, P. M.

Mr. Speaker:

The Select Committee, to whom was referred Assembly bill No. 265, have had the same under consideration, and beg leave to report the same back with a substitute, and recommend the passage of the substitute.

E. J. LEWIS,
Chairman.

The substitute for Assembly bill No. 265, entitled an Act to alter and define the Boundary Lines of Colusa County, was read a first and second time and adopted.

On motion, the rules were suspended.

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

Mr. Speaker:

The Mariposa Delegation, to whom was referred Assembly bill No. 258, entitled an Act amending the Act defining the Boundaries, and providing for the organization of Merced County, have considered the same and recommend its passage without amendment.

GEORGE H. RHODES,
Chairman.

Mr. Speaker:

The Delegation from Yuba County, to whom was referred bill No. 277, for the support of the Indigent Sick of Yuba County, beg leave to report the same to the House, and recommend its passage.

J. W. STERRITT,
Chairman.

On motion, the rules were suspended.

Assembly bill No. 279 was considered as engrossed, read a third time and passed.

Mr. Speaker:

The undersigned, majority of the Committee on Commerce and Navigation, to whom was referred Assembly bill No. 111, an Act to provide for the donation of land for the construction of a Wharf at Alameda, having had the same under consideration, beg leave to report as follows:

The undersigned, majority of your committee would represent, that there is an extensive mud flat along and in front of the Peninsula or Encinal of San Antonia, which is the property of the State of California.

That said Encinal is one of the most delightful and desirable sections for busi-

ness and private residences, in the whole valley of San Jose, and the only obstacle in the way of the building up and growth of a large and flourishing town upon said Encinal, is the difficulty of navigation upon its shore.

That a Wharf is now being constructed, extending from said Encinal into deep water, but as your committee believe, will not obstruct in any way the navigation of the Bay of San Francisco, but will, if completed, afford great facilities for trade, travel, and navigation, to the infinite advantage, of not only said Encinal, but to the whole valley of San Jose.

Your committee are of opinion, based upon reliable information, that the grant of the mud flat specified in the bill, will, if the bill pass, only be appropriated by the grantees to the building of said wharf.

That the overflowed grounds over which said wharf is to be built, are at present entirely useless and valueless to the State; but if the same were improved, as intended by the aforesaid wharf, the adjacent overflowed lands belonging to the State would become of great value to the State.

Your committee, therefore, for the foregoing reasons, beg leave to refer back the bill, and recommend its passage, with the following amendments:

Strike out the words "one thousand," and the figures "1,000," and insert the words five hundred, in place thereof.

All of which is respectfully submitted,

J. M. COOMBS,
A. M. STEVENSON,
W. McDONALD,
R. L MATHEWS,
Majority of Committee.

Mr. Speaker:

The majority of the delegation, to whom was referred Senate bill No. 97, creating the County of Fresno, have amended the fifteenth section of said bill, and recommend its passage, as amended.

GEO. H. RHODES,
R. B. LAMON.

Mr Speaker:

The minority of the select committee of the delegation from Mariposa and Tulare counties, to whom was referred Senate bill No. 97, framing the new County of Fresno, respectfully begs leave to enter his earnest protest against the amendment proposed by the majority to section 15, considering it unjust, unfair, and a disposition of the majority to take advantage of the minority.

The minority is in favor of the passage of the bill without this amendment.

ROBERT SWAN,
Tulare County.

Mr. Speaker:

The delegation from the county of San Francisco, to whom was referred As-

sembly bill No. 276, an Act to amend an Act to regulate Fees of Office, approved April 10, A. D 1855, have had the same under consideration, and beg leave to report the same back, and recommend the passage of the bill without amendment.

JOHN EWALT,
Chairman.

On motion, the rules were suspended.

Assembly bill No. 276 was considered as engrossed.

Read a third time.

On the passage of the bill, Messrs. Stout, Haile and George demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Beatty, Borland, Brush, Bynum, Callbreath, Coombs, Dustin, Ewalt, George, Gray, Hawes, Holland, Hunt, Hunter, Kelly, Kendrick, Lamon, Lewis, Mathews, McDonald, Meloney, Moulthrop, Oxley, Pearson, Peck, Reynolds, Ricks, Sharp, Shearer, Stevenson, Sterritt, Taliaferro, Turner, Van Dusen, Wagner, Weir, Williams, Winsor, Winston, Wohler, and Mr. Speaker—42.

NOES.

Messrs. Andrews, Bell, Blackburn, Bowe, Brunton, Cone, Covarrubias, Davis, Dick, Gage, Haile, Heald, Heiskell, Hoover, Leiby, McGehee, Pugh, Rathburn, Read, Stout, Swan, Taylor, White—23.

So the bill passed.

Mr. Hunter gave notice that on to-morrow he would move a reconsideration of the vote just taken.

Mr. Speaker.

The Yuba delegation, to whom was referred Senate bill No. 158, an Act concerning the Records of Yuba County, have had the same under consideration, and respectfully beg leave to report the same back without amendment, and recommend its passage.

A. J. BATCHELDER,
Chairman.

On motion, Assembly bill No. 93, entitled an Act to amend an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854, and to amend the several Acts amendatory thereto, was taken up.

Read a third time and passed.

The first special order of the day--Assembly bill No. 222, entitled an Act to re-incorporate the City of Sonora, was taken up.

Read as amended.

On motion, the amendment made by the committee was concurred in by the House.

On motion, the rule was suspended.

The bill was considered as engrossed.

Read a third time and passed.

The following message was received from the Senate:

SENATE CHAMBER, March 27, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate on this day amended and passed Assembly bill No. 118, an Act to define the time when the County Officers of Sierra County shall enter upon the discharge of their duties.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

Assembly bill No. 118 was read as amended by the Senate.

Mr. Gaston moved that the House concur in the amendment.

Mr. Hoover moved to lay the bill on the table.

Lost.

On motion of Mr. Rhodes, the bill was re-committed to the delegation from Sierra.

Mr. Oliver introduced the following resolution:

Whereas, In consideration of the value of the very comprehensive and able report submitted by Dr. John B. Trask, Geological Surveyor of this State; and whereas, in consideration of the importance of a correct knowledge of the Geology of California to every citizen of our country. Therefore, be it

Resolved, That the State Printer be instructed to print five thousand copies of the above report, for the use of this House.

Laid over for one day, under the rule.

The second special order of the day, Assembly bill No. 2, entitled, an Act to Repeal the several Charters of the City of San Francisco, to Establish the Boundaries of the City and County of San Francisco, and to Consolidate the Government thereof, was taken up.

Mr. Rhodes moved to suspend the rule of the House relative to the subject matter of re-consideration.

Mr Van Dusen moved a call of the House.

Carried.

The roll was called, and members all being present except those absent on leave, further proceedings under the call were dispensed with.

On the passage of Mr. Rhodes' motion, Messrs Gray, Beatty, and Taliaferro, demanded the ayes and noes, with the following result:

AYES.

Messrs Batchelder, Bell, Blackburn, Borland, Bowe Brush, Cartter, Cone, Curtis, Davis, Dick, Dustin, Gaston, Haile, Heiskell, Holland, Hoover, Hunt, Hunter, Kelly, Leihy, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Reed, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Upton, Van Dusen, Wagner, Weir, Welch, Williams, Winsor, Winston, Mr. Speaker—48.

NOES.

Messrs. Beatty, Bynum, Calibreath, Coombs, Covarrubias, Ewalt, George, Gray, Hawes, Heald, Kendrick, Lippincott, Meloney, Moulthrop, Pearson, Sharp, Taliaferro, White, Wohler—19.

So the motion was carried.

Mr. Rhodes moved a call of the House.

Carried.

The roll was called and the following named members were absent:

Messrs Coombs, Dustin, Ewalt, Haile, Hunt, Hunter, Lamon, Lewis, Oliver, Oxley, Reynolds.

The absentees appearing, on motion of Mr. Van Dusen, they were excused, and further proceedings under the call were dispensed with.

Mr. Gray introduced the following resolution:

Whereas, there having constantly occurred the past year failures of the Mails between the city of New Orleans and San Francisco:

And whereas, the frequency of these failures induces this Legislature to believe that there must exist some radical defect in the arrangement now existing for conveying the Mails, and that some change is absolutely necessary in order to secure the advantages originally designed by the establishment of the mail route between the cities above named; therefore,

Resolved, by the Assembly, the Senate concurring, That our Senators be instructed, and our Representatives in Congress requested, to urge upon the Postmaster General of the United States the necessity for making some change in the arrangement for the transmission of the Mails between New Orleans and San Francisco, in order to secure something like regularity and certainty in the same.

Resolved, further, That his Excellency the Governor be requested to transmit a copy of these resolutions to our Senator and each of our Representatives in Congress.

On motion, the rules were suspended, and it passed.

Mr. Upton moved that the vote by which Assembly bill No. 2 passed, be now reconsidered.

Upon which, Messrs. Beatty, Taliaferro, and Gray, demanded the ayes and noes, with the following result:

AYES.

Messrs Batchelder, Bell, Blackburn, Borland, Bowe, Cartter, Cone, Curtis, Dustin, Gaston, Haile, Heiskell, Holland, Hunter, Kelly, Leiby, Lippincott, McFarland, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Upton, Van Dusen, Wagner, Weir, Welch, Williams, Winsor, Winston, and Mr. Speaker—42.

NOES.

Messrs. Beatty, Boring, Brunton, Brush, Bynum, Callbreath, Covarrubias, Davis, Ewalt, George, Gray, Hawes, Heald, Kendrick, Lewis, McDonald, McGehee, Meloney, Moulthrop, Pearson, Sharp, Taliaferro, White, and Wohler—24.

So the motion was carried.

On motion of Mr. Upton, the House resolved itself into Committee of the Whole, for the purpose of investigating charges relative to an amendment alleged to have been adopted by the House, and supposed to have been omitted in the engrossment of the bill, and certain charges connected therewith.

House in Committee of the Whole, Mr. Upton in the chair.

Committee rose, reported progress, and asked leave to sit again, at 7 o'clock, this evening.

The report of the Committee was received, and they were granted leave to sit again.

On motion of Mr. Rhodes, the House adjourned at half past 4 o'clock, P. M., until 7 o'clock this evening.

EVENING SESSION.

FRIDAY, March 28, 1856.
Seven o'clock, P. M.

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and members all present except those absent on leave.

On motion of Mr Winston, the House resolved itself into Committee of the Whole, for the purpose of continuing the investigation relative to the San Francisco Consolidation bill.

House in Committee of the Whole.

Mr. Upton in the chair.

After some time spent in consideration of the subject, the committee rose and reported the bill back to the House without recommendation, and asked to be discharged from further consideration of the same.

The report of the committee was received, and they were discharged.

Mr. Winston introduced the following resolution:

Whereas, The Assembly having been informed by resolution offered by Mr. George, of San Francisco, that in his opinion certain important amendments made to the San Francisco Consolidation bill, had by some unknown cause been omitted from the engrossed copy of said bill, and therefore he respectfully asked for an investigation, for the purpose of ascertaining the facts connected with the aforesaid case—therefore

Resolved, That after having in Committee of the Whole, thoroughly investigated the case, no evidence was had to directly convict any person of maliciously abstracting said amendments, but believe it is important that such an amendment as is purported to have been lost should be made, and incorporated in said bill.

Pending the discussion of which, on motion of Mr. Lamon, the House at 10 o'clock P. M., adjourned.

IN ASSEMBLY.

SATURDAY, March 29, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present, except those absent on leave.

Leave of absence was granted to Mr. Haile for an indefinite time, on account of indisposition; to Mr. Boring for one day, and to Mr. Hunt for two days.

The Journal of yesterday was read and approved.

Mr. Peck presented a petition from citizens of Santa Clara county, remonstrating against any division of that county.

Read and referred to Committee on Counties and County Boundaries.

Mr. Ricks asked leave to introduce a bill without having given the requisite notice of the same.

Objections being made, Messrs. Rhodes, Wagner and Haile demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Blackburn, Bowe, Brunton, Curtis, Dick, Dustin, Ewalt, Gaston, George, Gray, Holland, Hoover, Hunter, Kelly, Kendrick, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McGehee, Moulthrop, Oliver, Oxley, Read, Rhodes, Ricks, Sharp, Sherrard, Stevenson, Stout, Swan, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, White, Williams, Winston and Mr. Speaker—44.

NOES.

Messrs Andrews, Beatty, Bell, Borland, Brush, Bynum, Callbreath, Cone, Davis, Gage, Haile, Heald, McFarland, Meloney, Pearson, Peck, Pugh, Rathburn, Reynolds, Sellick, Shearer, Sterritt, Talmerro, Winsor—24.

It requiring a two-thirds vote leave was not granted.

Mr. Gage gave notice, that on Monday he would move a reconsideration of the vote just taken

Mr. Hunter introduced bill No. 282, entitled an Act to exempt Slocum's Ferry, and the income thereof, from taxation for the space of five years.

Read a first and second time and referred to the delegation from San Joaquin.

The following reports were received from committees:

Mr. Speaker:

The Committee on State Hospitals, to whom was referred Assembly bill No. 275, an Act amendatory of and supplementary to an Act entitled an Act concerning Corporations, passed April 22, 1850, have had the same under consideration, and have instructed me to report the same back to the House, without amendment, and most respectfully recommend its passage.

THOS. J. OXLEY,
Chairman.

Mr. Speaker:

Your Select Committee, to whom was referred substitute for Assembly bill No. 197, an Act to amend an Act entitled an Act to Apportion the Senatorial and Assembly Districts of this State, passed May 18, 1853, have had the same under consideration, and beg leave to report the same back to the House without amendment, and recommend its passage.

J. W. HUNTER,
Chairman.

Mr. Speaker:

The undersigned, a majority of the Select Committee to whom was referred Assembly bill No. 166, for an Act to regulate Mortgages on Mining Claims, have had the same under consideration, and ask leave to report it back to the House with a substitute, and recommend the adoption and passage of the substitute.

L. STOUT,
D. DUSTIN,
Maj. of Com.

The substitute for Assembly bill No. 166, was read a first and second time, and placed on the calendar.

Mr. Speaker:

The Committee on Enrollment have this day examined Assembly bill No. 277, an Act to provide for the support of the Indigent Sick in Yuba county, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

The following message was received from the Senate:

SENATE CHAMBER, March 28, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate on this day concurred in Assembly amendment to Senate bill No. 43, an Act to amend an Act entitled an Act to Regulate Fees of Office.

Also refused to recede from Senate amendment to Assembly bill No. 90, an Act to submit the question of the Removal and Location of the County Seat of Amador county, to the choice of the Voters of the county.

Also, on the 26th instant, passed the following Senate bills, No. 149, an Act concerning the Debt and Current Expenses of the County of Monterey, and to provide for the Funding and the Payment of the same.

No. 152, an Act to amend an Act to incorporate the City of Monterey.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

The following bills referred to in the foregoing message from the Senate were taken up, viz:

Senate bill No. 149, was read a first and second time, and referred to the delegation from Monterey.

Senate bill No. 152, was read a first and second time, and referred to the Committee on Corporations.

Assembly bill No. 90, was laid on the table.

On motion of Mr. Stevenson, Senate bill No 73, entitled an Act to Provide for the Election or Appointment of a Reporter of the Decisions of the Supreme Court, and for the Publication of the same, was taken from the table.

Read as amended by the Judiciary Committee.

Mr. Stout moved to amend the bill, by adding in continuation of the 12th Section, the following words, viz:

Provided, that all printing and material for said Reports shall be furnished by the Reporter without any expense whatever to the State.

Upon which motion, Messrs Stout, Dustin and Turner demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Borland, Bowe, Callbreath, Davis, Dustin, Gage, George, Gray, Haile, Hawes, Heiskell, Hoover, Hunter, Kendrick, Leihy, Oliver, Rathburn, Read, Reynolds, Sellick, Stout, Turner, Weir, Welch, White, Winsor—30.

NOES.

Messrs. Blackburn, Brush, Bynum, Cartter, Cone, Coombs, Covarrubias, Dick, Gaston, Holland, Kelly, Lamon, Lewis, Lippincott, McDonald, McFarland, Meloney, Moulthrop, Pearson, Peck, Pugh, Rhodes, Ricks, Sharp, Sherrard, Stevenson, Sterritt, Swan, Taliaferro, Taylor, Upton, Van Dusen, Wagner, Winston, Mr. Speaker—36.

So the motion was lost.

On motion, the amendments reported by the Judiciary Committee were concurred in by the House.

The bill was then read a third time,

On its passage, Messrs. Davis, Callbreath, and Stout, demanded the ayes and noes, with the following result:

AYES.

Messrs. Bell, Blackburn, Brush, Bynum, Cartter, Covarrubias, Curtis, Dick, Holland, Hunter, Kendrick, Lamon, Leihy, Lewis, Lippincott, McDonald, McFarland, Moulthrop, Reynolds, Rhodes, Ricks, Sharp, Shearer, Sherrard, Stevenson, Sterritt, Swan, Taliaferro, Turner, Upton, Van Dusen, Williams, Winsor, Winston, Mr Speaker—35.

NOES.

Messrs. Andrews, Batchelder, Beatty, Borland, Bowe, Callbreath, Cone, Coombs, Davis. Dustin, Gage, Gaston, George, Gray, Haile, Hawes, Heiskell, Kelly, Meloney, Oliver, Pearson, Peck, Pugh, Rathburn, Reed, Sellick, Stout, Taylor, Wagner, Weir, Welch, White—32.

So the bill passed.

On motion of Mr. Winston, the title of the bill was amended so as to read as follows:

An Act to provide for the Appointment of a Reporter of the Supreme Court, and to Define his Duties and Compensation.

The title, as amended, was read and approved.

Mr. Rhodes moved to reconsider the vote just taken.

Mr. Hunter moved to indefinitely postpone the motion to reconsider.

Upon which motion, Messrs. Stout, Rathburn and Gray demanded the ayes and noes, with the following result:

AYES.

Messrs. Blackburn, Brush, Bynum, Cartter, Covarrubias, Curtis, Holland, Hunter, Lamon, Leihy, Lewis, Lippincott, McDonald, McFarland, Moulthrop, Oxley, Rhodes, Ricks, Sharp, Sherrard, Stevenson, Sterritt, Swan, Taliaferro, Turner, Van Dusen, Williams, Winsor, Winston, and Mr. Speaker—30.

NOES.

Messrs Andrews, Batchelder, Beatty, Bell, Borland, Bowe, Callbreath, Cone, Coombs, Davis, Dick, Dustin, Ewalt, Gage, Gaston, George, Gray, Haile, Hawes, Heiskell, Hoover, Kelly, Kendrick, Meloney, Oliver, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Sellick, Shearer, Stout, Taylor, Wagner, Weir, Welch, White—40.

So the motion was lost.

Mr. Stout moved to lay the motion to reconsider on the table.

Lost.

The question then recurred on the motion to reconsider.

Upon which, Messrs, Stout, Rathburn and Gage demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Bowe, Callbreath, Cone, Davis, Dustin, Ewalt, Gage, Gaston, George, Gray, Haile, Hawes, Heiskell, Hoover, Kelly, Kendrick, Meloney, Oliver, Pearson, Peck, Pugh, Rathburn, Read, Sel lick, Stout, Taylor, Wagner, Weir, Welch, and White—34.

NOES.

Messrs. Blackburn, Brush, Bynum, Cartter, Coombs, Covarrubias, Curtis, Dick, Holland, Hunter, Lamon, Leihy, Lippincott, McDonald, McFarland, Moulthrop, Reynolds, Rhodes, Ricks, Sharp, Shearer, Sherrard, Stevenson, Sterritt, Swan, Taliaferro, Turner, Van Dusen, Williams, Winsor, Winston, Wohler, and Mr. Speaker—33.

So the motion was carried.

On motion of Mr. Stout, the bill was laid on the table.

Mr. Hunter moved to reconsider the vote by which, on yesterday, the House

passed Assembly bill No. 276, entitled an Act to amend an Act to regulate Fees of Office, approved April 10, 1855.

Mr. Dustin moved to indefinitely postpone the motion to reconsider.

Upon which motion, Messrs. Cone, Hoover and Bowe demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Beatty, Brush, Bynum, Callbreath, Coombs, Covarrubias, Dustin, Ewalt, George, Gray, Hawes, Holland, Hunter, Kendrick, Lamon, Lewis, Lippincott, McDonald, Meloney, Moulthrop, Pearson, Peck, Rhodes, Sharp, Sherrard, Stevenson, Swan, Taliaferro, Van Dusen, Winston, and Wohler—32.

NOES.

Messrs. Andrews, Bell, Blackburn, Bowe, Brunton, Cone, Curtis, Davis, Gage, Gaston, Heiskell, Hoover, Kelly, Leihy, McFarland, McGehee, Rathburn, Read, Ricks, Shearer, Stout, Taylor, Upton, Wagner, Weir, Welch, White, and Winsor—29.

So the motion was carried.

The following message was received from the Senate:

SENATE CHAMBER, March 29, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on this day, passed Assembly bill No. 262, an Act to fix the Time of holding the District Courts in the Third Judicial District.

Also, passed Assembly bill No. 200, an Act to provide for the Payment of the Debt of the County of Santa Barbara.

Also, passed Assembly bill No. 277, an Act to provide for the Support of the Indigent Sick of Yuba County.

Also, on yesterday, adopted a Concurrent Resolution relative to the War Indebtedness of the State of California.

Respectfully submitted,

RASEY BIVEN.
Asst. Secretary of Senate.

On motion, the following Concurrent Resolution referred to in the foregoing message from the Senate was read:

Resolved, (by the Senate the Assembly concurring,) That our Senator in Congress is hereby instructed and our Representatives requested to use their exertions to obtain from the Government of the United States an appropriation of two hundred thousand six hundred and seventy-five dollars and eighty eight cents, the surplus of our War Indebtedness, over and above the amount heretofore appropriated by Congress for that purpose, to be applied toward the liquidation of the balance of the War Debt of this State, incurred in the suppression of Indian hostilities within our borders.

Resolved, That his Excellency the Governor, be and is hereby requested to transmit a copy of this resolution to our Senator and Representatives in Congress, at an early day.

Passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 29, 1856.

To the Assembly of California:

I have this day approved the following bills, originating in the Assembly:

An Act entitled an Act to regulate the Fees of certain County Officers, in and for the Counties of Klamath and Colusa.

Also, an Act to provide for the better maintenance of the Indigent Sick of Shasta, Siskiyou and Placer Counties.

Also, an Act to authorize the Courts of Record of this State to admit Alfred W. Harcombe as an Attorney and Counsellor at Law.

Respectfully,

J. NEELY JOHNSON.

On motion, the general calendar of bills was then taken up, to wit:

Assembly bill No. 108, an Act to amend an Act granting Joseph R. Beals and others the right to construct a Toll Bridge across the Pajaro River, passed May 13, 1854.

On motion, the bill was ordered engrossed for a third reading.

On motion of Mr. Stout, the vote by which the bill was ordered engrossed was reconsidered.

On motion of Mr. Peck, the bill was considered as engrossed.

Read a third time and passed.

Assembly bill No. 174, an Act to amend an Act entitled an Act concerning the incorporation of the Marysville and Benicia National Railroad, approved April 12, 1853.

On motion of Mr Batchelder, the repealing clause in the last section of the bill, was stricken out.

On motion of Mr. Winsor, the bill was then laid on the table.

Committee on Ways and Means' substitute for Assembly bill No. 62, an Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their Duties and Powers, approved March 20, 1855.

Mr Stout moved that the fourth section of the bill be stricken out.

Lost.

Mr. Stevenson moved to strike out the enacting clause of the bill.

Lost.

On motion of Mr Stout, the bill was considered as engrossed, read a third time and passed.

Committee on Claims' substitute for Assembly bill No. 169, an Act for the relief of Jotham S. Mraston, late Treasurer of Alameda county, was taken up A committee from the Senate being announced, on motion of Mr. Wohler, the further consideration of the bill was temporarily postponed.

Messrs Heintzleman, Cosby, and Burnett, committee on the part of the Senate, then presented the following resolution, which had been adopted by the Senate:

Resolved, That a committee of three be appointed by the Senate to wait upon the Assembly, and request that body to act at once on Assembly bill No. 2, being San Francisco bill, returned to them at their own request by the Senate, and return the bill back to the Senate.

Mr. Rhodes moved that the Senate committee be requested to report to the Senate, that the House will at once proceed to consider the San Francisco Consolidation bill, and return the same to that body at the earliest possible moment.

Mr George offered the following resolution as a substitute for Mr. Rhodes' motion, and moved its adoption:

Resolved, That the House will consider the bill at its earliest convenience, and return it to the Senate as soon as possible.

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

Lost.

The question then recurred on the motion to adopt the substitute.

Lost.

Mr. Rhodes moved a call of the House.

Sustained.

The roll was called, members all present except those absent on leave.

On motion of Mr. Taliaferro, further proceedings under the call were dispensed with.

Motion offered by Mr. Rhodes was then adopted.

Mr. Weir moved that the House adjourn.

Lost.

On motion of Mr. Stout, Assembly bill No. 2, entitled an Act to Repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County, of San Francisco, and to Consolidate the government thereof, was taken up.

Mr. Winston offered the following resolution:

Resolved, That the amendment offered by Mr. George to the 87th Section of Assembly bill No. 2, substantially as follows: Amend Section 87 after the enumeration of the powers of the Board of Supervisors, by inserting as follows: Twenty-fourth, To provide ways and means for the prosecution of the claim in the name of the city of San Francisco to the Puebla lands now pending for the same—was adopted by this House before the final passage of said bill, and that the same, so far as this House has been able to ascertain, after a careful investigation of the facts, was misplaced or lost, and was not engrossed with the bill.

Resolved, That no blame whatever shall be attached to any of the members or officers of the Legislature, in relation to the matter.

Mr. Meloney offered the following resolution as a substitute, and moved its adoption.

Whereas, It was alleged by Mr. George, a member of this House, that a certain amendment to the San Francisco Consolidation bill, No. 2, had been adopted, and composed a part of said bill at the time it passed this House, which alleged amendment was not incorporated in the engrossed bill, and this House having dilligently investigated the subject, with the bill amendments and records of the House, Chief Clerk, and evidence before it; Therefore,

Resolved, That in the judgment of this House, the said alleged amendment was proposed by Mr. George, but was never finally acted upon, or adopted, and constituted no part of said bill when the same was passed; and further, that no

blame in relation to said alleged amendment is justly chargeable against any member or officer of this House, or any other person.

On the motion to adopt the substitute offered by Mr. Meloney, Messrs. Winsor, Gray and Hawes, demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Bynum, Callbreath, Davis, Gray, Hawes, Kendrick, Meloney, Shearer, Turner, White—11.

NOES.

Messrs. Andrews, Beatty, Blackburn, Borland, Bowe, Brunton, Cartter, Cone, Coombs, Curtis, Dustin, Ewalt, Gage, Gaston, George, Haile, Heiskell, Holland Hunter, Kelly, Lamon, Leihy, Lippincott, McDonald, McFarland, McGehee, Moulthrop, Oxley, Pearson, Peck, Rathburn, Read, Rhodes, Ricks, Sellick, Sharp, Sherrard, Stevenson, Sterritt, Swan, Taliaferro, Taylor, Van Dusen, Wagner, Weir, Welch, Winsor, Winston—48.

The question then recurred on the motion to adopt the resolution offered by Mr. Winston.

Mr. Hunter moved a call of the House.

Lost.

Mr. Gray moved to strike out the following words in the resolution, viz:

"Was adopted by this House before the final passage of said bill."

Mr. Van Dusen moved the previous question.

Sustained.

The question then recurred on the amendment of Mr. Gray.

Lost.

A division of the question having been called on the resolution, the Chair decided that the question was not divisible.

Mr. White appealed from the decision of the chair.

The Chair was sustained.

The resolution was then adopted.

Mr. Rhodes moved to recommit the bill to a Select Committee of five, with instructions to insert the lost amendment.

Also, to make certain amendments to section 13.

Mr. Beatty raised a point of order—That the bill under consideration was not an engrossed bill, from the fact, that it had never been engrossed by the regular clerks appointed by the House.

The Speaker decided that the Committee on Engrossment having reported back the bill as engrossed, he felt bound to consider the bill as properly engrossed.

From which decision Mr. Beatty appealed.

The question was then put, "Shall the decision of the chair stand as the decision of the House.

The chair was sustained.

Pending discussion, Mr. Dustin moved the previous question.

Sustained.

The question then recurred on the motion to recommit the bill with instructions to insert certain amendments.

Mr. Hawes called for a division of the question: first, on the recommitment, and separately on the amendments.

The motion to recommit was carried.

The motion to instruct the committee to insert the first amendment, viz: to add in continuation of section 74, the following words:

"Twenty-fourth, to provide ways and means for the prosecution of the claims in the name of the city of San Francisco, to the Puebla Lands now pending for the same,"

Put and adopted.

On the motion to make the second amendment, viz: to strike out from section 13, the words:

"The County Judge, Clerk and District Attorney of the said City and County of San Francisco," and insert in lieu thereof, the words, "The Governor of this State."

Messrs. Callbreath, Beatty, and Taliaferro demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Blackburn, Borland, Bowe, Brunton, Cartter, Cone, Curtis, Davis, Dustin, Gage, Gaston, Haile Heiskell, Hunter, Kelly, Lamon, Leiby, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Rathburn,

Read, Rhodes, Ricks, Sellick, Shearer, Sterritt, Stout, Taylor, Turner, Van Dusen, Weir, Welch, Winsor, Winston and Mr. Speaker—41.

NOES.

Messrs Beatty, Brush Bynum, Callbreath, Coombs, Covarrubias, Dick, Ewalt, Gray, Hawes, Holland, Hoover, Kendrick, Lippincott, Meloney, Moulthrop, Pearson, Sharp, Sherrard, Stevenson, Swan, Taliaferro, Wagner, Wohler—24.

So the motion was carried.

The motion to make the third amendment, viz: "Strike out the ninth sub-division of the Seventy-fourth Section," was not acted on.

On the motion to make the fourth amendment, viz:

"Strike out the words 'one Harbor Master,' in the 6th line of Section six, and insert in lieu thereof, the words, "two Deck Masters.

Messrs. Lippincott, Beatty, and Taliaferro, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Blackburn, Borland, Bowe, Cartter, Cone, Curtis, Davis, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Rathburn, Read, Rhodes, Ricks, Sellick, Shearer, Sterritt, Stout, Turner, Van Dusen, Weir, Welch, Winsor, Winston, Mr. Speaker—40.

NOES.

Messrs. Beatty, Brunton, Brush, Bynum, Callbreath, Coombs, Covarrubias, Dick, Ewalt, George, Hawes, Holland, Kendrick, Lippincott, Meloney, Moulthrop, Pearson, Sharp, Sherrard, Stevenson, Swan, Taliaferro, Wagner, White, Wohler—24.

So the motion was carried.

On the motion to make the fifth amendment, viz:

Insert after the word "qualified," in the seventh line of section six, the following words, "and the office of Harbor Master for the City of San Francisco is hereby abolished and repealed."

Messrs Taliaferro, Beatty and Moulthrop demanded the ayes and noes with the following result:

AYES.

Messrs. Andrews, Batchelder, Blackburn, Borland, Bowe, Cartter, Cone, Curtis, Davis, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Kelly, Lamon,

Leihy, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Rathburn, Read, Rhodes, Ricks, Sellick, Shearer, Sterritt, Stout, Taylor, Turner, Van Dusen, Weir, Welch, Winsor, Winston and Mr. Speaker—40.

NOES.

Messrs Beatty, Brunton, Brush, Bynum, Callbreath, Coombs, Covarrubias, Dick, George, Hawes, Holland, Kendrick, Lippincott, Meloney, Moulthrop, Pearson, Sharp, Sherrard, Stevenson, Swan, Taliaferro, Wagner, White and Wohler—24.

So the motion was carried.

On the motion to make the sixth amendment, viz:

Strike out the words, "Harbor Master," wherever they occur elsewhere in the bill, and insert in lieu thereof, the words "two Dock Masters."

Messrs. Callbreath, Beatty, and Pearson demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Blackburn, Borland, Bowe, Cartter, Cone, Curtis, Davis, Dustin, Gage, Gaston. Haile Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Rathburn, Read, Rhodes, Ricks, Sellick, Shearer, Stout, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, Williams, Winsor, Winston and Mr. Speaker—42.

NOES.

Messrs. Beatty, Brunton, Brush, Bynum, Callbreath, Coombs, Covarrubias, Dick, Hawes Holland, Kendrick, Lippincott, Meloney, Moulthrop, Pearson, Sharp, Sherrard, Stevenson, Swan, Taliaferro, White, Wohler—22

So the motion was carried.

On the motion to make the seventh amendment, viz:

In Section ten, line sixth, after the word "officer" insert the following words, "and that each Dock Master shall receive a salary of Four Thousand Dollars per annum, and no other compensation."

Messrs. Beatty, Taliaferro, and Pearson, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Blackburn, Borland, Bowe, Cartter, Cone, Curtis, Davis, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Kelly Lamon, Leihy, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Rhodes,

Ricks, Sellick, Shearer, Stout, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, Williams, Winsor, Winston, Mr. Speaker—40.

NOES.

Messrs. Beatty, Brunton, Brush, Bynum, Callbreath, Coombs, Covarrubias, Dick, Ewalt, George, Hawes, Holland, Kendrick, Lippincott, Meloney, Moulthrop, Pearson, Rathburn, Sharp, Sherrard, Stevenson, Swan, Taliaferro, White, Wohler—25.

So the motion was carried.

On the motion to make the eighth amendment, viz:

After the word "term," in Section ninth, line fourth, insert the following words, "excepting vacancies in the office of Dock Master, which vacancies shall be filled by appointment by the Governor."

Messrs. Beatty, Meloney, and Brush, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Blackburn, Borland, Bowe, Cartter, Cone, Curtis, Davis, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Hunter, Kelly, Lamon, Leihy, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Rathburn, Read, Rhodes, Ricks, Sellick, Shearer, Stout, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, Williams, Winsor, Winston, and Mr. Speaker—42.

NOES.

Messrs. Beatty, Brunton, Brush, Bynum, Callbreath, Coombs, Covarrubias, Dick, Ewalt, George, Hawes, Holland, Kendrick, Lippincott, Meloney, Moulthrop, Pearson, Sharp, Sherrard, Stevenson, Swan, Taliaferro, White, and Wohler—24.

So the motion was carried.

Mr. Gray gave notice that he would, at an early day, ask leave to place on the Journal of this House his protest against the action of the House in regard to the reconsideration of the vote, and the final action thereon, &c, on the bill entitled an Act to consolidate the City and County of San Francisco.

The following message was received from the Senate:

SENATE CHAMBER, March 29th, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day refused to concur in certain amendments made by the Assembly to Senate bill No. 58, an Act

making Appropriation to meet Deficiencies in Appropriation heretofore made to defray the Civil Expenses of Government, from the 1st day of February, 1855, until the 1st day of February, 1856.

Respectfully submitted,

R. BIVEN,
Assistant Secretary Senate.

On motion of Mr. Taliaferro, a committee was appointed to confer with a like committee on the part of the Senate relative to the Assembly amendments to Senate bill No. 58.

The Speaker appointed Messrs. Taliaferro, Stout, and Lippincott, as committee on the part of the House.

On motion of Mr. O'Iver, the resolution relative to printing five thousand copies of the report made by Dr. Trask on the Geology of the State was taken up.

Mr. Stout moved to amend by striking out "five," and inserting "two thousand copies."

On motion of Mr. Turner, the whole subject matter was laid on the table.

Mr. George moved that the House adjourn.

Lost.

On motion of Mr. Sellick, the resolution relative to printing five hundred additional copies of the Surveyor General's Report, was taken from the table.

Mr. Dustin moved to amend by striking out "five hundred" and inserting "two hundred and forty copies."

On motion of Mr. Kelly, the House, at 5 o'clock, P. M., adjourned.

IN ASSEMBLY.

MONDAY, March 31, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and the members all present, except those absent on leave.

Leave of absence was granted to Messrs. Upton and Sellick for one day.

The Journal of Saturday, 29th inst., was read.

Mr. McFarland moved to correct the Journal by inserting that the amendment to strike out subdivision nine in section 74 in Assembly bill No. 2 was adopted by the House, and that the select committee was instructed to strike the same out of the engrossed bill.

Upon which motion, Messrs. Beatty, Callbreath and Hawes demanded the ayes and noes, with the following result:

AYES.

Messrs. Borland, Haile, Holland, Lewis, McFarland, Rhodes, Sharp, Swan, an Dusen, Williams, Winsor, Winston, Mr. Speaker—13.

NOES.

Messrs. Andrews, Batchelder, Beatty, Blackburn, Brush, Bynum, Callbreath, Cone, Coombs, Covarrubias, Davis, Dick, Dustin, Ewalt, Gage, Gray, Hawes, Hunter, Kendrick, Lamon, Leihy, Lippincott, Mathews, McDonald, Meloney, Moulthrop, Oliver, Pearson, Peck, Rathburn, Ricks, Stout, Taliaferro, Taylor, Wohler—35.

So the motion was lost.

The Journal as read was approved.

Mr. Weir presented a petition from citizens of Marin county, praying the Legislature to make an appropriation for the benefit of an Orphan Asylum located near San Rafael in that county.

Read and referred to the Committee on Ways and Means.

Mr. McDonald introduced bill No. 283, entitled an Act to create a Board of Commissioners to examine the claims of the citizens of the counties of Klamath, Siskiyou and Humboldt, and report to the Governor of this State the amount of just claims held by the citizens of those counties against the General Government, for services rendered or supplies furnished to the troops and the volunteers engaged in the suppression of Indian hostilities in the years 1852, 1853, 1854 and 1855.

Read a first and second time and referred to delegations from Klamath, Siskiyou and Humboldt.

The following reports were received from Committees:

Mr. Speaker:

The Committee on Mines and Mining Interests, to whom was referred Assembly bill No 245, an Act to exempt Mining Claims from forced sale on execution, have duly considered the same, and beg leave to report it back to the House without recommendation.

J E BOWE,
Chairman.

On motion, Assembly bill No. 245 was laid on the table.

Mr. Speaker:

The Engrossing Committee have examined and found correctly engrossed bill No. 222, for an Act to re-incorporate the City of Sonora.

LANSING STOUT,
Chairman.

Mr. Speaker :

The committee to whom was referred Assembly bill No. 282, an Act to exempt Slocum's Ferry and the income thereof, from taxation for the space of five years, have had the same under consideration, and beg leave to report the same back to the House without amendment, and recommend its passage.

J. W. HUNTER,
Chairman.

On motion, Assembly bill No. 282 was laid on the table.

Mr. Speaker :

Committee on Corporations having had under consideration the following bills, report them back to the House with the following recommendations:

Assembly bill No. 18, an Act to authorize Lewis Soher to construct a Waggon Road from Mokelumne Hill in Calaveras County to Butte City in Amador County, and recommend its indefinite postponement.

Also, Senate bill No. 69, an Act to authorize Benjamin F. Forsyth and others to construct a Wharf in Solano County, with amendments and recommend its passage.

Also, a petition from the citizens of San Jose, praying for an abolition of the City Charter of said City, with a remonstrance against any action in the premises by the Legislature, and recommend its reference to delegation from Santa Clara.

TALIAFERRO,
Chairman.

Mr. Speaker:

The undersigned, Chairman of the Select Committee, to whom was referred Assembly bill No 259, an Act to confirm the contract of Rodmond Gibbons with the city of Oakland, to build a wharf, would beg leave to make the following report:

The undersigned, Chairman of said Committee, would represent, that the said committee are unable to agree upon a report, and would therefore refer the bill back, and recommend that it be recommitted to the Standing Committee on Commerce and Navigation.

Very respectfully submitted,

T. M COOMBS,
Chairman.

On motion, Assembly bill No. 259, was recommitted to the Committee on Commerce and Navigation.

Mr. Speaker:

A portion of the Sierra Delegation, to whom was referred Assembly bill No. 215, an Act entitled an Act to define the time when the officers of Sierra county shall enter upon the discharge of their duties, have had the same under consideration, and beg leave to make the following report:

Your Committee are of the opinion that the bill having passed both houses, cannot be made the subject of this report, except as far as the amendments that were made by the Senate, which it is impossible to say are not necessary, as it is the opinion of the Committee that the bill will be unconstitutional without them; our objections are that the bill does not make the different terms of office equal, and also that it makes more difficulties than it remedies.

The bill provides that the present officers elect shall hold their offices until the first Monday of the month succeeding the election in the year 1858. This gives them a term of two years three and a half months. The next officers will have a term of two years and two months, while those elected at the election of 1860, will have but one year and ten months to serve, and thus it would be every other term thereafter. Those elected at the general election of this state will have a term of office four months longer than those elected at the Presidential election, for the bill provides that they shall enter upon the discharge of the duties of their office on the first Monday of the first month succeeding their election. Those elected at the general election of this State will enter upon the

discharge of the duties of their office upon the first Monday of October, while those elected at the Presidential election could not do so until the first Monday of December.

Another objection to the bill, as it now stands, is, that it brings the election of County officers on the same day of the Presidential election, which, as the law now is, is avoided. Your Committee are aware that some measure is necessary at the present time to protect the County officers elect, and save the county the expense of holding another election, and can now see no other remedy, inasmuch as it is too late in the session to introduce a bill that would be without the objection above named. Therefore, we recommend that the Assembly concur in the Senate amendment, and trust to future legislation to correct the evils that the present bill inflicts.

A. A. HOOVER,
Of the Committee.

On motion, Senate amendments to Assembly bill No. 218, were read and concurred in by the House

Mr. Oxley, from Joint Committee on the part of the Senate and Assembly, appointed to visit and examine into the condition of the State Insane Asylum at Stockton, presented a report thereon.

On motion, the reading of the report was dispensed with, and the rule on printing was temporarily suspended.

Mr. Oxley moved that two thousand copies of the report be ordered printed, together with the report of the Resident Physician of the Asylum.

Mr. Gage moved to amend so as to print five hundred copies of both reports.

Carried.

Mr Bell gave notice that on to-morrow he would move a reconsideration of the vote just taken.

Mr. Oxley, from Joint Committee on the part of the Senate and Assembly, appointed to examine the books and accounts of the late State Treasurer, presented a report thereon.

On motion of Mr. Beatty, the reading of the report was dispensed with.

Mr. Beatty moved that the usual number of copies of the report be ordered printed.

Mr. Davis moved to print five hundred copies.

On motion of Mr. Oxley, the rules were temporarily suspended, and one thousand copies of the report was ordered printed.

The following message was received from the Senate:

SENATE CHAMBER, March 31, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on Saturday the 29th inst., passed Senate bill No 71, an Act to amend an Act entitled an Act to suppress Houses of Ill Fame, approved April 2, 1855.

Also, on this day passed Senate bill No 171, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March 5, 1853.

Also, that the Senate on this day adopted the following concurrent resolution, relative to appropriation of books.

Also, concurred in Assembly concurrent resolution relative to mail facilities between New Orleans and San Francisco.

Respectfully submitted,

RASEY BIVEN.
Ass't Sec'y Senate.

The following Senate resolution was taken up and concurred in by the Assembly:

Resolved, (by the Senate and Assembly of the State of California,) That our Senator be instructed and our Representatives in Congress be requested to use their best endeavors to procure for this State from Congress the appropriation of books which might have been granted the State, had said State passed through a Territorial form of government.

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to our delegation in Congress.

The following bills referred to in the foregoing message from the Senate were taken up, viz:

Senate bill No 71, was read a first and second time and referred to the Committee on Vice and Immorality.

Senate bill No 171 was read a first and second time and referred to the delegation from Yuba.

On motion of Mr. Stevenson, Senate bill No 73, entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, was taken from the table.

Mr. McFarland moved to amend Section 13, by adding in continuation of that Section, the following proviso:

Provided further, that nothing in this Act shall be construed to allow the said Reporter to receive from the State a greater compensation for all the ser-

vices required by this Act, than six thousand dollars per annum ; and *provided further*, that the said Reporter shall furnish, at his own expense, all materials necessary to the completion of his reports, and shall pay for the printing thereof.

The amendment was adopted.

Mr. Bowe moved to strike out the enacting clause of the bill.

Lost.

The bill, as amended, was then read a third time.

On the passage of the bill, Messrs. Beatty, Stout, and Rathburn, demanded the ayes and noes with the following result:

AYES.

Messrs. Bell, Brunton, Brush, Bynum, Carter, Cone, Coombs, Covarrubias, Dick, Dustin, Ewalt, Haile, Holland, Hunter, Lamon, Leihy, Lewis, Lippincott, McDonald, McFarland, Oxley, Peck, Reynolds, Rhodes, Ricks, Shearer, Sherrard, Stevenson, Sterritt, Swan, Taylor, Turner, Van Dusen, Williams, Winsor, Winston, Wohler, Mr. Speaker—38.

NOES.

Messrs. Andrews, Batchelder, Beatty, Blackburn, Boring, Borland, Bowe, Davis, Gage, Gaston, Hawes, Heiskell, Hoover, Kendrick, Mathews, McGehee, Moulthrop, Oliver, Pearson, Rathburn, Read, Stout, White—23.

So the bill passed.

On motion of Mr. Rhodes, Senate bill No. 94, entitled, an Act to provide for the payment of Thomas F. W. Price, for services rendered, money expended, and supplies furnished to the Volunteers, in an expedition under his command, against the hostile Indians in the northern portions of Yolo and Napa counties during the year one thousand eight hundred and fifty-one, was taken from the table.

On motion, the House resolved itself into a Committee of the Whole, for the purpose of taking into consideration Senate bill No. 94.

House in Committee of the Whole, Mr. Rhodes in the chair.

The Committee rose, and reported the bill back to the House, and recommended its passage without amendment; and also asked to be discharged from the further consideration of the subject.

The report was received and the committee discharged.

The bill was then read a third time, and on its passage, Messrs. Dustin, Dick, and Reynolds, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Brunton, Brush, Bynum, Callbreath, Coombs, Covarrubias, Curtis, Dustin, Ewalt, George, Gray, Haile, Holland, Hunter, Kendrick, Lewis, Lippincott, McDonald, McGehee, Meloney, Moultbrop, Pearson, Peck, Rathburn, Rhodes, Ricks, Sharp, Swan, Taliaferro, Taylor, Van Dusen, Williams, Winsor, and Winston—38.

NOES.

Messrs Blackburn, Borland, Cone, Dick, Gage, Gaston, Heiskell, Kelly, Leiby, McFarland, Read, Sherrard, Turner, Wagner, Weir, and Mr. Speaker —15.

So the bill passed.

Mr. Curtis gave notice that on to morrow he would move a reconsideration the vote just taken

On motion, the General Calendar of Bills was taken up, viz: Committee on Claims' substitute for Assembly bill No. 169, entitled an Act for the relief of Jotham S. Marston, late Treasurer of Alameda County.

On motion, the substitute was read and adopted.

On motion of Mr. Beatty, the House resolved itself into Committee of the Whole, for the purpose of taking into consideration substitute for Assembly bi No. 169.

House in Committee of the Whole, Mr. McFarland in the Chair.

The Committee reported the bill back to the House with an amendment, an recommended its passage as amended, and asked to be discharged from furthe consideration of the same.

The report was received and the Committee discharged.

Mr. Taliaferro moved a call of the House.

Sustained

The Roll was called and the following named members were absent:

Messrs Cartter, Haile, Oxley, Rathburn, Sellick, Turner, Williams.

On motion of Mr. Coombs, further proceedings under the call were dispens with.

Substitute for Assembly bill No. 169 was then read as amended by the Com mittee of the Whole.

The amendment was concurred in by the House.

On motion of Mr. Coombs, the bill was considered as engrossed.

Read a third time and passed.

Mr. Stout introduced the following resolution:

Resolved, That the Clerk of the House allow the State Printer to have for copy the original documents submitted this day by the Joint Committee: one in reference to the late State Treasurer, and the other in relation to the Stockton Insane Asylum.

Adopted.

The following communication was received and read:

Mr. Speaker:

I hereby resign the position with which I was honored by the Chair, as member of the Select Committee of Five appointed with instructions to incorporate certain amendments in Assembly bill No. 2, being the San Francisco Consolidation bill, which had passed the House some two weeks previously, and been transmitted to the Senate.

When my name was first announced as a member of the committee, it struck me that as the committee had only to execute certain specific instructions, there could be no inconsistency on my part in serving, (although entertaining the opinion, which I did, that the instructions ought not to have been given,) and that no responsibility could rest upon me, personally, for simply executing the command of the House. But upon reflection, considering that the instructions required not simply the annexation of the proposed amendments, but the alteration and mutilation of the contents of the original document, which, through the courtesy of the Senate, had been transmitted to the House, solely for its inspection, and which the House had now no more power to alter than it would have to deface or destroy any other public record of the State, I became convinced that it was my imperative duty to decline the honor of participating in an act which I could not but regard as so essentially wrong that no command of this House could justify it.

HORACE HAWES.

The following report was received:

Mr. Speaker:

The Select Committee, to whom was referred Assembly bill No. 2, an Act to repeal the several Charters of the City of San Francisco, and to Consolidate the Government thereof, with instructions to make certain amendments thereto, beg leave to report that they have obeyed the instructions, and made the amendments in accordance with the same. The majority of your committee would recommend that they be further instructed to amend, by striking out the words, "that the present two Dock Masters for the port of San Francisco and" where they occur in 23d, 24th, and 25th lines of the engrossed bill; also, amend section 5, line 1st, by striking out "County Judge, County Clerk," and insert present City Attorney, Surveyor General; also, amend section 10th, by inserting between the words compensation and provided, the words "and all fees collected by said

Dock Masters shall be paid by said Dock Masters into the city and county Treasury of San Francisco, for the benefit of the city and county of San Francisco.

G. H. RHODES,
G. H. CARTTER.
R. McDONALD.

On motion, the amendments to Assembly bill No. 2, recommended by the Select Committee, were concurred in by the House, and the committee was instructed to insert them in the bill.

Mr. Rhodes made a motion to instruct the committee to make the following additional amendment, to wit: In section 13, strike out the word "therein" where it occurs after the words "districts to be erected," and insert in place thereof the words, "in said city and county."

Adopted.

Mr. Rhodes moved to instruct the Committee to make the following amendment, to wit:

In Sec 10, line 8, insert next after the words allowed by law, the following: And the fees of the Dock Master shall be the same as those heretofore allowed by law to the Harbor Master, which fees, when collected, shall every month, and before any allowance or payment is made on account of said Dock Master's salary, be by them faithfully accounted for under oath, and paid into the Treasury of said city and county as a part of the General Fund.

Adopted.

Mr. Rhodes moved to instruct the Committee to make the following additional amendment, to wit:

In Sec. 6, line 24, after the words "Provided that the present," strike out the following words, "two Dock Masters for the port of San Francisco, and all the present."

Mr. Rhodes moved that the House adjourn.

Lost.

The Select Committee, to whom was referred Assembly bill No. 2, had erroneously stricken out the ninth subdivision of the seventy-fourth section of the bill, under the impression that they had been so instructed by the House.

It was moved that the House do now sanction and concur in the action of the Committee, in striking out the ninth subdivision of the seventy-fourth section.

Upon which motion, Messrs. Wohler, Callbreath, and Ewalt, demanded the ayes and noes, with the following result.

AYES.

Messrs. Borland, Brunton, Cartter, Curtis, Dustin, Gaston, Haile, Holland, Hoover, Kelly, Leihy, McFarland, McGehee, Oxley, Peck, Reynolds, Rhodes, Ricks, Sharp, Shearer, Sherrard, Stout, Swan, Van Dusen, Wagner, Weir, Winsor, and Mr. Speaker—29.

NOES.

Messrs Andrews, Beatty, Bynum, Callbreath, Coombs, Covarrubias, Davis, Dick, Ewalt, Gray, Hawes, Kendrick, Moulthrop, Pearson, Taliaferro, Turner, and Wohler—17.

So the motion was carried.

Mr. Rhodes gave notice that on to-morrow he would move a re-consideration of the vote just taken.

On motion of Mr Rhodes, the House, at 5 o'clock, P. M, adjourned.

IN ASSEMBLY.

TUESDAY, April 1, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and the following named members were absent:

Messrs. Hunter and Van Dusen.

The Journal of yesterday was read and approved.

Mr. Gaston presented a petition from the members of Sierra Guards, located at Downieville, praying the passage of Senate bill No 109, being an Act concerning the Organization of the Militia.

Read and referred to the Committee on Military Affairs.

Mr. Coombs introduced bill No. 284, entitled an Act to provide for removing the obstructions to navigation between San Antonio and San Francisco.

Read a first and second time.

Referred to the Committee on Commerce and Navigation.

Mr. Rhodes, from Committee on Claims, introduced bill No. 285, entitled an

Act to appropriate Moneys for the payment of Augustin Ainsa, State Translator.

Read a first and second time and laid on the table.

The following reports were received from committees:

Mr. Speaker:

The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 259, an Act to confirm the contract of Rodman Gibbons with the City of Oakland to build a Wharf, have had the same under consideration, and beg leave to report the bill to the House and recommend its indefinite postponement.

H. HAWES,
Chairman.

Mr. Speaker,

The Committee on Elections, to whom was recommitted Assembly bill No. 73, an Act to prevent certain animals from unlawfully running at large, have had the same under consideration, and finding it necessary to amend the bill in many particulars, have concluded to report that they have amended the same with and by a substitute, which is herewith submitted and its passage recommended by the Committee.

BRUNTON,
Chairman.

On motion, the substitute reported by the Committee on Elections, for Assembly bill No. 73, was read a first and second time.

Laid on the table.

Mr. Speaker:

The Committee on Vice and Immorality, to whom was referred Senate bill No. 91, an Act to amend an Act entitled an Act to suppress Houses of Ill Fame, approved April 2, 1855, have had the same under consideration and beg leave to report the same back and recommend its immediate passage.

Respectfully submitted,

V. G. BELL,
Chairman.

Mr. Speaker

The Committee on Enrollment, to whom was referred the following bills, Nos. 26, 95, 54, 100, 55, 127, 254, and after having carefully examined and compared the same, and thereby discharging their very arduous duties to the best of their ability, beg leave to announce the same as having been correctly enrolled.

Bill No 26, an Act amendatory to an Act entitled an Act to provide for the disposal of Lots in the towns and villages on the Public Lands in Humboldt county, passed April 27th, 1855

Bill No. 45, an Act to repeal an Act entitled an Act to create a Board of Supervisors for the county of Alameda, and to provide for the government of said county.

Bill No 54, an Act authorizing David Gherky, and others, to build a Wharf at Santa Cruz.

Bill No. 100, an Act to Legalize the Incorporation of the town of Santa Clara.

Bill No. 55, an Act authorizing J. E Davis, and A. P. Jordan, and others, to construct a Wharf at Santa Cruz.

Bill No. 127, an Act to authorize the Funding of the Debt of the city of San Jose, and to provide for the payment of the same.

Also, bill No 254, an Act to authorize the Sheriff of Alameda county to collect the delinquent taxes for the years 1854, 1855, 1856.

SILAS SELLICK.
Chairman.

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed, bill No. 209, an Act fixing the time of holding the Courts authorized to be held by the County Judge of Sonoma county.

Bill No. 161, an Act to amend an Act concerning Fraudulent Conveyances and Contracts, passed April 19th, 1850.

Bill No 162, an Act to change the time of holding the Probate Court of Merced county.

Bill No. 154, an Act to repeal the several Acts exempting Firemen from Militia service and Jury duty, so far as the same extends to Solano county.

Bill No. 160, an Act to submit the question of the Removal and Location of the County Seat of Sutter county to the Voters of said county.

Bill No. 115, an Act to amend an Act entitled an Act concerning the Office of Secretary of State, passed May 15, 1854.

Bill No 265, an Act to alter and define the Boundary Line of Colusi county.

Bill No. 163, an Act to exempt Merced county from the provisions of an Act passed April 4, 1854, entitled an Act concerning County Judges.

Bill No 126, an Act to provide for the Salary of the Treasurer of Alameda county.

Bill No. 164, an Act to authorize John M. Sidwell to build a Wharf in Sacramento county.

Bill No. 211, an Act to Fund the Debt of the county of Santa Clara. and to provide for the payment of the same.

Bill No. 198, an Act to amend an Act entitled an Act to apportion the Senatorial and Assembly districts of this State, passed May 18, 1853.

Bill No. 253, an Act for the better protection of the State Treasury.

J C. CALLBREATH,
Chairman *pro tem.*

Mr. Speaker:

Your Committee on Claims, to whom was referred a resolution relating to the State Translator, have had the same under consideration, and report—

Your Committee find, from certificates of the State Printer, and the sworn statement of the Translator, (the only evidence your Committee were enabled to obtain,) that the number of folios translated amounts to 3,825, and are contained in the Governor's Message, Inaugural, Controller's, Treasurer's, Quartermaster General's, Superintendent of Public Instruction's, Surveyor General's, and Geologist's Reports, requiring the appropriation of $5.775, for which, in compliance with your instructions, your Committee herewith beg leave to introduce a bill.

Your Committee have also considered the account of J C. Doherty. Your Committee find, that while the work was performed by the party in question, and for which he charges the State, he was acting as a porter under the direction of the Sergeant at-Arms, and was receiving the usual per diem; therefore, your Committee recommend he be allowed but $125—less than one half of the bill before us, and ample to cover all outlays made by the claimant for the purpose that the bill purports to have been for.

Your Committee have also considered the claim of E. K. Carpentier, and request to be discharged from its further consideration, and recommend it to the consideration of the Committee of the Whole House.

Your Committee have also considered Assembly bill No. 278, an Act for the

relief of J. S. Clark, and recommend the blank in the bill be filled with the sum of two hundred and fifty dollars, and that the bill be passed.

They have also considered Senate bill No. 67, a substitute for Senate bill No. 67, an Act creating Bonds for the Payment of certain parties for the Suppression of Indian hostilities in the year 1855, in the northern portion of the State, and recommend its passage without amendment.

GEO. H. RHODES,
Chairman.

Mr. Speaker:

The undersigned, members of the El Dorado delegation, to whom was referred Assembly bill No. 247, an Act for the better observance of the first day of the week, commonly called Sunday, in the county of El Dorado, beg leave to report the same back, with the following amendments, and recommend its passage.

Amend section 2, line 15, by inserting the words "livery stable" after the word "or;" also, amend section 5, by striking out all after the word "informant," in line 3, and insert the following: "one-fourth to the General School Fund of the county, and the remainder into the county Treasury."

J. E. BOWE,
J. W. OLIVER,
T. D. HEISKELL,
JAS. D. WHITE,
JNO. BORLAND,
S. T. GAGE.

On motion, Assembly bill No. 247 was laid on the table.

Mr. Speaker:

The undersigned, to whom was referred Senate bill No. 129, entitled, an Act providing for Funding the debt of Contra Costa county, not heretofore Funded, beg leave to report the same Act to the House, with amendments, and recommend its passage as amended.

A. R. MELONEY,
Chairman.

On motion, the amendments reported by the committee to Senate bill No. 129, were concurred in by the House.

Read a third time, and passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, March 31, 1856.

To the Assembly of California :

On Saturday last, the 29th inst, I approved the bill originating in the Assembly, entitled an Act to extend the time of collecting taxes in the counties of San Bernardino and Los Angeles, and on this day an Act to provide for the support of the indigent sick in Yuba county.

Respectfully,

J. NEELY JOHNSON.

The following report was received:

Mr. Speaker :

The Committee on Enrollment have this day examined Assembly concurrent resolution in regard to the irregularity in the transmission of the U. S. Mails between the city of New Orleans and San Francisco, and find the same correctly enrolled.

The same committee have this day examined Assembly bill No 118, an Act to define the time when the county officers of Sierra county shall enter upon the discharge of their duties, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Oxley introduced the following resolution:

Resolved, That the sum of Three hundred Dollars be and the same is hereby allowed out of the Assembly Contingent Fund to Mr. N. A. H. Ball, for extra services as Clerk of the Joint Committee for examination of the accounts of the State Treasurer

On motion of Mr. Turner, referred to the Committee on Claims.

On motion of Mr. Rathburn, Committee on Vice and Immorality's substitute for Assembly bill No. 87, entitled an Act for the better observance of the first day of the week, commonly called Sunday, was taken from the table.

Mr. Oxley moved to recommit the bill to a select committee, with instructions to insert the following amendment: in continuation of Section 2d add the following words: "and provided, further that the Jewish population of this State shall be exempt from the provisions of this Act."

On which motion, Messrs. Gage, Sherrard and Meloney demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Blackburn, Boring, Brunton, Brush, Bynum, Callbreath, Coombs, Covarrubias, Ewalt, George, Hunt, Kelly, Kendrick, Lewis, Lippincott, McDonald, Meloney, Oxley, Pearson, Sharp, Sherrard, Stevenson, Swan, Williams, Winsor, Wohler—27.

NOES.

Messrs. Andrews, Batchelder, Bell, Borland, Bowe, Cartter, Cone, Davis, Dick, Dustin, Gage, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Hoover, Lamon, Leihy, Mathews, McFarland, McGehee, Moulthrop, Oliver, Peck, Pugh, Rathburn, Read, Reynolds, Sellick, Shearer, Stout, Turner, Upton, Wagner, Weir, White and Mr. Speaker—39.

So the motion was lost.

Mr. Callbreath moved to amend the bill by inserting, in continuation of Section 2. the following words: "and provided further, all collections of money for any purpose whatever, are by this Act prohibited, and any person violating this provision shall be subject to the same penalty that is attached to violation of this Act for selling goods"

Mr Bowe moved that the bill be considered as engrossed.

Pending discussion, Mr. Lamon moved the previous question.

Sustained.

Mr. Callbreath's motion to amend the bill was then put.

Lost.

On the motion to consider the bill as engrossed for a third reading, Messrs. Wohler, Callbreath and Covarrubias demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Boring, Borland, Bowe, Cartter, Callbreath, Cone, Davis, Dick, Dustin, Gage, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Kelly, Lamon, Leihy, Mathews, McFarland, Moultbrop, Oliver, Peck, Pugh, Rathburn, Read, Reynolds, Sellick, Shearer, Turner, Upton, Wagner, Weir, White, Wohler, Mr. Speaker—43.

NOES.

Messrs. Beatty, Brunton, Brush, Bynum, Coombs, Covarrubias, Curtis, Ewalt, George, Hunt, Kendrick, Lewis, McDonald, Meloney, Oxley, Pearson, Rhodes, Ricks, Sharp, Sherrard, Stevenson, Stout, Swan, Taliaferro, Williams, Winsor—26.

So the motion was carried.

The bill was then read a third time, and on its passage Messrs. Covarrubias, Callbreath, and Bell, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Cartter, Cone, Coombs, Davis, Dick, Dustin, Gage, Gaston, Gray, Haile, Heald, Heiskell, Holland, Hoover, Kelly, Lamon, Leihy, Mathews, McFarland, Moulthrop, Oliver, Peck, Pugh, Rathburn, Reed, Reynolds, Ricks, Sellick, Turner, Upton, Wagner, Weir, White, Mr. Speaker—40

NOES.

Messrs. Beatty, Boring, Brunton, Brush, Bynum, Callbreath, Covarrubias, Curtis, Ewalt, George, Hawes, Hunt, Kendrick, Lewis, McDonald, Meloney, Oxley, Pearson, Rhodes, Sharp, Sherrard, Stephenson, Stout, Swan, Taliafetro, Williams, Winsor, Winston, Wohler—29.

So the motion was carried.

Mr. Gage moved to reconsider the vote just taken.

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

Lost.

On motion of Mr. Sellick, the motion to reconsider the vote just taken was indefinitely postponed.

On motion of Mr Rhodes, Assembly bill No. 2, being San Francisco Consolidation bill, was taken up, and recommitted to the Select Committee with instructions to insert the amendments adopted by the House on yesterday.

The first special order of the day being the report of the Committee on Federal Relations, upon the Joint Resolutions introduced by Mr. George, relative to the Atlantic and Pacific Railroad, was taken up.

On motion of Mr. Gaston, the report was made the special order for to-morrow at eleven o'clock.

The following report was received:

Mr. Speaker:

The Joint Committee of the two Houses, to which was referred the General Deficiency bill, have had the same under consideration, and beg leave to make the following unanimous report:

1. The committee recommend that the appropriation of Five thousand dollars for the expenses of the Survey of the Immigrant Wagon Road, be stricken out.

Also, that Assembly amendment, providing for the payment of two hundred

and thirty-five dollars for Water, in and around the Capitol, be so amended as to read "two hundred dollars" for eight months' water, up to the 1st day of February, A. D. 1856.

With the foregoing amendments, the committee beg to report the bill back to the House, and recommend its passage as amended by the Assembly.

T. W TALIAFERRO,
Chm. House Com.

On motion, the action of the Joint Committee of Conference relative to the General Deficiency bill, was concurred in by the House.

On motion of Mr. Bell, the resolution authorizing the Committee on Ways and Means to employ a Clerk, was taken from the table.

Mr. Bell offered the following as a substitute:

Resolved, That the Committee of Ways and Means be allowed a clerk from the 1st day of April.

On motion, the substitute was adopted and passed.

The following message was received from the Senate:

SENATE CHAMBER, April 1, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day concurred in the Committee of Conference report on Senate bill No. 138, concurring in Assembly amendments to said bill.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

On motion of Mr. Oxley, Assembly bill 143, entitled, Proposed Amendments to the Constitution, was taken up and made the special order for to-morrow, at half past 11 o'clock, A. M.

On motion of Mr. Hawes, the resolution introduced by Mr. Oxley, proposing to amend the Constitution in regard to pay of members of the Legislature was taken from the table and made the special order for Thursday next, at 12 o'clock, M.

On motion, the General Calendar of bills was taken up, to wit:

Assembly bill No. 187, an Act to authorize the Main Street Wharf Company to build a wharf in the county of Solano.

Mr. Hawes made a motion to amend the bill by striking out the words, "and fifty," where they occur in the sixth line of the first section.

Adopted.

On motion of Mr. Stevenson, the bill, as amended, was read a third time, considered as engrossed, and passed.

Assembly bill No 185, an Act to appropriate Fifty Thousand Dollars for the completion of the State Insane Asylum.

On motion of Mr Rhodes, the House resolved itself into a Committee of the Whole, for the purpose of taking into consideration Assembly bill No 185.

House in Committee of the Whole.

Mr. Peck in the Chair.

Committee considered the bill, made amendments, rose, and asked leave to sit again.

Report adopted.

On motion, the further consideration of the bills on the Calendar was temporarily suspended, in order to receive the following report.

Mr. Speaker:

We, the undersigned, a majority of the Special Committee appointed on behalf of the House, with instructions to make certain amendments to Assembly bill No. 2, an Act to repeal the several Charters of the City of San Francisco, and to establish the boundaries of the City and County of San Francisco, and consolidate the government thereof, having fulfilled said instruction, beg leave to report the same back, for the approval of the House.

G. H RHODES,
GEO. H CARTTER,
B. McFARLAND.

Mr. Sharp made the following minority report:

Mr. Speaker:

The undersigned, a minority of your committee, to whom was referred Assembly bill No 2, called the San Francisco Consolidation bill, with instructions to insert certain amendments, begs leave to report, that he has, as a committeeman, discharged his duty to the House by obeying their instruction, but his compliance in this behalf was with great reluctance, because in the opinion of the undersigned, the action of the House in relation to the bill was unparliamentary, the bill not being open for amendment. Also, because the proposed amendments

or some of them, will be, as the undersigned verily believes, most injurious and mischievous in their operation.

Respectfully,

SOL. A. SHARP.

On a motion, that the House concur in the action of the majority of the Select Committee in inserting certain amendments in Assembly bill No. 2, being San Francisco Consolidation bill, which amendments they were on yesterday instructed by the House to make, Messrs. Gray, Lippincott, and Wohler, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Cone, Davis, Dick, Dustin, Gaston, Heiskell, Kelly, Lamon, Leihy, Mathews, McFarland, McGehee, Peck, Pugh, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sterritt, Stout, Taylor, Wagner, Weir, Williams, Winston, Mr. Speaker—35.

NOES.

Messrs. Boring, Bynum, Callbreath, Coombs, Covarrubias, George, Gray, Heald, Holland, Hunt, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Sharp, Sherrard, Stephenson, Swan—20.

So the report of the committee was concurred in.

Mr. Rhodes moved a call of the House.

Lost.

On motion, Assembly bill No. 2, entitled an Act to repeal the several charters of the city of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the government thereof, was read a third time as amended.

On the passage of the bill, Messrs. Callbreath, Lamon, and Rhodes, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Cartter, Callbreath, Cone, Coombs, Covarrubias, Curtis, Davis, Dick, Dustin, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Hunt, Kelly, Kendrick, Lamon, Leihy, Lewis, Mathews, McFarland, McGehee, Oliver, Peck, Pugh, Read, Reynolds, Rhodes, Ricks, Sellick, Sharp, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taylor, Upton, Wagner, Weir, White, Williams, Winston, and Mr. Speaker—54

NOES.

Messrs. Beatty, Boring, George, Meloney, and Pearson—5.

So the bill passed.

The second special order of the day, Assembly bill No. 33, an Act relative to Escheated Estates, was taken up.

On motion of Mr. Stout, the following amendment to the bill was adopted:

Insert in first line of first section, between the words "inherit" and "real," the following words, "and hold by inheritance."

Mr. Oliver offered the following amendment:

"Upon the decease of a foreigner, or naturalized citizen, possessed of real estate, without heirs, in this country, his property shall be administered by the State, and sold, and the price of the same placed in the State Treasury, to be delivered over without interest to the alien heir, whenever the legal right of said heir is established."

Lost,

Mr. Stout offered the following amendment, and moved its adoption:

After Sec. ——, insert the following words:

"The provisions of this Act shall not be so construed as to relinquish the rights of the State to the estates of Persons already deceased."

Upon the adoption of the amendment, Messrs. Stout, Sellick, and Rathburn demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Borland, Brush, Bynum, Coombs, Davis, Dustin, Gray, Heiskell, Lamon, Leihy, McGehee, Oliver, Pugh, Rathburn, Sellick, Stout, Turner, Upton, Wagner, Weir, and Mr. Speaker—21.

NOES.

Messrs. Andrews, Bell, Blackburn, Boring, Cartter, Callbreath, Cone, Covarrubias, Dick, Hale, Holland, Hoover, Kendrick, Lewis, Mathews, McDonald, McFarland, Moulthrop, Pearson, Rhodes, Sharp, Sherrard, Stevenson, Swan, Taliaferro, Taylor, White, Williams, Winsor, Winston, and Wohler—31.

So the amendment was lost.

Mr. Oliver offered the following amendment:

Provided, That no non-resident foreigner or foreigners shall hold or enjoy any Real Estate situated within the limits of the State of California, three years after the time such non-resident foreigner or foreigners do not appear or claim such Estate within the period in this section before mentioned, then such Estate shall be sold upon information of the Attorney General, according to law; and

the proceeds deposited in the Treasury of said State, for the benefit of such non-resident foreigner or foreigners, or their legal representatives, to be paid to them by the Treasurer of said State, at any time within five years thereafter, when such non-resident foreigner or foreigners or their representatives shall produce evidence to the satisfaction of the Treasurer and Controller of State that such foreigner or foreigners are the legal heirs to, and entitled to inherit such Estates, which evidence, together with joint order of the said Treasurer and Controller, shall be placed on file in the office of the Treasurer, and shall be to him a voucher for any payment made by him under the provisions of this Act.

And in the event that such non-resident foreigner or foreigners do not appear or claim said Estate, or proceeds, and produce said evidence within said extended term of three years, then said Estate or proceeds shall be and become the property of the State, and shall be, by the Treasurer of State placed to the credit of the School Fund.

On the motion to strike out the words "three years," and insert "five years."

Messrs. Lamon, Brunton, and Turner, demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Borland, Brunton, Bynum, Cartter, Davis, Dustin, Gage, Gaston, Haile, Heald, Heiskell, Hoover, Hunt, Kendrick, Lamon, Leiby, Mathews, McGehee, Moulthrop, Oliver, Peck, Pugh, Rathburn, Reynolds, Sellick, Shearer, Stout, Turner, Upton, Welch, White—32.

NOES.

Messrs. Andrews, Bell, Blackburn, Boring, Coombs, Covarrubias, Curtis, Dick, Hawes, Holland, Lewis, McDonald, McFarland, Oxley, Pearson, Rhodes, Sharp, Sherrard, Stephenson, Sterritt, Swan, Talhaferro, Taylor, Van Dusen, Wagner, Weir, Williams, Winsor, Wohler, Mr. Speaker—30.

So the motion was adopted.

The amendment offered by Mr. Oliver, as amended, was then adopted.

Mr. Farley moved to strike out the third section of the bill.

Carried.

Mr. Sharp moved to strike out the second section of the bill.

Carried.

The bill was considered engrossed, and upon its passage, Messrs. Lamon, Brunton, and Hawes, demanded the ayes and noes, with the following result:

AYES.

Messrs. Bell, Blackburn, Borland, Brunton, Cartter, Coombs, Curtis, Dick,

Dustin, Gaston, Holland, Hoover, Kelly, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McFarland, Oliver, Peck, Pugh, Rathburn, Reynolds, Rhodes Ricks, Sellick, Sharp, Sherrard, Stevenson, Sterritt, Swan, Taliaferro, Taylor, Turner, Upton, Weir, Welch, White, Williams, Winsor, Winston, Wohler, and Mr. Speaker—45.

NOES.

Messrs Andrews, Batchelder, Bowe, Bynum, Covarrubias, Ewalt, Gage, George, Gray, Haile, Hawes, Heald, Heiskell, Hunt, Kendrick, McGehee, Meloney, Moulthrop, Oxley, Pearson, Shearer, Stout, and Wagner—24.

So the bill passed.

The third special order of the day, Senate bill No 109, entitled an Act amendatory of and supplementary to an Act concerning the Organization of the Militia, passed April 25, 1855, was taken up.

On motion of Mr Hunt, the bill was made the special order for to-morrow at half past 11 o'clock, A. M.

On motion of Mr. Wohler, the account of E R. Carpenter, reported this morning by the Committee on Claims, was taken up, and re-committed to the Judiciary Committee.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 1, 1856.

To the Assembly of California:

Below you will find an extract from a letter to this Department, from Robert K. Reid, M. D., Resident Physician and Superintendent of the Insane Asylum, to which your attention is particularly directed.

Respectfully, your obt. servant,

J. NEELY JOHNSON.

[EXTRACT.]

STATE ASYLUM,
March 30, 1856.

J. NEELY JOHNSON, *Governor State of California:*

SIR:

I am induced to call your attention and influence to the absolute necessity of an additional wing to the Asylum. The increase of patients is truly alarming;

no less than eleven were admitted yesterday: eight from San Francisco, and three from El Dorado

On January 1st, there were one hundred and sixty-two patients. During January, twenty new cases were received; in February, twenty-four; and in March, twenty-six,—seventy in all, since January 1, 1856.

(Signed,)

ROBT. K. REID.

On motion, the communication from the Governor was laid on the table.

The following message was received from the Senate:

Senate Chamber, April 1, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate this day received the accompanying message from His Excellency the Governor, returning, with his objections, an Act to regulate the Fire Department of the City of Sacramento, and the Senate, by a two-thirds vote, have passed the same, notwithstanding the objections of his Excellency.

Respectfully,

WM. BAUSMAN,
Secretary of Senate.

The following message from the Governor, referred to in the foregoing message from the Senate was read:

Executive Department,
Sacramento, April 1, 1856.

To the Senate of California:

An Act to regulate the Fire Department of the city of Sacramento, is herewith returned without approval

This Act proposes to increase the salary of the Chief Engineer—now six hundred dollars—to two thousand dollars per annum. Also, to give salaries of six hundred dollars per annum, to each of the two Assistant Engineers, and to the Secretary of the Board of Delegates, who, by existing laws, receive no compensation, thus increasing the salaries of these four officers of the Fire Department, three thousand two hundred dollars per annum.

This is a matter of local importance, and under ordinary circumstances I would have given sanction to the Act, although a knowledge of the financial embarassments of the city of Sacramento is quite sufficient to satisfy any individual that the municipal expenses cannot, with a due regard to the maintenance of her faith and credit, be augmented to any considerable degree; more especially in the salaries paid her public officers; and whilst it would doubtless be an act of justice to the Chief Engineer that some addition should be made to his salary, so as to render a proper equivalent for his time necessarily devoted to this department, yet it is quite certain that an increase of expenditure, as proposed by this Act, would be beyond the ability of the city to pay at the present time,

and in returning the Act for your further consideration, I am fully satisfied that it is but carrying out the wishes of a large portion of the business men, property holders and tax payers of the city, as evidenced by a petition quite numerously signed, which has been presented to me asking that I should veto the bill

This request I cannot hesitate to accede to, under an existing state of facts which affordeu no opportunity for an expression of public opinion, by a direct vote of the people, or by petition, before final action was taken by the Legislature.

J. NEELY JOHNSON.

On motion of Mr. McFarland, the subject matter of the message was made the special order for to-morrow, at 2 o'clock, P M.

On motion of Mr. Lamon, at 4 o'clock, P. M. the House adjourned.

IN ASSEMBLY.

WEDNESDAY, April 2, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and members all present except those absent on leave.

Mr. Brush was granted leave of absence for three days.

Mr Meloney introduced bill No 286, entitled an Act to encourage the construction of a railroad from Martinez to Stockton.

Read a first and second time, and referred to the Committee on Corporations

The bill was ordered printed.

The following reports were received from Committees:

Mr. Speaker:

Your Committee on Corporations, to which was referred Senate bill No. 57, an Act to amend an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853, and amended May 15, 1854, and amended April

10, 1855, have had the same under consideration, and beg leave to report it back to the House as amended, and recommend its passage.

The same committee to which was referred Senate bill No 152, an Act to amend an Act to incorporate the city of Monterey, have considered the same, and herewith report it back to the House without amendment, and recommend its passage.

T. W. TALIAFERRO,
Chairman.

Mr. Speaker:

The undersigned, a majority of your Committee on Corporations, to whom was submitted Senate bill, entitled an Act to amend an Act to provide for the formation of Corporations for certain purposes, have had the same under careful consideration, and after mature deliberation, most respectfully ask leave to report the bill back to the House, with the recommendation of its indefinite postponement.

In a most scrutinizing investigation of the nature of the above bill, your committee have, in their opinion, found it first, unconstitutional; secondly, unjust; and thirdly, we believe it to be impolitic. We believe it to be unconstitutional because it is an infringement upon the rights of free trade, and puts a limit thereto, and consequently is contrary to the policy of our country. It is unjust because out of the many incorporated companies organized under the provisions of the law, the California Steam Navigation Company is the only one proscribed by this bill, as the object of its special legislation, when in fact, if this company can be properly considered a monopoly, so also are stage companies, ditch companies, mining companies, and all other corporate bodies coming under the provisions of the general law regulating such organizations, and consequently, if it is right to proscribe one company, it is right and proper to proscribe all, and not single out one company as the object of special legislation.

It is impolitic, because if the General Incorporation Law is actually lame, and affords undue privilege, it ought to be repealed, and not used as the means of special legislation

We object to the bill before us, moreover, because it would prove inoperative; for while both the object and effect of the bill would be to disorganize the Company in question, they can continue their capital in the same business, and act independent of law.

Finally, while your committee feel no *sympathy* with monopolies, and are willing to engage in any just legislation to proscribe it, they cannot at the same time, give their consent to a special legislation, which they believe is unjust as it is unwise.

J. W. OLIVER,
SILAS SELLICK,
J. W. PUGH.
Of Committee.

Mr. Speaker:

The minority of the Committee on Corporations, to which was referred Senate bill No. 90, an Act to amend an Act entitled an Act to provide for the Forma-

tion of Corporations for certain purposes, approved April 14, 1853, and Senate bill No 91, an Act to amend an Act entitled an Act concerning Corporations, passed April 22, A D 1850, have had the same under consideration, and beg leave to report them back to the House without amendment, and recommend their passage.

T. W. TALIAFERRO,
HERMAN WOHLER.
Of Committee.

Sacramento, March 30, 1856.

Mr. Beatty moved to make Senate bills Nos. 90 and 91, the special order for Tuesday next, at 12 o'clock, M.

Mr. Curtis moved to refer the bills to a Special Committee of five.

Mr Oliver moved to lay the bills on the table.

On which motion, Messrs. Beatty, Taliaferro, and Heiskell, demanded the yeas and noes, with the following result:

AYES.

Messrs Batchelder, Bell, Boring, Borland, Brunton, Cartter, Cone, Covarrubias, Dick, Dustin, Gage, Gaston, Hale, Hawes, Heald, Heiskell, Kelly, Lamon, Leihy, Mathews, McGehee, Oliver, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Sterritt, Stout, Swan, Taylor, Turner, Upton, Welch, Williams—37.

NOES.

Messrs. Andrews, Beatty, Bowe, Bynum, Callbreath, Coombs, Curtis, Davis, Ewalt, George, Gray, Holland, Hoover, Hunt, Hunter, Kendrick, Lippincott, McDonald, McFarland, Moulthrop, Oxley, Pearson, Peck, Rhodes, Sharp, Sherrard, Stephenson, Taliaferro, Van Dusen, Wagner, Weir, White, Winsor, Winston, Wohler, Mr. Speaker—36.

So the motion was carried.

Mr. Batchelder moved that Senate bill No. 57 be made the special order for Saturday next, at 12 o'clock, M.

On which motion, Messrs. Beatty, Batchelder, and Sterritt, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Brunton, Bynum, Cartter, Callbreath, Coombs, Covarrubias, Davis, Dick, Dustin, Ewalt, Gaston, George, Gray, Haile, Hawes, Heiskell, Hoover, Hunt, Kelly, Kendrick, Leihy, Lewis, Moulthrop, Peck, Pugh, Read, Sellick, Sharp, Shearer, Sherrard, Sterritt, Stout, Taliaferro, Turner, White, Williams, Winsor, Winston, Wohler, and Mr. Speaker—46.

NOES.

Messrs Boring, Curtis, Heald, Hunter, Lamon, Lippincott, Mathews, McDonald, McFarland, McGehee, Meloney, Pearson, Rathburn, Reynolds, Rhodes, Swan, Upton, Van Dusen, Wagner, Weir, and Welch—20.

So the motion was carried.

Mr. Speaker :

The undersigned, minority of the Committee on Federal Relations, to whom were referred the Joint Resolutions on the subject of the Atlantic and Pacific Railroad, together with that portion of the Governor's Annual Message relating to the same subject, beg leave to express their dissent from so much of the report of the majority of said Committee as proposes a direct tax to be imposed by this State upon all taxable property in it, for the purpose of the construction of said Railroad.

With respect to the importance of the enterprise, and the duty of Congress to take speedy action in the matter, it is presumed that no difference of opinion exists; neither is it doubted, we believe, that Congress have the constitutional power to construct, or aid in the construction of, works which are truly national in their character, and conducive to the benefit and permanency of the whole Union. We regard the Maysville Road veto as containing a true exposition of the powers of the General Government on this subject, together with the Veto Message of the same illustrious statesman, delivered to Congress December 4, 1833.

THOMAS GRAY,
HORACE HAWES.

Mr. Speaker :

The Committee on Enrolment have this day examined Assembly bill No 200, an Act to provide for the Payment of the Debt of the County of Santa Barbara, and bill No 262, an Act to fix the Time of holding the District Courts in the Third Judicial District, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker :

The Engrossing Committee have examined and found correctly engrossed,

Bill No. 108, for an Act to amend an Act granting Joseph R Beals, and others, the right to construct a Toll Bridge across the Pajaro river, passed May 13, 1854.

Bill No. 169, for an Act for the relief of Jotham S. Marston, late Treasurer of Alameda county.

Bill No. 187, for an Act to authorize the Marin Street Wharf Company to build a wharf in the county of Solano.

Bill No. 276, for an Act to amend an Act to regulate Fees of Office, approved April 10, 1855.

LANSING STOUT,
Chairman.

Mr. Speaker:

Your Committee, to whom was referred Senate bill No. 149, an Act concerning the debt of the county of Monterey, and to fund the same, has fully considered the subject, and find that the county of Monterey is deeply in debt, the most of which was incurred some years since, and is so onerous that some relief is absolutely required to enable the county to pay its current expenses in cash, and so reduce them to a cash standard—funding sums essential.

An amendment to section 20 of the Act is proposed, upon the adoption of which the passage of the Act is recommended.

All of which is respectfully submitted.

R. L. MATHEWS,
Chairman.

On motion, Senate bill No. 149, was read as amended by the committee.

The amendment was concurred in by the House.

The bill was read a third time and passed.

Mr. Speaker:

The delegation from Santa Clara, to whom was referred Assembly bill No. 267, an Act fixing the time of holding the Court of Sessions, for the County of Santa Clara, have had the same under consideration, and report a substitute and recommend the passage of the substitute.

C. DAVIS,
G. PECK,
Of Delegation.

On motion, the substitute recommended by the Santa Clara delegation for Assembly bill No. 267, entitled an Act fixing the time of holding the Court of Sessions, for the County of Santa Clara, was read a first and second time.

On motion, the rule was temporarily suspended.

The bill was considered as engrossed.

Read a third time and passed.

Mr. Speaker:

The delegation to whom was referred Assembly bill No. 96, being an Act to repeal an Act to prevent the trespassing of Animals upon Private Property,

with instructions to report a special Act, beg leave to report a bill to amend said Act so as to exempt certain Counties from the provisions of the same.

H. G. HEALD,
Of Delegation.

The substitute for Assembly bill No 96 was read a first and second time and placed on the Calendar.

Mr. Speaker:

The Judiciary Committee to whom was referred the following bills would respectfully report with the following recommendations, viz:

Assembly bill No. 281, an Act to grant to the Sheriff of Stanislaus County, additional time to make his annual settlement for the collection of State and County Taxes for the year 1855, and recommend its reference to the Stanislaus delegation.

Assembly bill No. 279, an Act fixing the time of holding the several Courts authorized to be held by the County Judges in the Counties of Shasta, Santa Clara, Monterey and Humboldt, with a substitute, and recommend the passage of the substitute.

Assembly bill No. 106, an Act in relation to the Supreme Court, and report the same back, for the consideration of the Committee of the Whole.

Senate bill No. 86, an Act to provide for the payment of the Salary of the County Judge of Sacramento County, and recommend that it do not pass.

B. B. SHERRARD,
Chairman.

The substitute reported by the Judiciary Committee for Assembly bill No. 279, entitled an Act fixing the time of holding the several Courts authorized to be held by the County Judges in the counties of Shasta, Santa Clara, Monterey and Humboldt, was read a first and second time, and adopted

On motion of Mr. Peck, all that related to the county of Santa Clara, was stricken out of the bill.

On motion, the rules were suspended, the bill was considered as engrossed, read a third time, and passed.

The first special order being substitute reported by the Committee on Federal Relations, for the Joint Resolutions introduced by Mr. George, in relation to the Pacific Railroad, was taken up.

Several amendments were offered and adopted.

On motion of Mr. McFarland, the resolutions were recommitted to the Committee on Federal Relations, with instructions to report thereon to-morrow.

Mr. Curtis introduced the following joint resolution:

Resolved, That the people of the State of California, after an experience of six year's legislation, and a thorough knowledge of what the great interests of the Pacific Coast demands, that a wise and liberal action by Congress, in appropriating money or land, or both together, for the purpose of constructing the great Pacific and Atlantic Railroad, and that any measure adopted by Congress to bring about the completion of the same, will be regarded by citizens of the State of California, as paramount to every other Legislative Act of Congress in favor of the Pacific Coast.

Laid over for one day.

The second special order, Assembly bill No. 143, being proposed amendments to the Constitution of the State of California, was taken up.

Mr. Hunter moved that the bill be made the special order for this evening, at seven o'clock.

On which motion, Messrs. Van Dusen, Lamon, and Oxley, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Bell, Blackburn, Bowe, Callbreath, Dick, Haile, Hawes, Heiskell, Hoover, Hunter, Kendrick, Moulthrop—13.

NOES.

Messrs. Beatty, Boring, Borland, Brunton, Bynum, Cartter, Cone, Coombs, Covarrubias, Davis, Dustin. Ewalt, Gage, Gaston, George, Gray, Heald, Holland, Hunt, Kelly, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee, Meloney, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Reynolds, Rhodes, Ricks, Sellick, Sharp, Sherrard, Stevenson, Sterritt, Stout, Taliaferro, Taylor, Turne . Upton, Van Dusen, Wagner, White, Williams, Winston, Wohler, Mr. Speaker—55.

So the motion was lost.

Mr. McFarland moved that it be made the special order for the 1st day of May next.

On which motion, Messrs Davis, Turner, and Lamon, demanded the ayes and noes, with the following result:

AYES.

Messrs. Coombs, Covarrubias, Ewalt, George, Hunt, Kendrick, Lewis, Lippincott, McFarland, Moulthrop, Reed, Reynolds, Sharp, Wagner, Wohler—15.

NOES.

Messrs. Andrews, Batchelder, Beatty Bell, Blackburn, Boring, Borland,

Bowe, Brunton, Bynum, Callbreath, Cone, Davis, Dick, Downey, Dustin, Gage, Gaston, Gray, Haile, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McGehee, Meloney, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taliaferro, Taylor, Turner, Upton, Van Dusen, Weir, White, Williams, Winston, Mr. Speaker—56.

So the motion was lost

Mr. Haile moved that the House adjourn.

Lost.

Pending discussion, Mr. Boring moved the previous question.

Sustained.

The question then recurred on the passage of the following resolution, viz:

Resolved, (by the Assembly, the Senate concurring,) That whereas the Legislature of the State of California, at its sixth session, commenced on the 1st day of January, A D., 1855, having by the required constitutional majority, proposed the amendments hereinafter set forth, and the same having been referred to the present Legislature, and having been published for three months next preceding the last general election, as required by the Constitution. Now, therefore:

The Legislature of the State of California, at its seventh session, commenced on the seventh day of January, A. D, 1856, does hereby agree to and adopt as amendments to the present Constitution of the State of California, the following.

Adopted.

Mr. Sharp raised a point of order—that the Constitution provided that the amendments must be adopted by the majority of the members of both Houses, which could not be ascertained unless in Joint Convention.

The Speaker decided that no convention was necessary.

From which decision, Mr. Sharp appealed.

The question was then put: "Shall the decision of the chair stand as the decision of the House?"

The chair was sustained.

The question then recurred on the adoption of the first proposed amendment, viz:

Amendment 1. Section two, of Article four, is amended so as to read as follows:

Section 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of January, next ensuing the election of its members,

unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

The ayes and noes being taken, resulted as follows:

AYES.

Messrs. Andrews, Batchelder, Beatty, Blackburn, Boring, Borland, Bowe, Brunton, Bynum, Cartter, Cone, Curtis, Davis, Dustin, Gage, Gray, Haile, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McGehee, Meloney, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Weir, Williams, Winsor, Winston and Mr. Speaker—53.

NOES.

Messrs. Coombs, Covarrubias, Dick, Ewalt, George, Hawes, Hunt, Kendrick, Lewis, Lippincott, McFarland, Moulthrop, Reynolds, Sharp, Wagner and White—16.

So the first amendment passed.

The question then recurred on the adoption of the second proposed amendment, viz:

Amendment 2. Section three, of Article four, is amended so as to read as follows:

Section 3. The members of the Assembly shall be chosen by the qualified electors of their respective districts, on the first Wednesday of September, one thousand eight hundred and fifty-seven, unless otherwise ordered by the Legislature, and biennially thereafter; and their term of office shall be two years.

The ayes and noes being taken, resulted as follows:

AYES.

Messrs. Andrews, Batchelder, Beatty, Blackburn, Boring, Borland, Bowe, Brunton, Bynum, Calibreath, Cone, Curtis, Davis, Dustin, Gage, Gaston, Gray, Haile, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, McDonald, McGehee, Meloney, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Weir, Williams, Winsor, Winston and Mr. Speaker—55.

NOES.

Messrs. Coombs, Covarrubias, Dick, Ewalt, George, Hawes, Hunt, Kendrick, Lewis, Lippincott, McFarland, Moulthrop, Reynolds, Sharp, Wagner, White, Wohler—17.

So the second amendment passed.

The question then recurred on the adoption of the third proposed amend ment, viz:

Amendment 3. Section five, of Article four, is amended so to read as follows:

Section 5. Senators shall be chosen, for the term of four years, at the same time and place as members of the Assembly; and no person shall be a member of the Senate or Assembly, who has not been a citizen and inhabitant of the State, two years, and of the county or district for which he shall be chosen, one year next preceding his election

The ayes and noes being taken, resulted as follows:

AYES.

Messrs. Andrews, Batchelder, Beatty, Blackburn, Boring, Borland, Bowe, Brunton, Bynum, Cartter, Calibreath, Curtis, Davis, Gage, Gaston, Gray, Haile, Heald, Heiskell, Holland, Hoover, Hunter, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McGehee, Meloney, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Taylor, Turner, Upton, Van Dusen, Weir, Williams, Winston, Mr. Speaker—56.

NOES.

Messrs. Coombs, Covarrubias, Dick, George, Hawes, Hunt, Kelly, McFarland, Moulthrop, Reynolds, Sharp, Wagner, White, Winsor, Wohler—15.

So the third amendment passed.

The question then recurred on the fourth proposed amendment, viz:

Amendment 4. Section six, of Article four, is amended so as to read as follows:

Section 6. The number of Senators shall not be less than one-third, nor more than one-half, of members of the Assembly; and, at the first session of the Legture after this amendment takes effect, Senators shall be divided, by lot, as equally as may be, into two classes. The seats of the Senators of the first class, shall be vacated at the expiration of two years, so that one-half, as nearly as may be, shall be chosen biennially.

The ayes and noes being taken, resulted as follows:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Bowe, Brunton, Brush, Bynum, Callbreath, Cone, Curtis, Davis, Dustin, Gage, Gaston, Gray, Haile, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lamon,

Leihy, Mathews, McDonald, McGehee, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Rhodes, Ricks, Selbek, Shearer, Sherrard, Stevenson, Sterritt Stout, Swan, Taliaferro, Taylor, Weir, Williams, Winsor, Winston, Mr. Speaker—54.

NOES.

Messrs. Coombs, Covarrubias, Dick, Ewalt, George, Hawes, Hunt, Kendrick, Lippincott, McFarland, Meloney, Moulthrop, Reynolds, Sharp, Wagner, White, Wohler—17.

So the fourth amendment passed.

The question then recurred on the fifth proposed amendment, viz:

Amendment 5. Section two, of Article ten, is amended so to read as follows:

Section 2 And if, at any time, two-thirds of the Senate and Assembly, shall think it necessary to revise and change this entire Constitution, they shall recommend, to the electors, at the next election for members of the Legislature, to vote for or against a Convention, and if it shall appear that a majority of the electors, voting at such election, have voted in favor of calling a Convention, the Legislature shall, at its next session, provide, by law, for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members not less than that of both branches of the Legislature The Constitution that may have been agreed upon and adopted by such Convention, shall be submitted to the people, at a special election, to be provided for by law, for their ratification or rejection. Each voter shall express his opinion, by depositing, in the ballot-box, a ticket, whereon shall be written or printed, the words, "For the new Constitution," or "Against the new Constitution." The returns of such election, shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election, be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.

The ayes and noes being taken, and resulted as follows:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Bowe, Brunton, Bynum, Cartter, Callbreath, Cone, Curtis, Davis, Dick, Dustin, Gage, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Hunter, Lamon, Leihy, Mathews, McDonald, McGehee, Meloney, Moulthrop, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Taylor, Turner, Weir, White, Williams, Winsor, Winston, and Mr. Speaker—51.

NOES.

Messrs. Coombs, Covarrubias, Ewalt, George, Hunt, Kelly, Kendrick, Lewis, Reynolds, Sharp, Wagner, and Wohler—12.

So the fifth amendment amendment passed.

The question then recurred on the sixth proposed amendment, viz:

Amendment 6. Section three, of Article eleven, of the Constitution of the State of California, is hereby amended, so as to read as follows:

Section 3. Members of the Legislature, and all officers elected or appointed, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I, ———, do solemnly swear, that I will faithfully discharge and perform all the duties incumbent on me, as ———, agreeably to the Constitution of the United States, and of this State; and that, since the adoption of this amendment to the Constitution, I have not fought a duel with deadly weapons, within this State or out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, or aided, or advised, or assisted, any person thus offending. So help me God" And no other oath, declaration or test shall be required as qualification for any office of public trust. And all the foregoing proposed amendments shall be submitted to the people, in such manner and at such time, as the Legislature may hereafter prescribe.

The ayes and noes being taken, resulted as follows:

AYES.

Messrs Batchelder, Bell, Borland, Bowe, Brunton, Callbreath, Cone, Coombs, Curtis, Davis, Dustin, Gage, Gaston, Gray, Hale, Heald, Hoover, Lamon, Leihy, Mathews, McDonald, Moulthrop, Oliver, Pearson, Peck, Pugh, Rathburn, Ricks, Sellick, Shearer, Stout, Welch, and White—33.

NOES.

Messrs. Andrews, Beatty, Blackburn, Boring, Bynum, Cartter, Covarrubias, Dick, Ewalt, George, Hawes, Heiskell, Hoiland, Hunt, Hunter, Kelly, Kendrick, Lippincott, McFarland, McGehee, Meloney, Oxley, Reynolds, Rhodes, Sharp, Sherrard, Stevenson, Sterritt, Swan, Taylor, Turner, Wagner, Weir, Williams, Winsor, Winston, Wohler, and Mr. Speaker—38.

So the sixth amendment was lost.

The third special order, being Senate bill No. 109, an Act concerning the Organization of the Militia, was taken up, and,

On motion of Mr George, it was temporarily laid on the table.

Mr. Rhodes offered the following resolution:

Resolved, That from and after this date, no member of the House shall be permitted to speak more than one time, or longer than five minutes on any subject before the House, without the consent of two-thirds of the members of the same.

Adopted.

The fourth special order being Senate bill No. —, entitled an Act to regulate the Fire Department of the city of Sacramento, which had been returned to the Senate by the Governor, with his objections to the same becoming a law, and which had been passed by that body, by a two-thirds vote, notwithstanding the objections of the Governor, was taken up.

On motion, the message of the Governor, in regard to the bill, was read.

By leave of the House, Mr. Leihy presented a petition from citizens and taxpayers of Sacramento City, remonstrating against the passage of the bill.

On motion of Mr. Sellick, the remonstrance was read.

Mr Leihy moved that the bill, together with the message of the Governor, &c., be made the special order for Tuesday next, at 12 o'clock, M.

Lost.

Pending discussion, Mr. Hunter moved the previous question.

Sustained.

The question was then put, "shall the bill pass notwithstanding the objections of the Governor."

Those who voted for the passage of the bill, were:

Messrs. Andrews, Batchelder, Beatty, Blackburn, Boring, Borland, Brunton, Cartter, Callbreath, Cone, Covarrubias, Davis, Dustin, Ewalt, Gage, Gaston, George, Gray, Haile, Heiskell, Holland, Hunt, Kelly, Kendrick, Lippincott, Mathews, McDonald, McFarland. Meloney, Moulthrop, Oxley, Pearson, Peck, Reynolds, Rhodes, Sellick, Sharp, Sherrard, Sterritt, Swan, Taliaferro, Turner, Wagner, Weir, Williams, Winsor, Winston, Wohler—48.

Those who voted against the passage of the bill, were:

Messrs. Bynum, Dick, Hawes, Heald, Hunter, Lamon, Leihy, McGehee, Oliver, Pugh, Rathburn, Ricks, Shearer, Stevenson, Stout, Taylor, White, Mr. Speaker—18.

So the bill passed.

On motion of Mr. Rhodes, the House, at 5 o'clock, P. M., adjourned.

IN ASSEMBLY.

THURSDAY, April 3, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and the following named members were absent:

Messrs. Beatty, Borland, Haile, Holland, Moulthrop and Swan.

The Journal of yesterday was read and approved.

The following reports were received from Committees:

Mr Speaker:

The Committee on Ways and Means have examined Assembly bill No 215 an Act making appropriations for the payment of the Rents of State Offices, and of a State Armory, from the first day of February, A D. 1857, and report the same back with an amendment, and recommend its passage as amended.

W. W. UPTON,
Chairmaa.

Mr. Speaker:

Your Committee on Claims, to whom was referred a resolution relating to the Translating of certain Documents into the German language, have examined the subject, and respectfully report, that your Committee find that the following documents were translated into the German language, viz:

Governor's Message, Inaugural Address, Controller's, Treasurer's and Superintendent of Public Instruction's Reports, amounting to $1839 00, at $25 per folio, as certified to by J B M. Crooks, under oath, as correct, and in compliance with instructions introduce a bill appropriating the amount required.

G. H. RHODES,
Chairman.

Assembly bill No. 287, introduced by Committee on Claims, entitled an Act to appropriate moneys for the payment of William G. Bomerman for translating certain Documents into the German language, was read a first and second time.

On motion of Mr. Rhodes laid on the table.

Mr. Speaker:

The delegation from Santa Clara, to whom was referred Assembly bill No. 273, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, have had the same under consideration, and report a substitute, and recommend the passage of the substitute.

CASWELL DAVIS,
G. PECK.
Of Delegation.

The substitute reported by the Santa Clara delegation for Assembly bill No. 273, was read a first and second time.

On motion of Mr Peck, the rule was suspended.

The substitute bill was considered as engrossed.

Read a third time and passed.

Mr. Speaker:

The delegation from Stanislaus, to whom was referred Assembly bill No 281, have had the same under consideration, and beg leave to report a substitute, and recommend the passage of the substitute.

J. C. CALLBREATH,
Chairman.

The substitute reported by the Stanislaus Delegation, for Assembly bill No. 281, entitled an Act to grant to the Sheriffs of Stanislaus and Mariposa counties additional time to make their annual settlement for the collection of State and County Taxes for the year 1855, was read a first and second time.

On motion of Mr Heald, the substitute bill was amended by inserting the words, "and Sonoma," after the words Stanislaus, wherever that word occurred in the bill.

On motion of Mr. Callbreath, the rule was suspended, the substitute bill was considered as engrossed, read as amended a third time, and passed.

Mr. Speaker:

The Yuba Delegation, to whom was referred Assembly bill No 248, an Act to prevent the Trespassing of Hogs upon Private Property in the County of Yuba, have had the same under consideration, and report back a substitute, and recommend its passage.

R. M TURNER,
Chairman.

The substitute reported by the Yuba Delegation for Assembly bill No. 248,

entitled an Act to prevent the Trespassing of Hogs upon Private Property in the County of Yuba, was read a first and second time.

On motion of Mr. Turner, the rule was suspended, the substitute bill was considered as engrossed, read a third time, and passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 2, 1856.

To the Assembly of California:

I have this day approved the following bills originating in the Assembjy:

An Act to define the Time when the County Officers of Sierra County shall enter upon the discharge of their duties.

Also, an Act to provide for the Payment of the Debt of Santa Barbara County.

J. NEELY JOHNSON.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 1, 1856.

To the Assembly of California:

To your honorable body (in which the same originated) I return, for your further consideration, "an Act to authorize the Board of Supervisors of the County of San Joaquin to issue Bonds to provide for the payment of the Funded Indebtedness of the County, and create a Fund for the Payment of the Principal and Interest of the same."

Two objections are presented why this Act cannot receive my approval. By the terms of it, the Board of Supervisors are authorized to issue new bonds for the payment of the former funded debt of the county, falling due in July next, which reads, (vide Sec. 3,) "and the principal shall be redeemable at such time or times as the Board, in their discretion, may fix; no limitation as to the time the payment shall be prolonged or shortened, is provided in the Act, but left wholly and entirely to the discretion of the Board of Supervisors.

Again, these bonds are to be sold to the best bidder for cash, after an advertisement for twenty days, and the proceeds to be applied to the redemption of the outstanding bonds. There is implied no limitation, no restriction, as to the price these bonds are to be sold for—simply, "the best bid;" and it is not very difficult to comprehend the result of such an arrangement.

To realize a sufficient sum to redeem the outstanding bonds, due in July next, which, I am informed amount to about thirty thousand dollars, on account of the vast difference between the prevailing rates of interest in the money market in this State, and the ten per cent. per annum proposed in the bill, new bonds would doubtless have to be sold to nearly double the amount now outstanding. By the folly of such financial operations, in more than one county and city in the State, their citizens are now suffering the burthensome evils of taxation, to

a degree almost intolerable, and a visitation of the evils on the tax-payers of San Joaquin county, would be the inevitable result, were the Act to become a law.

As I have had occasion previously, under like circumstances, to suggest to your honorable body, sound policy utterly forbids committing to the hands of any Board of Supervisors, an unlimited discretion which may operate so detrimentally to the public welfare; and whilst I would not reflect the slightest discredit upon the Supervisors of this particular county, I feel assured that due reflection will render apparent the force of these objections.

By disregarding the observance of all needful limitations and restrictions, whilst delegating the power of managing the internal affairs of a county or city, a few years, at the utmost, will present their financial affairs hopelessly embarrassed, and leave no alternative but a repudiation of their indebtedness.

For these reasons, and from a personal interview had with the immediate representatives of this county, entertaining as I do, no doubt that the Act was passed by your honorable body, without due consideration of the injurious effects likely to result from it, I return the same for your further action; and hoping that such action—adopting the language of the bill itself—"may be to the end, that the faith and credit of the County may be preserved."

J. NEELY JOHNSON.

The question was then put—"Shall the Assembly bill, entitled an Act to authorize the Board of Supervisors of the county of San Joaquin, to issue Bonds to provide for the payment of the Funded Indebtedness of the county, and to create a fund for the payment of the principal and interest of the same, pass, notwithstanding the objections of the Governor?"

The following named members voted in the negative:

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Bowe, Brunton, Bynum, Cartter, Callbreath, Cone, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, Ewalt, Gage, Gaston, Gray, Hawes, Heald, Heiskell, Holland, Hoover, Hunt, Hunter, Kelly, Kendrick, Lamon, Leihy, Lewis, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Pearson, Peck, Rathburn, Read, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taliaferro, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Winston, Wohler, Mr. Speaker—68.

So the bill did not pass.

On motion, leave was granted to Mr. Hunter to introduce bill No 288, an Act amendatory of and supplementary to an Act approved April 20th, 1852, 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.

The bill was read a first and second time, and referred to the delegations from San Joaquin and Stanislaus.

Mr. Speaker:

The Engrossing Committee have examined and found correctly engrossed bill No. 62, for an Act to amend an Act entitled an Act to create a Board of

Supervisors in the counties of this State, and to define their duties and powers.

LANSING STOUT,
Chairman.

Mr. Speaker:

The Committee on Commerce and Navigation, to whom was referred Assembly bill No 284, entitled an Act to provide for removing the obstructions to navigation between San Antonio and the city of San Francisco, having had the same under consideration, report the bill back to the House, and recommend its passage.

HERMAN WOHLER,
Chairman.

The following message was received from the Senate:

SENATE CHAMBER, April 2, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate on this day concurred in Assembly amendments to Senate bills Nos. 129 and 149.

Also, passed Senate bill No 142, an Act to exempt Mining Claims and Mining Implements from forced sale in certain cases.

Also, on yesterday, the 1st inst., passed the following Assembly bills:

Bill No 209, an Act fixing the time of holding the Courts authorized to be held by the County Judge of Sonoma county.

Bill No. 161, an Act to amend an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

Also, on this day passed Assembly substitute for Assembly bill No 211, an Act to fund the debt of the county of Santa Clara, and to provide for the payment of the same.

Also, that the Senate, on the 31st ultimo, passed Senate bill No. 128, an Act to provide for the construction of the State Capitol, in the city of Sacramento.

Also, passed on this day, Assembly bill No 60, an Act to create the county of Tehama, to define its boundaries, and provide for its organization.

Also, indefinitely postponed Assembly Joint Resolution in reference to Board of U. S. Land Commissioners.

Also, passed Senate Concurrent Resolution relative to Wagon Road.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

The following bills referred to in the foregoing message from the Senate, were then taken up, viz:

Senate bill No. 142 was read a first and second time, and referred to the Committee on Mines and Mining Interests.

Senate bill No. 128 was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

The following Senate resolution was taken up:

Whereas, the distance of California from the seat of the General Government, and the great centre of population and commerce of the confederacy, and its isolated and undefended position as a member of the Union, separated from the other States by vast tracts of two Oceans, on the one hand, and on the other by the broad Territories, which are the property of the United States, make it indispensable to the growth, prosperity, and security of this State, and to the Union; the justice, the common defence, and the general welfare, in view whereof, the Constitution of the United States was ordained and established, that a means of communication overland should be provided between this and the other States of the Union, by the construction of Mail Routes and good Roads, protected by Military stations, and supplied with water, whereby our population may be increased, our resources developed, and California made capable of protecting itself in the event of War.

And whereas, it is essential to the permanency of this Union, that the various States of which it is composed, should share equally the advantages, and bear each one, its due proportion of the obligations and burdens of the Federal compact,

And whereas, California being one of these United States, and the Federal Government, the owner of all the public lands within its limits, and of the territory which separates it from the other States, and the recipient of all the revenues collected at its ports, is deprived of the political power, and of the material resources, whereby it might otherwise provide for itself access to the Atlantic seaboard, and avail itself of its splendid commercial position, and the inestimable advantages of its soil and climate, and for these reasons, it is the more necessary and proper that the Federal Government should use the powers with which it is invested by the Constitution, and the sources of wealth at its command, to overcome these disadvantages of distance and isolation, and to strengthen the political bands which hold the States together in Union.

And whereas, although the objects and purposes for which the union of these States was established, can never be fully and effectually secured to California, without the facility of communication afforded by one or more Railroads across the continent, yet material and immediate advantage may be derived from the establishment of Mail Routes, and the construction and defence of good Wagon Roads across the territory of the United States, which separates California from the other States, and along the line best adapted to the wants of Immigrants—Therefore

Resolved, That the great present neceessity of the State of California is the immediate construction of an Immigrant Road between the frontier of the State

of Missouri and the settlements of the State of California, along the old Immigrant Trail of 1849 and 1850.

Resolved, That as the territory intermediate of the two States is public domain, the duty of building this road should devolve upon the General Government, and be paid from the Federal Treasury.

Resolved, That for additional convenience to the Immigrant, and for giving protection from the Indians, the Government should establish at convenient distances, Military posts and workshops—should cause the streams to be bridged, ferries to be established, wells to be dug, and such excavations and improvements to be made to the road as it may require, and as can be done with reasonable expenditures of money.

Resolved, That the building of an inter-oceanic Railroad between the States of the East and the Pacific, is a work of great importance and great magnitude, requiring vast expenditures of treasure, and no inconsiderable time; that while we look hopefully forward to its final consummation as the great work of the age, and one from which our Pacific country is to reap incalculable advantages, we are willing to leave to the patriotism and judgment of our rulers, the accompliishment of this great national work.

Resolved, That we have heard with great satisfaction of the agitation of this subject by the people of Missouri; that, while the matter is of common importance to the whole Union, Missouri and California are more immediately interested in the commencement and completion of this work, and that the corporators of the "Missouri and California Overland Transportation Company," have the best wishes of the people of this State for their success, and any material aid which we can render for their encouragement, shall be cheerfully yielded.

Resolved, That it is the general wish of the people of the State of California that Congress should at once make such generous appropriations for the construction of this road, and the establishment of military posts along the same, as will secure its immediate commencement and its early completion. That we regard the prosperity and welfare of our State and people as eminently depending upon this road; that, as a matter of necessity to ourselves, safety to our possessions, and protection to our property, it is a matter of first importance, and should command the earnest and respectful attention of all our legislators who have proper regard for the integrity of our national possessions, the fidelity of our allegiance, and the welfare of the whole Union.

Resolved, finally, That a committee of fifty-three persons be elected by this meeting, whose duty it shall be to memorialize Congress upon this subject, and to have such memorial distributed for signatures throughout the entire States, and generally to do what may be for the best advancement of this enterprise.

Mr. Gray moved that the resolutions be referred to the Committee on Federal Relations.

Lost.

On motion of Mr. Stevenson, the resolutions passed.

Mr. Winsor offered the following resolution:

Resolved, That a committee of five be appointed by the Speaker, for the purpose of drafting a memorial to Congress, asking that body to donate Public Lands in this State, to aid in the construction and building of Railroads.

Adopted.

The Speaker appointed Messrs. Winsor, Oxley, Davis, McFarland, and Sharp, as committee.

On motion of Mr. George, Senate bill No. 107, entitled an Act amendatory of, and supplementary to an Act, concerning the Organization of the Militia, passed April 25, 1855, was taken from the table.

The amendment to the bill reported by a majority of the Committee on Military Affairs, was read and concurred in by the House.

Mr. George offered the following amendment:

Insert in continuation of Section 1st, the following words:

"*Provided*, that no Fee be allowed for taking such oath."

Adopted.

Mr. Batchelder moved that the 8th section of the bill be stricken out.

Lost.

Mr. Boring moved to reconsider the vote just taken.

Lost.

Mr. Williams offered the following amendment:

Add after section 8 the following words, viz:

Section 9. The Generals of the respective Divisions and Brigades established by law in this State, and the Quarter-Master and Adjutant General are hereby authorized to appoint a Staff, to consist of such officers as are authorized to be appointed for officers of the same grade in the army of the United States; such staff officers to be residents of the respective Divisions and Brigades for which they are appointed; and shall take such rank as may be designated by the Commander-in-Chief.

Adopted.

Mr. Heiskell moved that the bill be indefinitely postponed.

Pending discussion, Mr. Bell moved the previous question.

Sustained.

The question then recurred on the motion to indefinitely postpone the bill.

On which motion, Messrs. Heiskell, Bowe and Heald demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Bowe, Bynum, Callbreath, Davis, Dustin, Gage, Heald, Heiskell, Mathews, Rathburn, Read, Sellick, Sterritt, Stout, Turner, Welch, White and Mr. Speaker—19.

NOES.

Messrs. Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Cartter, Cone, Coombs, Covarrubias, Curtis, Ewalt, Gaston, George, Gray, Hawes, Holland, Hunt, Hunter, Kelly, Kendrick, Lamon, Leihy, Lewis, Lippincott, McDonald, McFarland, Oxley, Pearson, Peck, Reynolds, Rhodes, Ricks, Sharp, Shearer, Sherrard, Stevenson, Taliaferro, Taylor, Van Dusen, Weir, Williams, Winston, Wohler—44.

So the motion was lost.

The bill was then read, as amended, a third time, and on its passage, Messrs. Heiskell, Hoover, and Bowe, demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Bell, Blackburn, Boring, Borland, Cartter, Cone, Coombs, Covarrubias, Curtis, Ewalt, George, Gray, Hawes, Holland, Hunt, Hunter, Kelly, Kendrick, Lamon, Leihy, Lewis, Lippincott, McDonald, McFarland, Oxley, Pearson, Reynolds, Sharp, Shearer, Sherrard, Taliaferro, Turner, Van Dusen, White, Williams, and Winston—38.

NOES.

Messrs. Andrews, Beatty, Bowe, Bynum, Callbreath, Davis, Dustin, Gage, Heald, Heiskell, Hoover, Mathews, Oliver, Rathburn, Read, Rhodes, Ricks, Sellick, Stevenson, Sterritt, Stout, Upton, Welch, and Mr. Speaker—23.

So the bill passed.

Mr. White gave notice, that on to-morrow, he would move a reconsideration of the vote just taken.

Mr. Wagner moved a reconsideration of the vote, by which the sixth proposed amendment to the Constitution was, on yesterday, lost.

Mr. Rhodes moved a call of the House.

Sustained.

The roll was called, and the following named members were absent:

Messrs. Borland, Brush, Dick, Haile, Holland, Kendrick, Leihy, McDonald, McGehee, Meloney, Moulthrop, Oxley, Pugh, Rathburn, Swan, and Taylor.

On motion of Mr. McFarland, further proceedings under the call were then dispensed with.

Mr. Rhodes moved that the motion to reconsider the sixth proposed amendment be indefinitely postponed.

Pending discussion, Mr. Hunter moved the previous question.

Sustained.

The question then recurred on Mr. Rhodes' motion to indefinitely postpone the motion to reconsider.

On which motion, Messrs. White, Sellick, and Oxley, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Beatty, Boring, Bynum, Callbreath, Cone, Ewalt, George, Hunter, Kendrick, Lewis, McGehee, Meloney, Oxley, Pearson, Rhodes, Sharp, Sherrard, Sterritt, Swan, Van Dusen, Weir, Williams, Winsor, Winston, Wohler, Mr. Speaker—27.

NOES.

Messrs. Bell, Bowe, Brunton, Coombs, Covarrubias, Davis, Dick, Dustin, Gage, Gray, Heald, Hoover, Kelly, Leihy, Mathews, McDonald, McFarland, Oliver, Peck, Pugh, Rathburn, Reed, Reynolds, Ricks, Sellick, Shearer, Stout, Wagner, White—29.

So the motion was lost.

Mr. Oxley moved a call of the House.

The Speaker decided that while acting under the previous question, the motion was out of order.

From which decision Mr. Oxley appealed.

The Chair was sustained.

Mr. Hunter moved that the House do now take a recess for one half hour.

The Speaker decided that while acting under the previous question, the motion was out of order.

From which decision Mr. Hunter appealed.

The Chair was sustained.

Mr. Wohler moved that the House do now adjourn.

On which motion, Messrs. Wagner, Hoover, and Turner, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Bynum, Cone, Curtis, Ewalt, Gray, Hunter, Kelly, Kendrick, Lamon, Lewis, Mathews, McGehee, Meloney, Oxley. Rhodes, Sharp, Sherrard, Sterritt, Williams, Winsor, Winston, Wohler—23.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Bowe, Brunton, Cartter. Callbreath, Coombs, Covarrubias, Davis, Dick, Dustin, Gage, George, Hawes, Heald, Holland, Hoover, Leihy, McDonald, McFarland, Moulthrop, Oliver, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Ricks Sellick. Shearer, Stout, Swan, Taylor, Van Dusen, Wagner, Weir, Welch, White, Mr. Speaker—42.

So the motion was lost.

The question then recurred on Mr. Wagner's motion to re-consider the vote by which the sixth amendment was lost.

On which motion, Messrs. Oxley, Hunter, and Wagner, demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Bell, Bowe, Brunton, Coombs, Covarrubias, Davis, Dick, Dustin, Gage, Gray, Kelly, Mathews, McDonald, McFarland, Oliver, Peck, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Stout, Wagner, and White—27.

NOES.

Messrs. Andrews, Beatty, Blackburn, Boring, Bynum, Cartter, Callbreath, Ewalt, George, Hawes, Holland, Hunter, Kendrick, Lewis, McGehee, Meloney, Moulthrop, Oxley, Pearson, Rhodes, Sharp, Sherrard, Sterritt, Swan, Taylor, Turner, Van Dusen, Weir, Williams, Winsor, Winston, Wohler, and Mr. Speaker—33.

So the motion was lost.

The first special order, being Senate resolution relative to the adjournment of the Legislature, was taken up.

Mr. Peck offered the following as a substitute:

Resolved, (by the Assembly, the Senate concurring,) That the Legislature do adjourn *sine die* on Monday, the 21st day of April, A. D., 1856.

Adopted.

Pending discussion, Mr. Dustin moved the previous question.

Sustained.

On the passage of the substitute resolution, Messrs. Beatty, Sharp, and Sellick, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Cartter, Curtis, Dick, Dustin, Hunter, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Rhodes, Ricks, Sellick, Shearer, Sterritt, Stout, Swan, Taylor, Upton, Van Dusen, Wagner, Weir, Williams, Winston and Mr. Speaker—37.

NOES.

Messrs. Boring, Bynum, Callbreath, Coombs, Covarrubias, Ewalt, Gage, George, Gray, Hawes, Heald, Holland, Kelly, Kendrick, Lewis, Meloney, Moulthrop, Pearson, Read, Reynolds, Sharp, Sherrard, Turner, Winsor and Wohler—25.

So the motion was lost.

Mr. Stout gave notice that on to-morrow he would move a re-consideration of the vote just taken.

On motion of Mr. Sherrard, Senate bills Nos. 90 and 91, relative to the formation of Corporations for certain purposes, was taken from the table.

Mr. Beatty moved that the bills be made the special order for Tuesday next, at 12 o'clock, M.

Carried.

Mr. Van Dusen gave notice that on to-morrow he would move a re-consideration of the vote just taken.

Mr. Boring offered the following resolution:

Resolved, That the State Printer be requested to report to the House the expenses of printing, ordered by the Assembly up to this time. Said report to be made at the earliest practicable moment.

Adopted.

On motion of Mr. Weir, the House resolved itself into a Committee of the Whole, for the purpose of taking into consideration the following Assembly bills:

No. 185, entitled an Act to appropriate Forty Thousand Dollars for the completion of the State Insane Asylum.

No. 170, entitled an Act to reward Jno. Hackley and others for the capture of Mickey Free and George Wilson.

House in Committee of the Whole.

Mr. Rhodes in the chair.

After some time spent in consideration of the bills, the committee reported them back, and recommended that Assembly bill No. 185 be passed, with sundry amendments which they had made; and that Assembly bill No. 170, be indefinitely postponed: also, asked to be discharged from further consideration of the bill.

The report was received, and the Committee was discharged.

On motion of Mr. Oxley, the amendments made by the Committee of the Whole to Assembly bill No. 185, were concurred in by the House.

Mr. George moved to amend the bill by adding in continuation of section 1st, the following words:

The Governor of the State is hereby authorized to employ a suitable person to superintend the erection of said building: *Provided*, that the cost of such superintendence shall not cost more than one thousand dollars; and *provided*, also, that said Superintendent shall be constantly on the ground.

Pending discussion, Mr. Oxley moved the previous question.

Sustained.

Question then recurred on the amendment offered by Mr. George.

The amendment was lost.

The bill was then ordered engrossed for a third reading,

Mr. Oxley moved that the House concur in the recommendation of the Committee of the Whole, relative to Assembly bill No. 170, being the indefinite postponement of the same.

On which motion, Messrs. Bowe, Heald, and Winsor, demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Beatty, Blackburn, Bynum, Calhbreath, Davis, Dustin, George, Heald, McFarland, McGehee, Oxley, Pearson, Peck, Rathbura, Ricks, Sherrard, Sterritt, Taylor, Van Dusen, Wagner, Winsor, Wohler, and Mr. Speaker—24.

NOES.

Messrs. Andrews, Bell, Borland, Bowe, Brunton, Cartter, Dick, Ewalt, Heis-

kell, Holland, Hunt, Hunter, Kendrick, Leihy, Pugh, Reynolds, Rhodes, Sellick, Sharp, Shearer, Swan, Upton, Weir, Welch, and White—25.

So the motion was lost.

The following report was received from the Committee on Enrolment:

Mr. Speaker:

The Committee have this day examined Assembly bill No. 60, an Act to create the County of Tehama, to define its boundaries, and provide for its organization, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

On motion of Mr. Winsor, the House, at half past 4 o'clock, P. M., adjourned.

IN ASSEMBLY.

FRIDAY, April 4, 1856.

House met pursuant to adjournment.

Speaker in the chair

Prayer by the Rev. Mr. Cavanaugh.

Roll called, and all the members present, except those absent on leave

On motion, leave of absence was granted to Rev. Mr. Crouch, Chaplain of the House, for three days.

On motion, leave of absence was granted to Mr. Winsor for one day, and to Mr. Dustin for two days.

Journal of yesterday was read and approved.

Mr. Rathburn presented the following petition:

To the Honorable Members of the Assembly of the State of California:

Your petitioner, a citizen and tax-payer of the county of Sonoma, and in part representing the interests of the people of Sonoma and Mendocino on this floor, would most respectfully represent: that a bill approriating the sum of $2400 out of the State Treasury for the relief of certain citizens of El Dorado county (for performing a duty which every good citizen owes to the State) has met with a

favorable consideration in this Assembly, and will probably become a law, thereby appropriating a sum out of the State Treasury nearly double to what has been paid into it from the property tax of El Dorado county for the present fiscal year.

Your petitioner would further represent, that the tax collected and due from the counties of Sonoma and Mendocino, and paid into the Treasury for the present fiscal year, amount to about $18,000; and farther, that certain citizens of the county of Sonoma have claims against the State for time spent, and money expended in the pursuing and capturing of sundry murderers, thieves, and robbers, which, (in the opinion of your petitioner,) are more just and meritorious than the claims of the parties asking for relief in said bill.

Your petitioner believing that when the people's money is to be appropriated for the objects contemplated in said bill, that the people who *pay* said taxes should have at least an equal share with those who *do not*. He also believes that he would be censurable if he should remain idle while the game of *grab* is being played by the *reform* representatives of the people's interests, and not secure for the people of his county, at least, a small proportion of the money which has been exacted of them in the way of burdensome taxes, and for the purpose alone of supporting the government of this State.

Therefore, as the time has expired for the introduction of new bills, he would earnestly pray the Assembly to grant him leave to introduce, at an early day, four bills for the relief of certain persons therein named, residents of the county of Sonoma, for time and money spent in pursuing and capturing notorious murderers and thieves,

And in duty bound, your petitioner will ever pray, &c.

H. G. HEALD.

Read and laid on the table.

Mr. Taylor introduced bill No. 289, entitled, an Act making an appropriation to meet the deficiency in the Surveyor General's Office for the survey of the Immigrant Wagon Road

Read a first and second time, and referred to the Committee on Ways and Means

The following reports were received from committees:

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed, bill No. 87, an Act for the better Observance of the First Day of the Week, commonly called Sunday.

Also, bill No. 33, an Act relative to Escheated Estates.

Also, bill No. 279, an Act fixing the Time of Holding the several Courts authorized to be held by the County Judges in the Counties of Shasta, Monterey, and Humboldt.

NATH. HOLLAND.

Mr. Speaker:

Your Select Committee, to whom was referred Assembly bill No. 288, an Act amendatory of and supplementary to an Act approved April 20, 1852, entitled an Act to provide for the Funding of the Debt of San Joaquin County, for the Payment of the Interest thereon, and for the gradual Liquidation of the Debt, have had the same under consideration, and beg leave to report the same back to the House without amendment, and recommend its passage.

JAS. W. HUNTER,
Chairman.

Mr. Speaker:

Your Select Committee, to whom was referred Assembly bill No. 236, an Act to authorize the Formation of a Ranging Company, have had the same under consideration, and recommend it to the favorable consideration of the House.

GEO. H. RHODES.

Mr. Leihy presented the account of Thomas R. Eldridge against the State.

Read, and referred to the Committee on Claims.

The following message was received from the Senate:

SENATE CHAMBER, April 3, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day passed Assembly substitute for bill No. 169, an Act for the relief of Jotham S. Marston, late Treasurer of Alameda County.

Also, amended and passed Assembly substitute for Assembly bill No. 265, an Act to determine and define the Boundary Lines of Colusi County.

Also, amended and passed Assembly bill No 108, an Act to amend an Act granting Joseph R. Beals and others the right to construct a Toll Bridge across the Pajaro river, passed May 13, 1854, and supplementary thereto.

Also, passed Senate bill No. 106, an Act to Fund the Indebtedness of the State, now existing in the form of Controller's Warrants drawn on the General Fund, or that may be outstanding on the first of January, 1857, or Warrants issued after first of January, 1857, for indebtedness accruing prior to first January, 1857.

Also, Senate bill No. 107, an Act to amend an Act entitled an Act concerning the Office of Treasurer of State, approved March 16, 1855.

Also, Assembly bill No. 162, an Act to change the Time of holding the Probate Court of Merced County.

Also, passed Assembly substitute for bill No. 168, an Act to submit the Question of the Removal of the County Seat of El Dorado County to the Qualified Voters thereof.

Also, on this day, passed with amendments, as therein shown, Assembly bill No. 263, an Act making an Appropriation of Money to defray the Expenses of the State Prison, from the first day of January, 1856, to the first day of April, 1856, and to pay the Salaries of the State Prison Directors.

Respectfully,

WM. BAUSMAN,
Secretary of Senate.

SENATE CHAMBER, April 4, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on this day, passed Assembly bill No. 276, an Act to amend an Act to regulate Fees of Office, approved April 10, 1855.

Also, passed Assembly bill No. 268, an Act for the Relief of Olive Oatman.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

The following bills referred to in the foregoing message from the Senate, were taken up viz:

Assembly bill No. 265, was read as amended by the Senate, and the amendments were concurred in.

Assembly bill No. 108, was read as amended by the Senate, and the amendments were concurred in.

Senate bill No. 106, was read a first and second time and referred to the Committee on Ways and Means.

Senate bill No. 107, was read a first and second time and referred to the Committee on Ways and Means.

Assembly bill No. 263, was read as amended by the Senate.

Mr. Holland moved that the bill be laid on the table.

Lost.

On motion of Mr. Curtis, the Senate amendments to the bill were concurred in.

Mr. Upton gave notice that on to-morrow he would move a re-consideration of the vote by which the House concurred in the Senate amendments to Assembly bill No. 263.

On motion of Mr. Davis, Assembly bill No. 110, an Act to amend an Act entitled an Act to regulate Fees of Office, approved April 10, 1855, was taken from the table.

Mr. Heald moved to amend the bill by adding a new section to be known as section two.

Carried.

Mr. Davis moved to amend the bill by adding two new sections, to be known as three and four.

Carried.

Sundry amendments were then offered.

Pending the discussion of which, on motion of Mr. Cartter, the bill was re-committed to the Judiciary Committee, with instructions to report thereon at an early day.

On motion of Mr. Farley, Senate bills Nos. 42 and 43 were taken up, viz:

Senate bill No. 42, an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 6th, 1850, was read as amended by the Judiciary Committee.

On motion of Mr. Stout, the amendments were amended by striking out all after the word "death," in the 8th line of the 2d section.

The amendments as amended were then concurred in by the House.

The bill was read a third time and passed.

Senate bill No. 43, an Act amendatory of and supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850, was read as amended by the Judiciary Committee.

On motion, the amendments reported by the Committee were concurred in by the House.

Mr. McFarland moved to amend the bill by striking out the second section of the bill and inserting in lieu thereof, the following words, viz:

Section 12. Any person who shall seduce any unmarried female, under the age of twenty-one years, of previous good character for chastity, shall be punished by imprisonment in the State Prison for a term not exceeding ten years: *Provided*, that no conviction shall be had under the provisions of this section on the testimony of such female alone.

On the adoption of the amendment Messrs. Stout, McFarland and Beatty demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Borland, Brunton, Cartter, Callbreath, Coombs, Covarrubias, Curtis, Downey, Ewalt, Heiskell, Holland, Hoover, Hunt, Hunter, Kelly, Lewis, Mathews, McDonald, McFarland, Meloney, Moulthrop, Oliver, Peck, Read, Ricks, Sharp, Sherrard, Stevenson, Swan, Turner, Van Dusen, Wagner, Welch, White, Williams and Wohler—42.

NOES.

Messrs. Bowe, Bynum, Cone, Davis, Dick, Gage, George, Hawes, Heald, Kendrick, Lamon, Leihy, Pearson, Pugh, Rathburn, Sellick, Shearer, Stout, Taliaferro, Taylor, Weir, Winston and Mr. Speaker—23.

So the amendment was adopted.

On motion of Mr. Sharp, the tenth section of the bill was stricken out.

The bill as amended was then read a third time and passed.

On motion of Mr. Welch, Assembly bill No. 269, an Act to prevent Frauds in Elections, and to define the Duties of Electors in the incorporated towns or cities of this State, was taken from the table, and referred to the Committee on Elections, to make certain amendments to the bill.

Mr. Van Dusen moved, that the vote by which the House on yesterday made Senate bills, Nos. 90 and 91, the special order for Tuesday next, be now reconsidered.

Pending ddiscussion, Mr. George moved the previous question.

Lost.

Mr. Sharp moved a call of the House.

Lost.

On the motion to reconsider, Messrs. Beatty, Taliaferro and George demanded the ayes and noes, with the following result:

AYES.

Messrs Bell, Cartter, Coombs, Covarrubias, Curtis, Dick, George, Holland, Hoover, Hunt, Kendrick, Leihy, McDonald, McFarland, Oliver, Peck, Pugh, Rhodes, Ricks, Sellick, Sharp, Shearer, Sherrard, Stephenson, Sterritt, Stout, Taylor, Turner, Upton, Wagner, Weir, Williams, Winston—33.

NOES.

Andrews, Batchelder, Beatty, Blackburn, Boring, Borland, Bowe, Brunton,

Bynum, Callbreath, Davis, Downey, Ewalt, Gage, Gaston, Heald, Heiskell, Hunter, Kelly, Lewis, Mathews, Meloney, Moulthrop, Oxley, Pearson, Rathburn, Swan, Van Dusen, White, Wohler, Mr. Speaker—31.

So the motion was carried.

Mr. Van Dusen moved that the bill be referred to a select committee of five.

Mr. Meloney moved that the House do now adjourn.

On which motion, Messrs. Sellick, Pugh and Moulthrop demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Beatty, Boring, Borland, Bowe, Bynum, Callbreath, Davis, Downey, Ewalt, Gage, George, Heald, Heiskell, Hoover, Hunter, Kelly, Leihy, Lewis, McDonald, Meloney, Moulthrop, Pearson, Swan, Taliaferro, Wohler—25.

NOES.

Messrs. Batchelder, Bell, Blackburn, Brunton, Cartter, Covarrubias, Curtis, Dick, Gaston, Holland, Hunt, Kendrick, Mathews, McFarland, Oliver, Oxley, Peck, Pugh, Rathburn, Rhodes, Ricks, Sellick Sharp, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, White, Williams, Winston and Mr. Speaker—38.

So the motion was lost.

Mr. Andrews moved to lay the bill on the table.

On which motion, Messrs. Beatty, Lewis, and Bowe, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Beatty, Boring, Borland, Bowe, Bynum, Calbreath, Davis, Downey, Ewalt, Gage, George, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lewis, Meloney, Moulthrop, Pearson, Rathburn, Swan, White, Wohler, Mr. Speaker—27.

NOES.

Messrs Batchelder, Bell, Blackburn, Brunton, Cartter, Coombs, Covarrubias, Curtis, Dick, Gaston, Hunt, Kendrick, Leihy, Mathews, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Rhodes, Ricks, Sellick, Sharp, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Williams, Winston—37.

So the motion was lost.

Mr. Downey moved that the bill be referred to the Committee of the Whole on Tuesday next, at 1 o'clock, P. M.

Mr. Beatty moved that the House do now adjourn.

Lost.

Mr. Stout moved the previous question.

Sustained.

On the motion to refer the bill to the Committee of the Whole, Messrs. Hunter, Beatty, and Bowe, demanded the ayes and noes, with the following result:

AYES.

Messrs Andrews, Beatty, Boring, Borland, Bowe, Brunton, Bynum, Callbreath, Davis, Downey, Ewalt, Gage, Gaston, George, Hawes, Heald, Heiskell, Holland, Hunter, Kelly, Lamon, Lewis, Meloney, Moulthrop, Pearson, Rathburn, Swan, Wagner, Weir, White, Wohler, and Mr. Speaker—32.

NOES.

Messrs Batchelder, Bell, Blackburn, Cartter, Coombs, Covarrubias, Curtis, Dick, Hoover, Hunt, Kendrick, Leihy, Mathews, McDonald, McFarland, Oliver, Peck, Pugh, Rhodes, Ricks, Sellick, Sharp, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Williams, and Winston—33.

So the motion was lost.

Mr. Beatty moved that the House do now adjourn.

Lost.

On the motion to refer to a Select Committee, the ayes and noes were demanded by Messrs Beatty, Bowe, and Meloney, with the following result:

AYES.

Messrs. Batchelder, Bell, Blackburn, Cartter, Coombs, Covarrubias, Curtis, Dick, Hawes, Holland, Hunt, Kendrick, Lamon, Leihy, Mathews, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Rhodes, Ricks, Sellick, Sharp, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Weir, Williams, Winston, Wohler, and Mr. Speaker—41.

NOES.

Messrs. Andrews, Beatty, Boring, Borland, Bowe, Bynum, Callbreath, Davis, Downey, Ewalt, Gage, Heald, Heiskell, Hoover, Hunter, Kelly, Lewis, Meloney, Moulthrop, Pearson, Rathburn, Swan, Wagner, and White—24.

So the motion was carried.

The Speaker appointed the following committee: Messrs. Van Dusen, Rhodes, Upton, Taylor, and Curtis.

On motion of Mr. Hunt, the House adjourned at 3 o'clock, P. M.

IN ASSEMBLY.

SATURDAY, April 5, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Mr. Graham.

Roll called and the members all present, except those absent on leave.

Leave of absence granted to Messrs. Turner and Gage, for one day, and to Mr Weir for three days.

Journal of yesterday was read and approved.

The Speaker, by leave of the House, added Messrs Swan and Davis to the committee to whom was referred Senate bills, Nos. 90 and 91.

By leave of the House, Mr Hawes introduced bill No. 290, an Act to authorize the examination and admission of Robert S. Clyde, as an Attorney and Counsellor-at-Law.

Read first and second time, and referred to the Judiciary Committee.

By leave of the House, Mr. Swan introduced the following bill, viz:

Bill No. 291, an Act to amend an Act entitled an Act, to organize the county of Buena Vista, approved April 30, 1855.

On motion, the rules were suspended, the bill was considered as engrossed, read a third time, and passed.

Bill No 292, an Act fixing Traveling Fees in Tulare county.

On motion, the rules were suspended, the bill was considered as engrossed, read a third time and passed.

Bill No. 293, an Act fixing the Salaries of the county Judge, and of the District Attorney, of the county of Tulare.

On motion, the rules were suspended, the bill was considered as engrossed, read a third time and passed.

The following reports were received from committees:

Mr. Speaker :

The Committee on Federal Relations, to whom the Joint Resolutions in relation to the Atlantic and Pacific Railroad were recommitted, have amended the preamble, in accordance with instructions, and have stricken out the second resolution.

R. R. LAMON,
Chairman.

Mr. Gaston made the following minority report:

Mr. Speaker:

The undersigned, a minority of the Committee on Federal Relations, to whom were referred the substitute resolutions on the Pacific Railroad, with instructions to amend the same, respectfully beg leave to dissent from the action of the majority of the committee, in suppressing the second resolution in said substitute, for the following reasons:

First—That the minority thinks it highly necessary to the success of the Road, that California should show an active interest in the work, greater than words without action can express.

Secondly—From a belief that prompt action by California, in favor of that resolution, would tend more strongly to convince the other States of the Union of the determination of California to have the Road, than any other course of action she could adopt—and

Thirdly—Because he believes that the striking out of that resolution, is from motives of mistaken policy, based upon a fear of submitting the question to the people of the State.

The minority of your committee, therefore, never fearing to express his true convictions upon any questions of public policy, let the consequence to himself be what they may, and heartily endorsing the views set forth in the report, a portion of which, this resolution is intended to carry out, and believing that eventually the proposition will be adopted by the people of California, and by many States of the Union, cannot but express his dissent to the erasure. The minority cannot convince his own mind, that the simple submission of a proposition to the people, for an expression of their opinion respecting it, (and nothing further is proposed in that resolution,) can either do the people an injustice, or endanger the popularity of those submitting such question, unless the proposition be manifestly absurd; and he will further add, that if public favor is so capricious, that in order to preserve his own popularity he must refrain from asking an ex-

pression of opinion from his friends and constituents upon important matters of public policy and interest, he does not desire popularity.

All of which is most respectfully submitted.

HENRY ALEX. GASTON,
Of Committee.

Mr. Rhodes, from the Committee on Claims, reported back the account of Thos. R. Eldridge, and recommend that it be referred to the Committee on Accounts and Expenditures.

Mr. Speaker:

Your Committee, to whom was referred Assembly bill No. 283, an Act to create a Board of Commissioners, to examine War Claims in the Counties of Klamath, Siskiyou and Humboldt, having had the same under consideration, beg leave to report the same back and recommend its passage without amendment.

W. McDONALD,
C. S. RICKS,
E. J. CURTIS.

Mr. Speaker:

The Yuba delegation, to whom was referred Assembly bill No. 272, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the city of Marysville, approved March 5. 1856, have had the same under consideration, and respectfully ask leave to report the same back without amendment, and recommend its passage.

They have also had Senate bill No, 171 under consideration, and as the same provisions are embraced in the first named bill they recommend that it be indefinitely postponed.

A. J. BATCHELDER,
Chairman.

On motion of Mr. Batchelder, Senate bill No. 171, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March 5, 1855, was taken up.

Indefinitely postponed.

On motion of Mr. Batchelder, Assembly bill No. 272, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March 5, 1855, was taken up.

Considered as engrossed.

Read a third time and passed.

The following message was received from the Senate:

SENATE CHAMBER, April 4, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on yesterday, passed Senate substitute for Senate bill No. 89, an Act amendatory of and supplementary to an Act entitled an Act to create the office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of election, passed May 1, 1854.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

Senate bill No. 89 was read a first and second time, and referred to the Committee on Printing.

Mr. Speaker:

The Committee on Elections, to whom was referred Assembly bill No. 269, an Act to prevent Frauds in Elections and to define the duties of Electors in the incorporated Towns or Cities of this State, have again had the same under consideration, and in accordance with instructions, amended the bill, and herewith report it back to the House and recommend its passage as amended.

T. C. BRUNTON,
Chairman.

Mr. Speaker:

The Committee on Enrollment have this day examined Assembly bill No. 276, an Act to amend an Act to regulate Fees of Office, approved April 10, 1855, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Beatty introduced the following resolution:

Resolved, That a special committee of three be appointed to inquire into the circumstances connected with the printing of the Surveyor General's Report, the number of copies ordered printed, the number of languages into which it has been ordered translated, and the cost of the same.

Adopted.

The Speaker appointed Messrs. Beatty, Heiskell and Bell as Committee.

In accordance with notice, Mr. Gray presented the following protest:

Mr. Speaker:

In accordance with notice given, I now ask leave to present my protest

against the late action of the House of Assembly upon Assembly bill No. 2, entitled an Act to repeal the several Charters of the city of San Francisco, to define the boundaries of the city and county of San Francisco, and to consolidate the government thereof.

This bill, after having been presented and laid before the members of this House for two months, and having been amended in many points was engrossed and finally passed by the House on the 18th day of March, and transmitted to the Senate, where it was read a first and second time by title, and referred to the appropriate committee. While the bill was at this stage in the Senate, it was stated in the House that a certain amendment offered by Mr. George had been omitted in the engrossment of the bill in the House. It was true that the amendment referred to contained only a provision which was already incorporated in three distinct sections of the engrossed bill, namely: Section 1, 3, and 2d sub-division of section 74, and it was also true that neither the recollection nor the Minutes of the Clerk, nor Journal of the House, furnishes any evidence of the adoption of any such amendment

Although printed copies of the engrossed bill, as it went to the Senate, were laid before every member of the House, yet it was alleged that it was necessary for the house to have the engrossed bill itself before them for inspection, in order to proceed properly in the matter, and accordingly the following resolution was adopted.

Whereas, doubts are entertained in regard to the correctness of the engrossed copy of the Assembly bill No. 2, which has been transmitted by the Assembly to the Senate; whereas, the Assembly deem it due to the dignity of the Assembly, and the members thereof, that an investigation should be had in regard to the supposed errors in the engrossed copy, and certain charges connected therewith; Therefore,

Resolved, That the Senate be respectfully requested to return the said Assembly bill No. 2 to the Assembly.

Resolved, That a committee of three be appointed to wait upon the Senate and present such request

This resolution was adopted on the 27th of March, and the bill was on the same day transmitted to the House from the Senate, not for the purpose of being re-considered, but for the purpose, it is presumed, expressed in the House resolution, namely, that an investigation might be had in regard to the supposed errors in the engrossed copy.

If any such error had occurred, so that the document to the Senate did not embrace the *whole* bill as it passed the House, they were such clerical mistakes as might frequently occur, and might, doubtless be corrected, because such corrections would not alter the bill which was passed. Further than this, the House had no power over the bill, because it is an undoubted rule of parliamentary law that a question once carried cannot be questioned again at the same session, but must stand as the judgment of the House, and a bill once rejected, another of the same substance cannot be again introduced at the same session, (Jefferson's Manual, Sec XLIII,) and so inflexible has this rule been considered, that it has sometimes, in matters of the most extreme importance, been deemed expedient to close the session for one, two, or three days, and commence a new one, so that the same subject may be renewed. In other cases, to remedy defects in bills once passed, supplementary or explanatory Acts have been passed,

or a committee on one bill has been instructed to receive a clause to rectify the mistakes in another, (Jefferson's Manual, same section) To modify this rigid rule of common parliamentary law is the object of the 56th Standing Rule of the House, which is as follows:

"When a question on a motion, or on the final reading or passage of a bill or resolution shall have been decided in the affirmative or in the negative, it shall be in order for any member in the majority to move a reconsideration thereof on the same day, or by giving notice thereof on the succeeding day, &c." No such motion was made on the same day, nor on the succeeding day, nor was notice of a motion to reconsider given at any time, and the bill had gone out of the possession of the House for ten days; but the House suspended the rule that was the effect of this Act. Although under the rule, the time had gone by within which they could reconsidered, yet the rule itself constitutes the only authority which the House had, to reconsider at any time. The rule was not intended to take away or to restrict the right to reconsider; but to confer the right, to be exercised within a limited time; which, however, had not been exercised. The suspension of the rule, therefore, had no effect; for, with or without the rule, the House had no right to touch any of the provisions of the bill upon which the final judgment of the House had been pronounced ten days before, and which had, by its own voluntary act, gone out of its possession. Nor was it necessary to reconsider the vote by which the bill passed, in order to decide upon and insert the amendment—said to have been omitted, because it was assumed that this was in the bill itself, as it passed, and was a part of it. There was nothing to do, then, but to correct a clerical error; although even this was unnecessary; the same provision, in more clear and comprehensive words, being already incorporated in three distinct sections of the bill.

But the House having got the bill into its possession, in order, as was represented in the message sent to the Senate, that an investigation should be had in regard to the supposed errors in the engrossed copy, and certain charges connected therewith, proceeded to reconsider the vote by which the bill originally passed; and through a select committee, with special instructions, inserted sundry amendments, which had never before been proposed, and also struck out some of the provisions of the bill—erasing, interlining, and mutilating the bill upon the face of it,—all this took place ten days after the passage of the bill, and its transmission to the Senate, and after it had there been committed to a special committee.

Against this unparliamentary proceeding in violation of the laws and rules by which the House ought to have been governed, and of the rights of the minority, I beg leave, in my own name, and in the name of the constituency which I represent, to enter this, *my solemn protest*, and have the same entered on the Journal of the House.

THOMAS GRAY,
Member from San Francisco.

On motion, the House resolved itself into a Committee of the Whole for the purpose of taking into consideration the following bill, viz:

Assembly bill No. 285, an Act to appropriate moneys for the payment of Augustin Ainsa, State Translator.

Assembly bill No. 287, an Act to appropriate moneys for the payment of Wm. G. Booneman for translating certain documents into the German language.

House in Committee of the Whole.

Mr Upton in the Chair.

After some time spent in considering the bills, the Committee reported them back to the House and recommended that Assembly bill No 285 pass with certain amendments; also, that the title be altered so as to read, an Act appropriating moneys for translating certain documents; and that Assembly bill No. 287 be indefinitely postponed: also, asked to be discharged from further consideration of the same.

The report was received and the Committee discharged.

On motion, the recommendation of the Committee was concurred in.

Assembly bill No. 285, was read, as amended, a third time and passed.

Assembly bill No 287 was indefinitely postponed.

On motion, the House resolved itself into a Committee of the Whole for the purpose of taking into consideration Senate bill No 138, an Act supplemental to an Act entitled an Act making appropriations for the Civil Expenses of the Government of this State, approved March 5, 1856.

House in Committee of the Whole.

Mr. Upton in the Chair.

The Committee reported the bill back to the House, with amendments, and recommended its passage as amended, and, also, asked to be discharged from further consideration of the same.

Report received and Committee discharged.

On motion, the House concurred in the recommendations of the committee.

The bill as amended was read a third time and passed

Mr. Hunter moved a call of the House.

Lost.

The special order of the day, Senate bill No. 57, an Act to amend an Act entitled an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853, and amended May 15, 1854, and amended April 9, 1855, was taken up.

On motion, the House resolved itself into a Committee of the Whole, for the Whole, for the purpose of considering Senate bill No 57.

House in Committee of the Whole.

Mr. Dick in the Chair.

The committee reported the bill back to the House with amendments, and recommended its passage as amended; also, asked to be discharged from further consideration of the same.

Report of the committee received and committee discharged

On motion, the House concurred in the recommendation of the committee.

The bill as amended was read a third time and passed.

Mr. Downey moved a call of the House.

Carried.

The Roll being called the following members were absent:

Messrs Beatty, Brent, Brush, Castro, Calbreath, Cone, Coombs, Dustin, Gage, Haile, Hunter, Lamon, Lippincott, Oliver, Oxley, Pugh, Read, Sharp, Shearer, Turner, Upton, Weir, White, Williams, and Wohler.

On motion of Mr. McFarland, further proceedings under the call were dispensed with.

Mr. Rhodes moved to reconsider the vote, by which bill No. 138 was passed.

Lost.

Mr. Oxley moved to take up Assembly bill No 269 an Act to prevent Frauds in elections, and to define the Duties of Electors in the incorporated towns or cities of this State.

Carried.

Mr Beatty moved to make the bill special order for Wednesday next, at 12 o'clock, M

Lost.

Mr. Beatty moved a call of the House.

Lost

Mr Taliaferro moved to go into Committee of the Whole, to consider the bill.

Lost.

Mr. Curtis moved that the bill be read by sections, and adopted as read.

Carried.

Mr. Gray offered the following amendment:

Strike out the following words in the first section: "in the incorporated cities within this State."

Lost.

On motion of Mr. Curtis, the vote by which the bill was ordered to be read by sections, was reconsidered.

The amendments reported by the committee were then read and adopted.

Mr. Wohler offered the following amendment:

Insert in second line, 2d section, after the word "appoint," the words "by and with the consent of the Senate."

Lost.

Mr. Meloney offered the following amendment.

Strike out in section 2d, in line 1st, the Governor of this State, and insert County Supervisors.

Mr. Heald offered the following as a substitute:

In 1st line of section 2d, strike out the words "the Governor of this State" and insert "the Board of Supervisors of their respective counties."

Upon the adoption of which, Messrs. Beatty, Gray, and Meloney demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Boring, Bynum, Coombs, Covarrubias, Davis, Downey, Dustin, Gray, Heald, Holland, Hoover, Kelly, Kendrick, Lamon, Lewis, Mathews, McDonald, Meloney, Pearson, Ricks, Taliaferro, and Wohler—23.

NOES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Borland, Bowe, Cartter, Curtis, Dick, Gaston, George, Heiskell, Hunt, Leihy, McFarland, McGehee, Oxley, Rathburn, Reynolds, Sellick, Shearer, Sterritt, Stout, Van Dusen, Wagner, Welch, Winsor, Winston, Mr. Speaker—29.

So the substitute was lost.

Mr. McFarland moved to recommit the bill to the Committee on Elections, with instructions to amend.

Mr. Upton moved to add that the committee be instructed so to amend the bill, as to require each elector to cause his name, place of residence, and occupation, to be registered, together with the name of the precinct or ward in which he intends to vote, and to require all questions touching the qualifications

of electors, to be decided on the day of election, and also to prescribe penalties against making False Registry, and against attempting to vote at any other ward or precinct except that registered.

Mr. Kelly moved to adjourn.

Upon which, Messrs McFarland, Kelly, and Upton, demanded the yeas and noes, with the following result:

AYES.

Messrs. Andrews, Beatty, Boring, Boring, Borland, Bynum, Cartter, Coombs, Covarrubias, Downey, Ewalt, Gray, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Kendrick, Lewis, Mathews, Meloney, Pearson, Rhodes, Ricks, Sellick, Shearer, Taliaferro, Van Dusen, Winston, Wohler—30.

NOES.

Messrs. Bell, Blackburn, Bowe, Curtis, Davis, Dick, George, Lamon, Leiby, McDonald, McFarland, McGehee, Oxley, Rathbun, Reynolds, Stevenson, Stout, Swan, Upton, Welch, Winsor, Mr. Speaker—23

So the House adjourned at 3 o'clock, P. M.

IN ASSEMBLY.

MONDAY, April 7, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

Leave of absence was granted to Messrs. Mathews, Gage, and Turner, each for one day, and to Mr. Dustin, for two days.

Journal of Saturday, 5th inst., read and approved.

The following reports were received from committees:

Mr. Speaker:

The Committee on Ways and Means, to whom was referred Senate bill No. 106, for an Act to Fund the Indebtedness of the State now existing in the form of Controller's Warrants, drawn on the General Fund, or that may be outstanding on the first of January, 1857, or Warrants issued after the first day of January, for indebtedness accruing prior to the first day of January, 1857, ask leave to report the same back with amendments, and recommend its passage as amended.

The same committee ask to report back Assembly bill No. 85, and Assembly bill No. 149, without recommendation, and ask to be discharged from the further consideration of the same.

The same committee ask leave to report Senate bill No. 79, for an Act amendatory of the Revenue law, without amendment, and recommend its passage.

W. W. UPTON,
Chairman.

On motion of Mr. McFarland, Senate bill No. 106, was referred to the Committee of the Whole.

On motion of Mr. Upton, Senate bill No 79, was referred to the Committee of the Whole.

Mr. Speaker:

The Committee on Enrollment have this day examined the following Assembly bills, and find them correctly enrolled:

No. 161, an Act concerning Fraudulent Conveyances.

No. 162, an Act to change the time of holding the Probate Court of Merced county.

No. 209, an Act fixing the time of holding the Courts authorized to be held by the County Judge of Sonoma county.

Substitute for bill No 211, an Act to Fund the Debt of the County of Santa Clara, and to provide for the payment of the same.

No. 263, an Act making an appropriation of money to defray the expenses of the State Prison, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Committee on Engrossment have examined and find correctly engrossed:

Bill No. 272, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the city of Marysville, approved March 5, 1855.

Bill No. 267, an Act fixing the time of holding the Court of Sessions, County Court, and Probate Court, in and for the county of Santa Clara.

Bill No. 281, an Act to grant the Sheriffs of Stanislaus, Sonoma, and Mariposa counties additional time to make their annual settlement for the collection of State and County Taxes for the year 1855.

Bill No. 273, an Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

Bill No. 248, an Act to prevent the trespassing of hogs on private property in the county of Yuba.

Bill No. 291, an Act to amend an Act entitled an Act to organize the county of Buena Vista, approved April 30, 1855.

Bill No. 293, an Act fixing the salaries of the County Judge, and of the District Attorney of the county of Tulare.

Bill No. 292, an Act fixing the Traveling Fees in Tulare county.

Bill No. 185, an Act appropriating Forty Thousand Dollars for the completion of the State Insane Asylum.

Also, No. 143, proposed amendments to the Constitution of the State of California.

NATH. HOLLAND,
Chairman.

On motion of Mr. Callbreath, the delegations from Calaveras, Tuolumne, San Joaquin, and Amador were added to the Select Committee to whom was referred a petition relative to changing the county of Stanislaus from the 5th to the 13th Judicial district.

The following message was received from the Senate:

SENATE CHAMBER, April 5, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate has refused to concur in the amendments made by the Assembly to Senate bill No 138, an Act supplemental to an Act entitled an Act making appropriations for the Civil Expenses of the Government of this State, approved March 15, 1856.

Respectfully,

W. BAUSMAN,
Sec'y Senate

On motion of Mr Stout, the House refused to recede from the amendments made by them to Senate bill No 138.

The general calendar of bills was then taken up, viz:

Assembly bill No 184, an Act to prevent the owners of Saw Mills and other persons from obstructing the channels of Humboldt Bay and Harbor.

On motion of Mr. Ricks, the bill was considered as engrossed.

Read a third time and passed.

Assembly bill No. 105, an Act fixing the compensation of extra Clerks in the Senate and Assembly.

On motion of Mr. Stevenson, the bill was laid on the table.

Assembly bill No. 181, an Act to grant the Right to Construct a Bridge across the Sacramento river, between the City of Sacramento and the Town of Washington, to certain persons therein named.

On motion of Mr. Stevenson, the bill was laid on the table.

Assembly bill No 117, an Act concerning Hogs found running at large in the County of Marin.

On motion, the amendments reported by the Committee on Agriculture were concurred in by the House.

On motion of Mr. Brush, the bill was considered as engrossed, read a third time, and passed.

On motion of Mr. Peck, the title of the bill was altered so as to read: An Act concerning Hogs found running at large in the Counties of Marin and Santa Clara.

Assembly bill No 194, an Act concerning the Redemption of Real Property sold under Execution to satisfy Mortgages thereon.

Mr. George moved that the bill be indefinitely postponed.

Mr Batchelder moved to lay the bill on the table.

Carried.

Assembly bill No 68, an Act entitled an Act to provide for the Election of Assessors by Supervisor Districts, and to define their powers, duties, and liabilities, and to repeal an Act entitled an Act concerning the Office of County Assessor, passed March 27, 1850.

On motion of Mr McFarland, the bill was indefinitely postponed.

Assembly bill No. 183, an Act declaring Big Slough and Butcher's Slough, in Humboldt county, navigable.

Considered engrossed, read third time, and passed.

Assembly bill No. 182, an Act to fix the Compensation of the District Attorney and County Judge for the County of Humboldt.

Bill amended, considered engrossed, read third time, and passed.

Assembly substitute for Assembly bill No. 122, an Act to authorize the County Authorities to work Convicts in certain cases.

Substitute adopted.

On motion of Mr. Upton, the word "gross," in the last line of the sixth section was stricken out.

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

Assembly bill No. 140, an Act to regulate the pay of members and officers of the Legislature.

Laid on the table.

Assembly bill No. 113, an Act to encourage the destruction of Ferocious and Wild Animals.

Placed at foot of Calendar.

Assembly bill No. 84, an Act to take the sense of the People of the State at the General Election in A. D, 1856, on the passage of an Act to appropriate the sum of Fifty Thousand Dollars to test the practicability of procuring water by process of Artesian Wells for mining and agricultural purposes.

On motion of Mr. Boring, the bill was indefinitely postponed.

Assembly bills Nos. 4 and 71, Acts to provide for taking the Census in the year 1856.

On motion of Mr. Stout, the bills were indefinitely postponed.

At 1 o'clock, P. M, Mr. Heiskell moved to adjourn.

Upon which Messrs. Stout, Brunton and Batchelder demanded the ayes and nces with the following result:

AYES.

Messrs. Bell, Blackburn, Boring, Brush, Callbreath, Coombs, Covarrubias, Curtis, George, Gray, Heiskell, Holland, Hunt, Kelly, Lamon, Leihy, Lewis,

McDonald, Moulthrop, Oxley, Rhodes, Sherrard, Stevenson, Sterritt, Swan, Van Dusen, Winsor, Wohler—28.

NOES.

Messrs Andrews, Batchelder, Bowe, Brunton, Bynum, Davis, Dick, Downey, Gaston, Heald, McFarland, McGehee, Meloney, Oliver, Pearson, Peck, Read, Reynolds, Stout, Taylor, Upton, Wagner, Welch, White, Mr. Speaker—25.

So the House adjourned.

IN ASSEMBLY.

TUESDAY, April 8, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

Leave of absence was granted to Mr. Weir for one day, and to Messrs. Rhodes and Sherrard, each for two days.

Journal of yesterday was read and approved.

By leave of the House, Mr. Brunton introduced bill No 294, an Act to protect the people of the State of California against impositions arising from the fluctuations of prices, rates and charges in certain cases

Read a first and second time, and referred to a select committee of seven.

The Speaker appointed Messrs. Brunton, Bell, Hunter, Heiskell, Sterritt, Downey and Davis as the Committee.

By leave of the House, Mr. Farley introduced bill No. 295, an Act for the relief of William Jones.

Read a first and second time.

On motion, the rules were temporarily suspended for the purpose of acting on the bill.

On motion, the House resolved itself into a Committee of the Whole, for the purpose of considering the bill

House in Committee of the Whole.

Mr. Stout in the chair.

The committee reported the bill back and recommended its passage without amendment

The report of the committee was concurred in

The bill was considered as engrossed.

Read a third time and passed.

The following message was received from the Senate:

SENATE CHAMBER, April 8, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on yesterday, passed Senate substitute bill No. 176, an Act to abolish the office of State Prison Directors, and to provide for their payment.

Also, refused to concur in Assembly amendments to Senate bills Nos 42 and 43, concerning Crimes and Punishments, and have appointed as a Committee of Conference on the part of the Senate, to confer with like Committee on the part of the Assembly, Messrs. Tilford, Hawks and Ferguson

Also, the Senate concur in Assembly amendment to Senate bill No. 138, concerning Appropriations.

Also, passed Senate bill No. 150, an Act to confirm a certain contract of the Trustees of the City of Monterey for the building of a Wharf.

Also, on this day passed Senate bill No. 146, an Act to lease to Jonathan Williams, Tule Lands in the County of Yolo.

Also, passed the following Assembly bills:

No 125, an Act amendatory of an Act concerning Judges, passed April 4, 1854, and also an Act which passed April 30, 1855, amendatory of the above recited Act, substitute for bill No 267, an Act fixing the time of holding the Court of Sessions, County Court and Probate Court, in and for the County of Santa Clara.

Bill No 291, an Act to amend an Act entitled an Act to organize the County of Buena Vista, approved 30, 1855.

Bill No. 292, an Act fixing the Travelling Fees in Tulare County

Bill No. 293, an Act fixing the Salaries of the County Judge and of the District Attorney of the County of Tulare.

Substitute for bill No 281, an Act to grant the Sheriffs of Stanislaus, Sonoma and Mariposa Counties additional time to make their annual settlements for the collection of State and County Taxes for the year 1855.

Also, indefinitely postponed Assembly substitute for bill No 248, an Act to prevent the Trespassing of Hogs on Private Property in the County of Yuba.

Also, on Saturday, the 5th instant, concurred in Assembly amendments to Senate bills Nos. 57 and 109.

Also, concurred in Assembly resolution relative to adjournment of Legislature on the 21st instant.

Also, passed Senate bill No 131, an Act to provide for the Incorporation of Towns.

Also, amended and passed Assembly bill No. 214, an Act to incorporate the Town of Eureka, and passed Assembly bill No 86, an Act to fund the Debt of the County of Napa, and provide for the payment of the same.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

The following bills, referred to in the foregoing message from the Senate, viz:

Senate bill, No. 131, was read a first and second time, and,

On motion of Mr McFarland, the rules were suspended, the bill was read a third time, and passed.

Senate amendments to Assembly bill No. 214 were read and concurred in.

Senate bill No. 176 was read a first and second time, and referred to the Committee of the Whole.

The Speaker appointed Messrs. McFarland, Upton, and Cartter, as a Committee of Conference on the part of the House in regard to the Assembly amendments to Senate bills Nos 42 and 43, concerning Crimes and Punishments.

Senate bill, No. 150, was read a first and second time, and referred to the Delegation from Monterey.

Mr. Stout, from the Committee on Engrossment, made the following report:

Mr. Speaker:

The Committee on Engrossment have examined, and found correctly engrossed, an Act for the relief of William Jones.

LANSING STOUT,
Chairman.

On motion, the rules were temporarily suspended, for the purpose of acting on Senate bills Nos. 79 and 106.

On motion, the House resolved itself into a Committee of the Whole, for the purpose of considering Senate bills Nos 79 and 106.

House in Committee of the Whole, Mr. Stout in the Chair.

The Committee reported Senate bill No. 79, an Act amendatory of and supplementary to an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May 15, 1854, and recommend its passage without amendment.

Also, recommended the adopti n of the amendments reported by the Committee on Ways and Means to Senate bill No 106, on Act to fund the Indebtedness of the State now existing in the form of Controller's Warrants drawn on the General Fund, or that may be outstanding on the 1st of January, 1857, or Warrants issued for indebtedness accruing prior to the 1st January, 1857, and asked to be discharged from any further consideration of the same.

The report was received, and the Committee discharged.

Senate bill No. 79, was read a third time and passed.

Senate bill No. 106 was read, as amended, a third time and passed.

On motion of Mr Upton, the title of the bill was amended by adding the following words in continuation thereof, "and to provide for the redemption of State Bonds.

On motion, Senate bill No 176, an Act to abolish the office of State Prison Directors, and to provide for their payment, and devolve their duties upon the Board of State Prison Commissioners, was taken up.

Mr. McFarland moved to lay the bill on the table.

Lost.

Mr. Lippincott moved the previous question

Lost.

On motion of Mr. George, the bill was made the special order for Thursday next, at 12 o'clock, M

Mr Hunter offered the following resolution:

Resolved, That the Special Committee appointed on behalf of the House, to whom was referred Senate bills Nos. 90 and 91, entitled an Act to amend an Act concerning Corporations, passed April 22d, 1850, and an Act to amend an Act entitled an Act to provide for the formation of Corporations for certain

purposes, approved April 14th, 1853, are hereby instructed to report back the said bills to the House on to-morrow.

Adopted.

Mr. White offered the following resolution:

Resolved, That the Committee on Judiciary be requested to report all bills amendatory of the Act defining the time of commencing civil actions, or substitute therefor, for the speedy action of this House.

Adopted.

Mr. Hunter, by leave, presented a petition numerously signed by citizens of San Joaquin county, praying the passage of an Act concerning Corporations, and regulating the price of freight, &c., on river steamers.

Read and referred to the delegation from San Joaquin.

On motion of Mr. Stevenson, Senate bill No. 146, an Act to lease to Jonathan Williams, Tule Lands in the County of Yolo, was taken up.

Read a first and second time, rules suspended, read a third time, and passed.

On motion of Mr. McDonald, Assembly bill No. 283, an Act to create a Board of Commissioners to examine War Claims in the Counties of Klamath, Siskiyou, and Humboldt, was taken from the table.

On motion, the bill was considered as engrossed, read a third time, and passed.

On motion of Mr. Cartter, Assembly bill No. 76, an Act securing Liens to Mechanics and others, was taken from the table.

By leave, Mr. Cartter presented a petition from four hundred Mechanics residing in the city of Sacramento, praying the passage of Assembly bill No. 76.

Read, and laid on the table.

Mr. Cartter introduced a substitute for Assembly bill No. 76.

On motion, the substitute was read.

By leave, Mr. Gray presented a petition, numerously signed by Contractors, Mechanics, and Working Men of the City of San Francisco, praying the passage of a Lien Law, for the purpose of securing the payment of such claims as may be justly established, for materials, &c.

Read, and laid on the table.

Question being on the adoption of the substitute offered by Mr. Cartter, it was lost.

Mr. McDonald moved to amend the bill by adding an additional section 12, as an additional section to the bill.

Carried.

Mr. Bell moved to recommit the bill to a select committee of five.

Lost.

Mr. Batchelder moved to insert in third section, third line, between the words "moneys" and "to," the words "due or."

Carried.

Mr. Hawes offered the following amendment:

Amend by adding as section eleven: "Sec. 11. Nothing contained in this Act shall be construed to render any owner contracting for the erection of any building, or other work or superstructure, liable for any greater amount than he has contracted to pay therefor."

Pending discussion, on motion of Mr. McDonald, the bill was laid on the table.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 7, 1856.

To the Assembly of California:

I have approved a bill originating in the Assembly, entitled an Act to amend an Act to regulate Fees of Office, approved April 11, 1855.

Also, an Act to fix the time of holding the District Court in the third Judicial District.

Also, an Act making appropriation of money to defray the expenses of the State Prison from the 1st January, 1856, until the 28th day of March, 1856, and to pay the salaries of the State Prison Directors.

J. NEELY JOHNSON.

The following communication was received from the State Controller:

To Hon. J. T. FARLEY, *Speaker of the Assembly:*

There has been no appropriation to pay for 90 tons of Coal, furnished for the use of the State, at $35 per ton, amounting to $3150. There is also an account for water for State House, for 1854, amounting to over $200; and another

small account, for what, and the amount, not recollected, say in all, $500. Provision should be made for their payment.

G. W. WHITMAN,
Controller of State.

Read and referred to Committee on Claims.

The following communication was received from the State Printer:

OFFICE OF STATE PRINTER,
Sacramento, April 4, 1856.

Hon. JAS. T. FARLEY, *Speaker of the Assembly:*

SIR—

In obedience to a resolution of the Assembly, passed yesterday, requesting me to report to the House the expense of printing ordered by the Assembly up to this time: I have the honor to report that the entire cost of such work which has been completed, and for which bills have been made out and rendered to the Controller of State, is $21,561 36.

I have the honor to subscribe myself,
Very respectfully,
Your ob't serv't,

JAS. ALLEN,
State Printer.

Mr. McFarland presented accounts of Mr. W. B. Ewer, for furnishing copies of the Grass Valley Telegraph to the Legislature of 1855.

Referred to Committee on Claims.

Mr. Holland presented an account of Wm. C. Hoff, for stove and fixtures furnished the Governor's office at Benicia, in 1853.

Referred to Committee on Claims.

On motion of Mr. Taliaferro, at 4 o'clock, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, April 9, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Rolled called and members all present except those absent on leave.

Mr. Brush was granted leave of absence for one day.

The Journal of yesterday was read and approved.

Mr. Wohler presented a petition, numerously signed by citizens of San Francisco, praying the enactment of a law authorizing the Board of Fund Commissioners of that city, to fund certain Controller's Warrants of said city, which had been rejected by the Board of Examiners, for the most part on technical grounds, &c.

Read and referred to delegation from San Francisco.

Mr. Brunton presented the account of L. C. Gunn, for copies of the Sonora Herald, furnished the Legislature at its session of 1854.

Read and referred to the Committee on Claims.

By leave, Mr. Lewis introduced bill No. 296, an Act supplemental to an Act to create the County of Tehama, to define its boundaries and provide for its organization.

Read a first and second time.

On motion of Mr. Andrews, the rules were temporarily suspended, for the purpose of considering the bill.

On motion, the bill was considered as engrossed.

Read a third time and passed.

By leave, Mr. Winston introduced bill No. 297, an Act to grant the right of way for a Railway across the waters of the Bay of San Francisco to certain persons therein named.

Read a first and second time and referred to the Committee on Corporations.

Mr. Gage moved that the rules be suspended, for the purpose of allowing him to introduce a bill.

Lost.

Mr. Hunt gave notice that on to-morrow he would move a reconsideration of the vote just taken.

The following reports were received from committees:

Mr. Speaker:

A majority of the Committee on Mines and Mining Interests, to whom was referred bill No. 142, to exempt Mining Claims from forced sale in certain cases, beg leave to make the following report:

Your committee have no proof in the form of petition or otherwise, that the present laws regulating the Mines, particularly in relation to the execution and sale of Mining Claims, are sufficiently obnoxious to require amendment or repeal, or that the miners and traders are dissatisfied with the present regulations

We have become satisfied, from an intimate and practical knowledge of mining operations, and a close scrutiny of the provisions of this bill, that should it become a law, instead of working to the advantage of the miner—the person whom its introducer intends benefiting, it would be injurious to his interests at present, and put a quietus on future extensive mining operations.

It requires no proof to state, that the mines at the present time, present a striking contrast from what they were when gold was first discovered, and require now, what was not absolutely necessary then, abundant labor and extensive capital, to develop their rich mineral resources. No longer do we see the antique pan and rocker used exclusively in the abstraction of the shining metal from the soil in which it is contained, but in their stead, has the way been opened for the successful advent of innumerable machines, complicated and expensive. The miners now, instead of picking along the river's bank, or in shallow ravines and gulches, must, perforce, delve deep into the bowels of those mighty hills over which he has in former times so thoughtfully traveled, for that remuneration which earlier times afforded, or be content with the scantiest pittance. To accomplish this, are required not only hard labor and extreme perseverance, but a stronger and more potent motive power—capital; and which comparatively few of the miners at the present time possess.

The trader freely lends his means to give impetus to persevering and laborious exertion, and even is willing to call to his aid, his name and credit, and asks in remuneration the ability only of the miner to pay, subject to existing laws.

The present system operates as a link to bind with bands of common interest, the miner and the eastern capitalist, interlinked by the merchants of San Francisco, and the inland cities, with the trader in the mines, and so strong is the reciprocating interests between them, that the severance of one link from the chain, would be fatality to the circle.

A continuous system of credit and accommodation is kept up, which cannot be dissolved or impaired without entailing ruin on all parties, prostrating the interests of thousands, and bringing the financial condition of the country into alarming but inevitable bankruptcy.

The miner would no longer ply his pick, or strike his drill, to drive a laborious, extensive, and uncertain speculation: for the trader would not aid him at his

own peril, without one shadow of security, except his integrity and honor, as a man.

The present yield of gold derived from the principal source of an extensive outlay of capital, would be curtailed immeasurably, and the undeveloped richness of the mineral regions would remain a subject of speculative imagery upon which to reflect, but not to touch or use.

The passage of this bill, at the present time, while it would not benefit, in any essential particular, the *honest* miner, but would, in numberless instances, work to his disadvantage, would, at the same time, inflict an irreparable injury upon a large, industrious, and honorable class of citizens known as traders, from whom a very large proportion of the revenue necessary for the support of the mining counties is derived.

The introduction of a system affecting a change so radical and novel as is set forth in the provisions of this bill, would result in unequalled disaster to all parties It would leave the miner in humiliating dependency.

Instead of having the sovereign power of directing his own actions, of laboring for himself, and of carrying on, in his own name, and on his own account, extensive mining operations, he would be the suppliant slave to money and to moneyed men, dependant for his bread upon the beck and nod of arrogant and scheming capitalists, who, knowing their power, would not scruple to curtail the wages of the laborer to a mere living figure.

The restrictive clause in this bill, which affects to exempt mining claims under a certain value, does not prevent a virtual and an entire exemption; for, if a claim cannot be taxed, because it has no estimable value, neither can it be set aside as liable for debt, on account of an assumed value which may be given it.

This, taken with the fact, that very few claims in the mines are worth two thousand dollars, which, by this bill would become exempt from any liability incurred by the owner, renders the saving clause, as far as the creditor is to be affected by it, nugatory.

Your committee cannot believe that a law, such as is contemplated by this bill, is asked for by any considerable number of miners, or that they would receive any substantial benefit from its effects; but that, on the contrary, the system of credit, which has enabled many of them to obtain wealth, and which still upholds and sustains them, would receive its death-stroke, entailing present ruin on themselves, and future ruin on the financial prospects of the country.

We would represent that no class of citizens is divested of the responsibility of having their property liable for fair and honorable indebtedness, and they can see no good reason why miners should be an exception to this rule; nor, do we believe, they ask it We hold to the principle, that the property of every citizen should be held amenable to his creditors for his liabilities, except so far as the laws upon our statute books afford him protection, and believing that the passage of this bill would effectually damn the interests of those its originators would serve, bring to the trader disaster and almost inevitable bankruptcy, create unlimited distrust, and consequent suffering in the mines at least—effectually, for the time, impede the progress of gigantic mining operations—in short, affect every class of citizens in the State, from the miner to the agriculturist, and plunge us into dependency, destitution, and insolvency. Your committee would, in the most respectful manner possible, recommend the indefinite postponement of the bill.

J. E. BOWE,
JAMES D. WHITE,
A. A. HOOVER,
J. DICK,
A J. BATCHELDER

Mr. Speaker:

The Committee on Ways and Means, to whom was referred Assembly bill No. 289, an Act making Appropriation to meet deficiency in the Surveyor General's Office, for the Survey of the Immigrant Wagon Road, have considered the same, and recommend its passage, without amendment.

W. W. UPTON,
Chairman.

On motion of Mr. Upton, Assembly bill No. 289, was referred to the Committee of the Whole.

Mr. Speaker:

The Committee on Public Lands, to whom was referred Assembly bill No. 139, a bill for an Act to provide for the selection and segregation of the Swamp and Overflowed Lands belonging to this State, have had the same under consideration, and beg leave to report back to this House a substitute, and respectfully recommend the passage of the substitute.

GEORGE PECK,
Chairman.
JAS. GEORGE.

The substitute reported by the Committee on Public Lands for Assembly bill No. 159, entitled an Act to provide for the appointment of an agent to select lands donated to this State by an Act of Congress, was read a first and second time, and placed on the Calendar.

Mr. Van Dusen, from Select Committee, to whom was referred Senate bills Nos. 90 and 91, Acts concerning Corporations, was granted until to-morrow to report the bills back to the House.

The following message was received from the Senate:

SENATE CHAMBER, April 8, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate on this day concurred in Assembly amendments to Senate bill No. 73, an Act to provide for the election or appointment of a Reporter of the decisions of the Supreme Court, and for the publication of the same.

Also, passed Senate bill No. 139, an Act for the relief of Francis Hardy.

Also, passed Assembly bill No. 256, an Act for the relief of Cyrus Rowe, and his sureties.

Also, on this day amended and passed Assembly bill No. 78, an Act to provide for the erection of a jail in the county of Tuolumne

Also, passed Senate bill No. 169, an Act for the relief of Drs. H and W. P. Gibbons.

Also, on yesterday, adopted the following Concurrent Resolution.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

On motion the following Senate resolution was taken up.

Resolved, (the Assembly concurring,) That witnesses attending before committees, or under any authority of the Legislature, shall be allowed the same fees for *per diem* and mileage as witnesses in civil cases in Courts, and no more; and all committees and officers are directed to allow no more than is hereby provided; nor shall there be allowed to any clerk or employee of a committee more pay than is allowed a member of the Legislature.

Passed.

The following report was received from the Enrolling Committee:

Mr. Speaker:

The Committee on Enrollment have this day examined Assembly bill No. 285, an Act appropriating moneys for translating certain documents, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

The following bills referred to in the foregoing message from the Senate were then taken up, viz.

Senate bill No. 139.

Read a first and second time, and referred to the Committee on Claims.

Senate bill No. 169.

Read a first and second time, and referred to the Committee on Claims.

Senate amendments to Assembly bill No. 78, was read and concurred in.

Mr. Peck offered the following resolution:

Resolved, That the Enrolling Clerk of Assembly be and he is hereby authorized to employ two additional assistants.

Adopted.

On motion, the general calendar of bills was taken up, viz.

Assembly bill No. 188, an Act entitled Act concerning Forcible Entries and Unlawful Detainers, passed April 22, 1854.

Read as amended by the Judiciary Committee.

On motion, the amendments were concurred in.

Mr. Meloney moved to strike out the second section of the bill.

Lost.

Mr. Turner moved to lay the bill on the table.

Lost.

Mr. Stout moved that the bill be considered as engrossed.

Mr McFarland moved the previous question.

Sustained.

The bill was then considered as engrossed.

Read a third time and passed.

Mr. Ricks moved that the House reconsider the vote by which the Assembly passed Assembly bill No. 214, an Act to incorporate the town of Eureka in Humboldt County.

Carried.

On motion of Mr. Upton, the bill was amended by striking out the word "and," and inserting the word "in," in lieu thereof.

The bill as amended was then read a third time and passed.

Assembly bill No. 177, an Act relative to advertising for the redemption of Controller's Warrants.

On motion of Mr. Hunter, the bill was considered as engrossed.

Read a third time and passed.

The following message was received from the Senate :

SENATE CHAMBER, April 9, 1856.

Mr. Speaker :

I am directed to inform the Assembly that the Senate on this day amended and passed Assembly bill No. 285, an Act appropriating moneys for translating

certain documents, and repectfully asks the concurrence of the Assembly thereto.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec. Senate.

On motion of Mr. Cartter, Senate amendment to Assembly bill No. 285, was read and concurred in.

Assembly bill No. 201, an Act to amend an Act entitled, an Act concerning the Independent Order of Odd Fellows, was considered as engrossed, read a third time, and passed.

Assembly bill No. 205, an Act to legalize certain records in the county of Solano, was considered as engrossed, read a third time, and passed.

Assembly bill No. 195, an Act to amend an Act entitled, an Act to create a Board of Supervisors for the county of San Diego, and to define their Duties, passed May 3, 1852, was considered as engrossed, read a third time, and passed.

Assembly bill No. 196, an Act to prevent Judges of the County Courts, in this State, from practising as Attorneys in the District Courts, in this State, was, on motion of Mr. Van Dusen, laid on the table.

Assembly bill No. 210, an Act to exclude the Counties of San Joaquin and Stanislaus, from the operations of an Act entitled, an Act to provide for the Payment of Officers holding Elections, and for transmitting the returns thereof, pproved May 2, 1855.

On motion of Mr. Peck, the words "Santa Clara" was added, after the words "counties of San Joaquin," and before the word "Stanislaus," wherever these words occurrs in the bill.

On motion of Mr. Callbreath, the bill was recommitted to the Delegations from San Joaquin, Santa Clara, and Stanislaus, with instructions to report the bill back to-morrow.

Senate bill No. 120, an Act to authorize the State Treasurer to pay certain coupons, was read as amended by the Judiciary Committee.

On motion of Mr. Curtis, the amendments reported by the committee were concurred in, and the bill as amended was read a third time and passed.

Mr. Beatty moved a call of the House.

Carried.

The roll was called, and members were all present except those absent on leave.

On motion of Mr. Stevenson, further proceedings under the call were dispensed with.

Assembly bill No. 153, an Act to authorize the working of the Convicts in Siskiyou county, was laid on the table.

Assembly bill No. 180, an Act to amend an Act entitled, an Act to regulate Fees of Office, approved April 10, 1855, was indefinitely postponed.

Assembly bill No. 203, an Act entitled an Act concerning the receiving of County Warrants for county taxes, in the counties of Klamath and Siskiyou, was indefinitely postponed.

Assembly bill No. 208, an Act amendatory of an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1, 1851, was considered as engrossed, read a third time, and passed.

Assembly bill No. 216, an Act to amend section seven of an Act entitled, an Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers, approved March 20, 1855, was, on motion, made the special order for Saturday next, at 12 o'clock, M.

Assembly bill No. 218, an Act to amend section twenty-three of an Act entitled, an Act to regulate Fees of Office, approved April 10, 1855. was considered as engrossed, read a third time and passed.

Committee on Corporation's substitute for Assembly bill No. 128, an Act to extend the time of commencing the construction of certain Railroads herein named, was considered as engrossed, read a third time and passed.

The Nevada delegation's substitute for Assembly bill No. 186, an Act concerning County Officers in the County of Nevada.

Considered as engrossed, read a third time and passed.

Assembly bill No 148, an Act to prohibit the carrying of Concealed Weapons.

Mr. George moved to indefinitely postpone the bill.

Mr. Meloney moved to lay the bill on the table.

Lost.

Mr. Callbreath moved the previous question.

Sustained.

The question then recurring on the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Stout, White and Sellick with the following result:

AYES.

Messrs. Andrews, Batchelder. Beatty. Boring, Bynum, Callbreath, Covarrubias, Curtis, Downey, Ewalt, George, Heald, Heiskell, Hunt, Hunter, Kendrick, Lewis, Lippincott, McGehee, Meloney, Pearson, Reynolds, Ricks, Sharp, Stevenson, Sterritt, Taliaferro, Wagner, Winsor and Winston—30.

NOES.

Messrs Bell, Bowe, Brunton, Coombs, Davis, Dick, Dustin, Gage, Holland, Hoover, Kelly, Leiby, McDonald, McFarland, Oliver, Peck, Rathburn, Read, Sellick, Shearer, Stout, Swan, Turner, Upton, Weir, White and Mr. Speaker—28.

So the bill was indefinitely postponed.

Mr. Batchelder gave notice that on to-morrow, he would move a reconsideration of the vote just taken.

Senate bill No. 87, an Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons, passed May 1, 1851.

Read a third time and passed.

Assembly bill No. 217, an Act to authorize the Board of Supervisors of Humboldt County to levy a Special Tax for certain purposes, and to provide for the collection of the same.

Considered as engrossed, read a third time and passed.

Mr. Callbreath gave notice of a motion to reconsider the vote just taken.

Assembly bill No. 225, an Act to provide for assessing an additional Tax in the County of Trinity.

Considered engrossed.

Read a third time and passed.

On motion of Mr. Weir, Assembly bill No. 221 was taken up.

House resolved itself into Committee of the Whole.

Mr. Lamon in the chair.

Committee rose, reported and were discharged.

Substitute offered in Committee was adopted in the House.

Considered engrossed.

Read a third time and passed.

On motion of Mr. Pugh, Assembly bill No. 73, substitute for a bill for an Act to prevent certain animals from unlawfully running at large, was taken up.

Mr. Pearson moved to indefinitely postpone the bill.

Mr. Winsor moved to make the bill special order for the 4th of July.

Mr. Meloney moved to strike out the enacting clause of the bill.

Mr. Dustin moved the previous question.

Sustained.

The question was then put upon the several motions separately, and they were lost.

Mr. McGehee moved to adjourn.

Upon which, Messrs. Weir, Heiskell and Bowe demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Blackburn, Covarrubias, Dick, Downey, Ewalt, Gaston, Gray, Heiskell, Holland, Hunter, Kendrick, Lamon, McDonald, McGehee, Meloney, Oliver, Pearson, Read, Reynolds, Ricks, Sharp, Sterritt, Stout, Swan, Taylor, Wagner, Winsor—28.

NOES.

Messrs. Batchelder, Bell, Bowe, Brunton, Bynum, Callbreath, Davis, Dustin, Gage, Heald, Hoover, Hunt, Kelly, Leiby, McFarland, Peck, Pugh, Rathburn, Sellick, Shearer, Stevenson, Turner, Weir, Welch, White and Mr. Speaker—26.

So the House adjourned at 4 o'clock, P. M.

THURSDAY, April 10, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

Mr. Winsor was granted leave of absence for one day.

The Journal of yesterday was read and approved.

Mr. Lamon presented a petition numerously signed by residents of Mariposa County, remonstrating against the proposed alteration of the boundary line of that County.

Read and referred to the delegations from Mariposa and Merced.

The following reports were received from committees:

Mr. Speaker:

The Committee on Enrollment have this day examined the following Assembly bills and find the same correctly enrolled:

Substitute for bill No. 267, an Act fixing the time of holding the Court of Sessions, County Court and Probate Court in and for the County of Santa Clara.

Bill No. 250, an Act for the relief of Cyrus Rowe and his sureties.

Bill No. 108, an Act to amend an Act granting Joseph R. Beals and others the right to construct a Toll Bridge across the Pajaro River.

No. 125, an Act amendatory of an Act concerning County Judges, passed April 4, 1854, and April 30, 1855.

No. 169, an Act for the relief of Jotham S. Marston, late Treasurer of Alameda County.

No. 268, an Act for the relief of Olive Oatman.

SILAS SELLICK,
Chairman.

Mr. Speaker:

Your committee on Military Affairs, to whom was referred Assembly bill No. 227, an Act to provide for the immediate procurement of Arms for the use of this State, and making an appropriation therefor, respectfully report:

That the subject embraced in the bill is, owing to the peculiar condition of California, one of great importance, and should receive immediate action by the Legislature of this State. That this State needs Arms and Munitions of War, it is believed, all will readily admit, and the only question to be investigated is, as to the manner or means to be used in the procurement of the same.

Your committee find, that California is equitably entitled to a quota of arms from the General Government, for the years 1850, 1851, and 1852, which if allowed by the General Government, would amount to three thousand stand, or arms to the value of $60,000.

This claim is based upon the following grounds, viz: the General Government has set apart an annual appropriation of $200,000, for the purpose of arming the militia of the several States, and each State is to receive an annual quota, in proportion to the number of her enrolled militia. California received no arms for the years above referred to, from the fact, that the Adjutant General failed to make his return of the enrolled militia of the State, consequently, no issue was made to the State for those years, although we had at that time a constructive military organization.

Your committee believe, that if this claim was properly represented to Congress, a special Act would be passed by that body, appropriating arms to the State for those years; besides, we are informed by the Adjutant General, that the Secretary of War, and the officers of the War Department, are fully satisfied of our unprotected and exposed condition, and have promised to render every aid in their power to secure the passage of a special Act by Congress, to appropriate thirty or fifty thousand stand of arms, (probably of the improved style, to this State, in advance. Requisitions for arms from the counties of Klamath, Siskiyou, Mariposa, Plumas, Placer, Sonoma, San Luis Obispo, Los Angeles, and San Bernardino, are now on file in the Adjutant General's Office, which the State has not the ability to fill.

Your committee therefore believe, that they are fully warranted in recommending the passage of the bill under consideration, and that the co-operation of our members in Congress, the officers of the War Department, and the Adjutant General of this State, will secure to this State a large and valuable quantity of arms for the protection of our citizens, and the defense of the State.

Signed,

J. HUNT,
G. A. REYNOLDS,
WM. BLACKBURN,
J. M. COVARRUBIAS.
JOHN EWALT.

Committee.

Mr. Speaker:

The undersigned, a minority of your Committee on Military Affairs, to whom was referred Assembly bill No. 227, a bill for an Act to provide for the procurement of Arms for the use of the State, and to make an appropriation therefor, have had the same under careful consideration, and ask to make the following report:

You are aware that the Legislature, a few days since, passed a bill levying a direct tax on the people of the State, to support a few Volunteer Companies, and purchase "Kibbe's" tactics. In defence of that bill it was urged that it was absolutely necessary to the procurement of the State's quota of arms, and we are now asked to make an appropriation of two thousand dollars to defray expenses and compensation of the Quarter master General, to proceed to the Seat of the General Government, and procure the arms which was said to have been provided for in the bill above mentioned, an inconsistency that the undersigned cannot reconcile, unless it be to make "sure doubly sure," or a determination to crush the people with taxation, and squander their money broad-cast.

By an Act of Congress, passed 1853, an appropriation of two hundred thousand dollars annually was made to arm and equip the militia of the several States and Territories. The State of California is entitled to her proportion for six years, and has received it for the years 1853, 1854, and 1855, and from the failure of the then Quarter Master General to make the proper report, the State has not received her share of arms for the years 1850, '51, and '52.

The undersigned is confident that a requisition and statement of the facts by the proper authority of this State, assisted by our Senator and Representatives in Congress, to the Department at Washington, the remainder of the State's quota of arms will be forwarded without incurring an additional expense of two thousand dollars. By the passage of this bill, leave of absence will be granted to the Adjutant General, and from the *imminently threatened conflict* between the United States and Great Britain, (as represented by the friends of the "tactic bill" recently passed) the undersigned thinks the presence of the Chief Military officer of the State indispensable to the welfare of the Commonwealth and the preservation of human life. From these considerations the undersigned would most respectfully advise the indefinite postponement of the bill.

T D. HEISKELL.

Mr. Speaker:

The San Francisco delegation, to whom was referred bill No. 56, for an Act amendatory of an Act entitled an Act to re-incorporate the City of San Francisco, passed May 5, 1855, report the same back to the House, and recommend its passage.

N. W. HOLLAND,
SOL. A SHARP.
BEN. J LIPPINCOTT,
JOHN EWALT,
C W. MOULTHROP,

On motion of Mr. Holland, Assembly bill No. 56 was laid on the table.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 9, 1856

To the Assembly of California :

I have this day approved an Act to create the county of Tehama, to define its boundaries and to provide for its organization.

Also, an Act to change the time of holding the Probate Court of the county of Merced.

Also, an Act to fund the debt of Santa Clara county, and to provide for the payment of the same.

All of which originated in the Assembly.

J. NEELY JOHNSON.

The following communication from the Controller of State was read, and referred to the Committee on Claims:

Hon. J. T. FARLEY, *Speaker of the Assembly*

SIR—

In auditing the Deficiency account, to which I called your attention in my note of the 8th instant, there are the following deficiencies, for which there is no appropriation:

Deficiency in appropriation to pay D. L. Lord, for stationery, as per contract with Secretary of State, - - - - -	$1470 00
McCauley, for beef furnished State Prison since 1st January, -	6783 65
There are other small bills against the State Prison for stationery, to D. L. Lord, and others for sundries, say in all. - - -	1000 00
	$9253 65

It will be apparent, that the above bills are of such a nature, that if not provided for, will seriously embarrass any officer or agent of the State in making purchases in the future for the use of the State.

G. W. WHITMAN,
Controller of State.

The following message was received from the Senate:

SENATE CHAMBER, April 9, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate yesterday passed Senate bill No. 170, an Act for the Relief of Selim E. Woodworth.

Respectfully,

WM. BAUSMAN,
Secretary Senate.

Senate bill No. 170, was read a first and second time.

On motion of Mr. Lippincott, the rules were suspended, the bill was read a third time, and passed.

Mr. Lewis offered the following resolution.

Resolved, That the Chairman of the Select Committee, to whom was referred Senate bills Nos 90 and 91, an Act concerning Corporations, be instructed to report the same back to the House to-day.

Mr. Turner moved to lay the resolution on the table

Upon which, Messrs. Heiskell, Bowe, and Hoover, demanded the ayes and noes, with the following result:

AYES.

Messrs. Dick, McGehee, Oliver, Turner, and Winston—5.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Bowe, Brush, Bynum, Callbreath, Cone, Coombs, Downey, Dustin, Ewalt, Gage, Gaston, George, Hawes, Heald, Heiskell, Hoover, Hunt, Hunter, Kelly, Lamon, Lewis, Lippincott, Mathews, McDonald, McFarland, Meloney, Moulthrop, Rathburn, Read, Reynolds, Ricks, Sellick, Sharp, Shearer, Stout, Taliaferro, Wagner, Weir, and White—43.

So the resolution was adopted.

Mr. White moved to amend the resolution, by striking out the word "to-day," and inserting the word "to-morrow."

Pending discussion, Mr. Hunter moved the previous question.

Sustained.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Rathburn, Hunter, and Bowe, with the following result:

AYES.

Messrs. Andrews, Batchelder, Blackburn, Boring, Brunton, Brush, Bynum, Cartter, Dick, Hawes, Heald, Hunt, Kendrick, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Read, Ricks, Sellick, Sharp, Shearer, Sterritt, Taylor, Upton, Van Dusen, Wagner, Welch, White, Winston, and Mr. Speaker—37.

NOES.

Messrs. Bell, Bowe, Callbreath, Cone, Downey, Dustin, Gage, Gaston, George, Heiskell, Holland, Hoover, Hunter, Kelly, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Rathburn, Reynolds, Stout, Taliaferro, Weir, and Wohler—25.

So the amendment was adopted.

The resolution, as amended, was then passed.

On motion of Mr. Sharp, Assembly bill No. 56, was taken from the table.

Mr. Holland offered a substitute for Assembly bill No. 56, entitled an Act empowering the proper Municipal Officers of the City of San Francisco, to appropriate and pay out Moneys actually existing in the City Treasury.

Read a first and second time.

On motion of Mr. Sharp, the substitute was adopted.

On motion of Mr. Lippincott, the rules were suspended.

The substitute bill was considered as engrossed,

Read a third time and passed.

Mr. Lamon gave notice that on to-morrow he would move a reconsideration of the vote just taken.

On motion of Mr. Bowe, Assembly bill No. 269, an Act to prevent Frauds in Elections, and define the duties of Electors in the incorporated Towns or Cities of this State. was taken from the table.

On motion, the amendments reported by the Committee on Elections were amended and concurred in.

On motion of Mr. Bowe, the bill was considered as engrossed.

Read a third time.

On its passage, Messrs. Mathews, Sharp and Beatty demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Bell, Blackburn, Bowe, Cartter, Cone, Dustin, Gage, Gaston, Heald, Heiskell,Hoover, Hunter, Kelly, Lamon, Leihy, Mathews, Mc Donald, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Sterritt, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, White, Winsor, Winston and Mr. Speaker—40. .

NOES.

Messrs. Beatty, Boring, Brush, Bynum, Callbreath, Covarrubias, Downey, Ewalt, George, Gray, Holland, Hunt, Kendrick, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Sharp, Taliaferro—20.

So the bill passed.

The special order of the day, Senate substitute for Senate bill No. 176, an Act to abolish the office of State Prison Directors, and to provide for their payment, and devolve their duties upon the Board of State Prison Commissioners, was taken up.

On motion of Mr. Callbreath, the bill was made the special order for Tuesday next, at 12 o'clock, M.

Mr. Bowe offered the following resolution:

Resolved, That the Standing Committees of the Assembly be instructed to report upon all bills in their possession, or or before Monday next.

Lost.

On motion of Mr. Peck, Committee on Public Lands, substitute for Assembly bill No. 77, an Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State, was taken from the table.

Mr Hawes moved to amend Section 1st by striking out all after the word "acre," in line 2, and inserting in place thereof the following: "in quantities not exceeding one hundred and sixty acres to any one person, to such persons, being citizens of the United States, or having declared their intention to become such, as shall have reclaimed them, and shall actually occupy and cultivate them."

On a motion to adopt the amendment, Messrs Hawes, Gray and Downey demanded the ayes and noes, with the following result:

AYES.

Messrs. Downey, Gray, Hawes, and Hurt—4.

NOES.

Messrs. Andrews, Batchelder, Beatty, Bell, Boring, Bowe, Brunton, Brush, Bynum, Carter, Callbreath, Cone, Coombs, Covarrubias, Davis, Dick, Dustin, Gaston, George, Heiskell, Holland, Hoover, Hunter, Kendrick, Leihy, Lippincott, McDonald, McFarland, McGehee, Moulthrop, Oliver, Pearson, Peck, Rathburn, Read, Rhodes, Ricks, Sharp, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Taliaferro, Taylor, Turner, Upton, Wagner, Weir, Welch, White, Winston, Wohler, Mr. Speaker—55.

So the amendment was lost

Mr. Peck moved to amend section 1 by striking out all after the words, "the proceeds of the sales thereof," and adding the following words: "shall be paid into the State Treasury as other State revenues, and credited to the account of the fund for the reclamation of said lands, to be appropriated as the Legislature may hereafter direct."

On a motion to adopt the amendment, Messrs Stout, Weir, and Read, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Blackburn, Boring, Bowe, Brunton, Carter, Callbreath, Cone, Covarrubias, Davis, Dick, Dustin, George,

Heiskell, Holland, Hoover, Hunt, Hunter, Kendrick, Leihy, McGehee, Pearson, Peck, Rathburn, Sharp, Shearer, Stevenson, Sterritt, Swan, Tahaferro, Upton, Wagner, Weir, Welch, Winston, Mr. Speaker—39.

NOES.

Messrs. Bynum, Coombs, Downey, Gray, Heald, Oliver, Read, Sellick, Stout, Taylor—10.

So the amendment was adopted.

Mr. Hawes moved to amend section 8, line 2, by inserting next after the word "town," the words, "nor within three miles of the limits of the city of San Francisco."

Lost.

On motion of Mr. Peck, the bill was amended by striking out the last proviso of the 12th section.

Mr. Peck moved to amend by inserting after the word possession, in 4th line, 12th section, the words, "not exceeding 320 acres."

Adopted.

Mr Stevenson moved that the bill be considered as engrossed, for the purpose of having it read a third time.

Mr. Rhodes moved the previous question

The question then was, "Shall the main question be now put?"

The ayes and noes were demanded by Messrs Hawes, Downey, and Gray, with the following result:

AYES.

Messrs. Bell, Cone, Dustin, Hunter, Mathews, McFarland, Peck, Pugh, Rathburn, Rhodes, Ricks, Shearer, Stevenson, Turner, Wagner, Weir, and Winston —16.

NOES.

Messrs Andrews, Blackburn, Boring, Borland, Bowe, Brush, Bynum, Carter, Calhoun, Covarrubias, Davis, Dick, Downey, Ewalt Gage, George, Gray, Hawes, Heald, Holland, Hoover, Hunt, Kelly, Kendrick, Lewis, Lippincott, Meloney, Moulthrop, Oliver, Pearson, Sharp, Stout, Swan, Tahaferro, Taylor, Upton, Welch, White, Winsor, and Wohler—40.

So the previous question was not sustained.

Mr. Wohler moved to amend Section 1, by adding the following words.

"Provided nothing in this Act shall be construed to apply to any lands situated within three miles of the cities of San Francisco, San Diego, Sacramento, Marysville, or Oakland, nor within one mile of any other incorporated town or city in this State."

Pending discussion, Mr. McFarland moved the previous question,

Sustained.

The question then recurring on the amendment offered by Mr. Wohler, the ayes and noes were demanded by Messrs Gray, George, and Wohler, with the following result:

AYES.

Messrs. Beatty, Brent, Brush, Covarrubias, Davis, Dick, Downey, Ewalt, George, Gray, Hawes, Heald, Holland, Hoover, Hunt, Kendrick, Meloney, Moulthrop, Pearson, Sharp, Stout, Taliaferro, Upton, White, and Wohler—24.

NOES.

Messrs Andrews, Batchelder, Blackburn, Boring, Bowe, Bynum, Cartter, Callbreath, Cone, Dustin, Gage, Gaston, Hunter, Kelly, Leihy, Lewis, Mathews, McFarland, Oliver, Peck, Pugh, Rathburn, Shearer, Sherrard, Stevenson, Sterritt, Swan, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, Winsor, and Mr Speaker—34.

So the motion was lost.

On the motion to consider the bill as engrossed, the ayes and noes were demanded by Messrs. Hawes, George, and Wohler, with the following result:

AYES.

Messrs Andrews, Batchelder, Blackburn, Boring, Brunton, Brush, Cartter, Cone, Davis, Dustin, Gaston, Heiskell, Hunter, Kelly, Leihy, Lewis, Lippincott, Mathews, McFarland, Oliver, Peck, Pugh, Rathburn, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Taliaferro, Turner, Van Dusen, Wagner, Weir, Winsor, and Mr. Speaker—36.

NOES.

Messrs. Beatty, Brent, Bynum, Callbreath, Covarrubias, Dick, Downey, Ewalt, Gage, George, Gray, Hawes, Heald, Holland, Hoover, Hunt, Kendrick, Meloney, Moulthrop, Pearson, Sellick, Sharp, Taylor, White, and Wohler—26.

So the motion was carried.

Mr. Callbreath moved that the House do now adjourn.

Lost.

On the passage of the bill the ayes and noes were demanded by Messrs. Weir, Wohler and Hawes demanded the ayes and noes with the following result:

AYES.

Messrs. Andrews, Batchelder, Blackburn, Boring, Bowe, Brunton, Brush, Bynum, Cartter, Callbreath, Cone, Dustin, Gaston, Heiskell, Hunter, Kelly, Leiby, Lewis, Lippincott, Mathews, McFarland, Peck, Pugh, Rathburn, Shearer, Sherrard, Stevenson, Sterritt, Swan, Taliaferro, Turner, Van Dusen, Wagner, Weir, Winsor and Mr. Speaker—37.

NOES.

Messrs Beatty, Covarrubias, Davis, Dick, Downey, Ewalt, Gage, George, Gray, Hawes, Heald, Holland, Hoover, Hunt, Kendrick, Meloney, Moulthrop, Oliver, Pearson, Sellick, Sharp, Stout, Taylor, Welch, White, Wohler—26.

So the bill passed.

Mr. Boring moved to reconsider the vote just taken.

Mr. Van Dusen moved to indefinitely postpone that motion.

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

Lost.

Mr. Callbreath moved that the House do now adjourn

Lost.

On Mr. Van Dusen's motion to indefinitely postpone the motion to reconsider the ayes and noes were demanded by Messrs. Hoover, Boring and Stout with the following result:

AYES.

Messrs. Batchelder, Blackburn, Boring, Brush, Bynum, Cartter, Cone, Dustin, Gaston, Hunter, Leiby, Lewis, Lippincott, Mathews, McFarland, Peck, Pugh, Rathburn, Shearer, Sherrard, Stevenson, Sterritt, Swan, Turner, Van Dusen, Wagner, Weir, Winsor, Mr. Speaker—29.

NOES.

Messrs. Andrews, Beatty, Callbreath, Covarrubias, Davis, Dick, Downey, Ewalt, Gage, George, Gray, Hawes, Heald, Heiskell, Holland, Hoover, Hunt, Kelly, Kendrick, Meloney, Moulthrop, Oliver, Pearson, Sellick, Sharp, Stout Taliaferro, Taylor, Welch, White, Wohler—31.

So the motion was lost.

On motion of Mr, Boring, the House, at three o'clock, P. M., adjourned.

IN ASSEMBLY.

FRIDAY, April 11, 1856.

House met pursuant to adjournment.

The Speaker being absent, the House was called to order by the Chief Clerk.

On motion of Mr. Boring, Mr. Taylor was elected Speaker *pro tempore*.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

Journal of yesterday was read and approved

Mr Lewis presented a petition from citizens of Colusi county, praying the enactment of a law authorizing the Board of Supervisors of Colusi county to grant licenses for ferries across the Sacramento river, whenever one landing is proposed to be in the county of Colusi.

Read and referred to the delegation from Colusi

The following reports were received from committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred the following named bills, having had the same under consideration, would respectfully report:

Assembly bill No 25, an Act to amend an Act entitled an Act defining the time of commencing Civil Actions, approved March 11, 1855

Also, Assembly bills No 31 and No 40, in reference to the same subject, and recommend that they be indefinitely postponed

Respectfully,

R. B. SHERRARD.
Chairman.

Mr. Speaker:

The Select Committee, to whom was referred Assembly bill No 210, report a substitute for the bill entitled an Act to amend an Act entitled an Act providing for the payment of Officers holding Elections, and for transmitting the returns thereof, and recommend the passage of the same in lieu of the original bill.

J. C. CALLBREATH,
Chairman.

Substitute for Assembly bill No. 210, was read a first and second time, and placed on the calendar.

Mr Speaker:

The undersigned, majority of the members of your Select Committee, to whom was referred a petition from the citizens of Stanislaus county, praying that their county may be established, for judicial purposes, in the 13th Judicial District, have had the same under consideration, and beg leave to recommend that the prayer of said petition be granted by the passage of an Act which is herewith submitted.

J. C. CALLBREATH,
Stanislaus.
T. J OXLEY,
T C. BRUNTON,
J. T. VAN DUSEN,
M. McGEHEE,
Tuolumne,
GEO. W. WAGNER,
Amador
T. W. TALIAFERRO,
E. T. BEATTY,
JAMES PEARSON,
Calaveras.
J. W. HUNTER,
B. G. WEIR,
San Joaquin.

Mr. Speaker

A minority of the Committee, to whom was referred an Act to add Stanislaus County to the Thirteenth Judicial District, would respectfully recommend the indefinite postponement of the same, for the following reasons:

1st. Because it would be an Act of injustice to the Judge of the Thirteenth Judicial District, to add an additional county to the district; thereby increasing his labor and expenses, without increasing his compensation. 2d. Because the Thirteenth Judicial District is now one of the largest in the State, extending as it does over about one-fifth of the entire territory of the same. 3d. Because the Thirteenth Judicial District will include five counties, in all probability, in the next year, *exclusive of the County of Stanislaus;* whereas, the Fifth Judicial District, to which that county now belongs, without it, would only contain four counties

For these reasons, and for many others which might be offered, we would most respectfully ask this House to indefinitely postpone the bill authorizing the changes.

R. B. LAMON,
GEO. H. RHODES,
Mariposa Co.

ROBT. SWAN,
Tulare Co.

Assembly bill No. 293, an Act relating to the Thirteenth Judicial District and to define the Time of holding the Courts of said District, which was reported by the majority of Select Committee, was read a first and second time.

On motion of Mr. Callbreath, the rules were temporarily suspended, the bill was considered as engrossed, read a third time, and passed.

Mr. Speaker :

The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Bill No 283, an Act to create a Board of Commissioners to examine War Claims in the Counties of Klamath, Siskiyou, and Humboldt.

Bill No. 117, an Act concerning Hogs found running at large in the Counties of Marin and Santa Clara.

Bill No 184, an Act to prevent the Owners of Saw Mills, and other persons, from obstructing the Channels of Humboldt Bay and Harbor.

Bill No 183, an Act declaring Big Slough and Butcher's Slough, in Humboldt county, navigable.

Bill No. 182, an Act to fix the Compensation of the District Attorney and County Judge for the County of Humboldt.

Bill No. 122, an Act to authorize the County Authorities to work Convicts in certain cases.

Bill No. 188, an Act to amend an Act entitled an Act concerning Forcible Entries and Unlawful Detainers, passed April 22, 1850.

Bill No. 177, an Act relative to Advertising for the Redemption of Controller's Warrants.

Bill No. 208, an Act amendatory of an Act entitled an Act to regulate the Estates of Deceased Persons, passed May 1, 1851.

Bill No. 195, an Act to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their Duties, passed May 3, 1852.

Bill No 217, an Act to authorize the Board of Supervisors of Humboldt county to levy a Special Tax for certain purposes, and to provide for collecting the same.

Bill No. 296, an Act supplemental to an Act to create the County of Tehama, to define its boundaries, and to provide for its organization.

Bill No. 201, an Act to amend an Act entitled an Act concerning the Independent Order of Odd Fellows

Bill No. 186, an Act concerning County Officers in the County of Nevada.

Substitute for bill No. 221, an Act appropriating Moneys for the Benefit of the Orphan Asylums at San Francisco and San Rafael.

Substitute for bill No 56, an Act empowering the proper Municipal Officers of the City of San Francisco, to appropriate and pay out Moneys existing in the City Treasury.

NATH. HOLLAND.

Mr. Speaker:

The Special Committee, to whom was referred Senate bills Nos. 90 and 91, beg leave to submit the following report:

At the time they entered upon the discharge of their duties, they addressed a note to the Attorney General, requesting his opinion in regard to the constitutionality of the legislation proposed in the bills before them, and have been favored with the written opinion of that officer, and your committee are of opinion that they cannot better discharge the duties they are entrusted with than by presenting that very able, concise opinion to the Assembly, which is as follows:

In the matter of the proposed amendments to the Act providing for the formation of Corporations, whereby it is sought to regulate the rates of fare and freight to be charged by Steam Navigation Companies, the law of 1850 provides for the formation of such companies, and declares that they shall have certain powers, and among others, to make by-laws not inconsistent with the existing laws of the State, and for the carrying on the business of the company, it provides further, the manner of subscribing and paying in the capital stock, and their duties and liabilities; but nowhere places any restriction upon their rights to fix and contract for any rates of freight and passage, or interferes with their privilege so to do, as necessity or circumstances may require.

A private corporation is a contract between the government and the corporators, and the Legislature cannot repeal, impair or alter the rights and privileges conferred by the Charter against the consent of the corporation, and without its default judicially ascertained.—*Young vs Harrison*, 6: *Geo. Reps.*, 130.

"A corporation is private distinguished from public, unless the whole interest belongs to the government, or the corporation is created for the administration of political or municipal power."—*Rundle vs. the Delaware & Raritan Canal*, 1850: *Wallace J.* 275.

"Substantive alterations of the Charter of a corporation by the Legislature, without the concurrence of the corporation, are unconstitutional and void"—*The Commonwealth vs Cullen*, 13 *Penn State Reps*, 133

A corporation Charter is within the constitutional provision, that no State shall pass any laws impairing the obligation of a contract.—13 *Ired.* 75.

"An Act of incorporation is a contract within the meaning of the Constitution, and any legislative act which impairs it by enlarging the powers of the State over the body corporate, as by abridging its franchise, (which is its right and privilege to fix and take reward for their transportation of goods and passengers, for which alters it in any material point, is "void")"—6 *Smeeds & Marsh*, 599

"The Legislature has no power to alter the provisions of the Charter of a corporation purely private, in any particular, without the consent of the corporators."—*Brown* vs. *Hamsuel*: 6 *Barr*, 86.

"The objection to a law on the ground that it impairs the obligation of a contract does not depend upon the extent of the change which the law may make, in it; any deviation from its terms, by imposing conditions not expressed in the contract" (or Charter, as was not here,) "however minute and apparently immaterial in their effect, is within the constitutional prohibition. A contract entered into between the State and individuals is as fully protected by this prohibition, as a contract between individuals." "An Act of the Legislature is equivalent to a contract, and when performed, is a contract executed," (as here, we have gone on under the Act, and incorporated and invested our capital,) "and whatever rights are thereby created, a subsequent Legislature cannot impair."—*Winter* vs *Jones*: 10 *Geo Reps*, 190

"A law granting to certain individuals the right to organize and form a corporation, with powers to construct a road, take toll, &c, *is a contract* within the protection of the Constitution, prohibiting the passage of laws impairing the obligation of the same"—*Backus* vs *Lebanon*, 11 *W. H.* 19.

"Private corporations are the private property of the corporators, they are designed to regulate private interests; *large investments* are made in pursuance of their authority; and the tenure by which such corporate property is held, is like that of an individual to his farm or personal estate, and an *invasion of such* corporate power, is like a *violation* of private rights, one of the strongest reasons why these private corporations should be cautiously granted, arises from the inviolability of the rights acquired under them."—13 *Ward*, 337, 338

"One of the tests that a contract has been impaired," (says the Court, in speaking of a Bank charter,) "is, that its value has by Legislature been diminished. This is not a question of degree, or manner, or cause, but of encroaching in any respect on its obligation, dispensing with any part of its force, so if the obligation of a contract is to be regarded as the duty imposed by it, here the duty imposed by the State to adhere to it own deliberate grant is interfered with, and altered"—6 *Howard's U S. Rep*, 327.

The case of Middlesex Turnpike Company vs Freeman, 10 *Conn Rep*, 90, and 91, holds, that when the rates of toll were fixed by the charter, they could not be afterwards altered by the Legislature without the assent of the company.

In a similar case, in the State of New York, when the constitutionality of a general law was before the Court of Errors, the Chancellor says: "The Act of 1820, never meant to divest the company of the right of toll in such a case, or to reduce the rate of toll from 12 to 6 cents. The Legislature we are to presume, never meant any such thing, and it would be highly disrespectful to suppose it, because it would be an unconstitutional act—an assumption of power, and an invasion of the rights of private property—19 *Johnson's Reps*, 447-8.

If they cannot reduce an established rate of toll, could they reduce a rate established by the company, under a permission given them by their charter, to establish the same? I contend not. Nor could the Legislature deprive them of the right to fix such rates as they might deem just and proper, from surrounding circumstances, if no legislative restrictions had been imposed in the charter.

But in the case under consideration, the above rules apply with more force in any of the cases cited. This was a private corporation for private interest. It was an object of the Legislature at the time of the passage of that law, to encourage the construction of steamboats, and the formation of companies, with capital sufficient to fully supply all the necessities of commerce by the navigation of the waters of the State. One of those inducements was the want of any restriction upon the companies fixing such rates of freight and passage as necessity or circumstances might require, so as to insure a liberal return and beneficial

profit upon their investment Under that law, and upon such an inducement, parties form such corporate bodies, invest their capital, and commence operations, whereby their contract with the State is executed, and the State turns round and says, now you shall carry at rates that may be ruinous Such a doctrine is preposterous, and unsupported by the principles laid down in the case of Dartmouth College—*Wheaton*, 4 *Wheaton's U S Reps*, 518

See the broad doctrine of that case: If they can fix three cents a mile they can one mill, and not violate the contract or impair a right

Again, suppose the company to have contracted with merchants to carry freight to them at some point hazardous and tedious, at the agreed rate, by the year, where, to run boats at the rates proposed, would be ruinous to the company, are they thus to suffer, while they are bound to fulfil their contract with such merchants? Certainly not. Their contract with the merchants is good, and no Legislature can deprive them from having it performed by the company. But the Legislature says it shall be penal to enforce performance of such a contract against those merchants. Does such a law impair the obligation of a contract?

Again: It is a settled principle of law, that no rights that become vested or accrue on account of such grants or contracts can be affected by a repeal of the law under which they were vested Thus, suppose the Legislature, by a law, authorize individuals to mortgage their personal property, or make any contract, can it be said that a repeal of the law affects those contracts? Certainly not. Courts have gone so far, as to hold that a mortgage remedy by sale can not be affected by a law providing for a foreclosure by a court only.

The case referred to in 6 Howard's U. S Reports 327, &c, was a case where the Legislature attempted to deny to the bank the right to contract by an assignment of its discounted notes, which it only held under the charter by implication; but the Court held it was a right the Bank took *as a necessity*, to carry on its business; and as a right, they could not be divested of it. Besides, the Act does not provide for any repeal of their charter, though the Constitution provides that the *general law* may be repealed or amended. The amending or repealing of such general law cannot affect a contract or charter thereunder, unless such general law provided that such charter was to be affected thereby.

WILLIAM T WALLACE,
Attorney General of the State of California

Your committee will only say, in addition, upon the question of the constitutionality of the bill, that they are fully convinced of the correctness of the conclusion arrived at by the Attorney General.

That the rights of a corporation created under a general law, are of the same nature as those of corporations created by a charter expressly granted in contracts where that mode is recognized by the fundamental law That the repeal of the general law would not annihilate the corporations that have already created under it, and that an amendment of the law cannot be made, to take away any vested right, either possessed previously, or acquired by incorporating.

While it is acknowledged and conceded, that charters may be repealed, and all corporate rights may be annulled for a violation or abuse of the privileges conferred, your committee are of opinion, that to meddle with vested rights, when no infraction of the law appears, would be a violation of the obligation of contract, and your committee have not been able to learn, that the corporation sought to be affected by this bill, or any other similar corporation in this State, have been guilty of any such violation or abuse of privilege.

Your committee would also advert to the fact, that the navigable streams of

this State are public highways, open to the enterprise of the world; and even if the Legislature had authority over the subject, unrestricted either by treaties, or the Constitution, or by grants to corporations, the policy of the course contemplated in these bills, is certainly questionable.

The effect of such a law would be to notify the world that we do not hold to the doctrine that trade will not regulate itself better than it can be done by legal enactments.

It would be to claim the right to the control of those public thoroughfares, and even to prohibit their navigation at all which would probably interfere seriously with the rights of other States.

Your committee are also satisfied, that a uniform rate per mile throughout the State would operate injuriously. There is no doubt but that the cost of freighting on some routes, for instance, from Colusi to Red Bluffs, on the Sacramento, would require rates three or four times greater than those necessary between San Francisco and Sacramento, and the passage of the bill would amount to a prohibition on the route first mentioned.

These considerations induce your committee to recommend that said bills be indefinitely postponed.

J. T. VAN DUSEN,
W. W. UPTON,
CASWELL DAVIS,
ROBT. SWAN,
E. J. CURTIS,
W. H. TAYLOR,
G. H. RHODES,
Committee.

On motion of Mr. Stout, the report, together with Senate bills Nos. 90 and 91, were laid on the table.

The following communication from the Controller of State was read and referred to the Committee on Claims:

HON. J. T. FARLEY, *Speaker of Assembly:*

Since my former communications to the House, the following deficiency accounts have been presented for payment, and for which there is no appropriation. They are all for expenses of the last session of the Legislature.

G. W. Blake, for articles furnished Assembly last session -	$103 00
John C. Gulick, for Fuel, Lights, &c., from May 4th to 15th -	182 52
Do " &c., as per contract, from April 15th to May 4th - - -	628 35
Postage for Assembly - - - - - -	388 25
Do Senate - - - - - - -	63 80
B. McAlpin, (Assembly,) - - - - -	228 00
Pacific Express, for Senate, - - - - -	736 55
Jesse Shepherd, pipes, (Senate.) - - - -	20 00
A. J. Butler per A. F. Melvin, for Furniture &c., for Senate, -	769 50
C. Heuteman, extra allowance as porter for Senate. -	508 00
B. McAlpin, extra services ordered by Assembly, - -	650 00

There is also two accounts in the hands of Mr. Rhodes, of the House by Wormser, amount not recollected.

Some of the above accounts were reported from this office to the Senate in the early part of the Session, under the head of Legislative Deficiencies which form was objected to, and it was supposed that the necessary appropriations would be made in some form. Some of these accounts, however, have only come to my notice within the last two days

All the accounts here enumerated appear to be just, and are properly authenticated.

Yours, &c.

G. W. WHITMAN,
Controller of State.

The following message was received from the Senate:

SENATE CHAMBER, April 10, 1856.

Mr Speaker:

I am directed to inform the Assembly that the Senate this day passed, with various amendments as therein shown, Assembly bill No 2, to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof

Also, amended and passed Assembly bill No 272, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March 15, 1855.

Also, adopted Assembly Concurrent Resolution, relative to the extinguishment of Indian Titles to Lands in this State

Also, concurred in Assembly amendments to Senate bill No 120, an Act to authorize the State Treasurer to pay certain Coupons.

Also, refused to concur in Assembly amendments to Senate bill No 106, an Act to Fund the Indebtedness of the State, now existing in the form of Controller's Warrants drawn on the General Fund, or that may be outstanding on the first of January, 1857, or Warrants issued after first of January, 1857, for indebtedness accruing prior to first of January, 1857.

WM. BAUSMAN,
Secretary of Senate.

On motion of Mr. Batchelder, Assembly bill No. 272, was read as amended by the Senate.

The amendments were concurred in.

On motion of Mr. Hawes, Assembly bill No. 2 was read as amended by the Senate.

A portion of the amendments adopted by the Senate were concurred in by

the House, and another portion were non-concurred in The amendments as concurred in, or non-concurred in are shown as per Senate Schedule.

Mr. Lamon moved that the vote by which the Assembly on yesterday passed Assembly substitute for Assembly bill No 76, an Act empowering the proper municipal officers of San Francisco, to appropriate and pay out moneys existing in the City Treasury, be now reconsidered.

On which motion, the yeas and noes were demanded by Messrs. Hawes, Wohler, and Callbreath, with the following result:

AYES.

Messrs Andrews, Batchelder, Bell, Blackburn, Bowe, Brunton, Cartter, Cone, Coombs, Curtis, Dick, Dustin, Gage, Gaston, George, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lamon, Lothy, Mathews, McDonald, McFarland McGehee, Oliver, Peck, Pugh, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sterratt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, White, Williams, Winsor, Mr Speaker—49

NOES

Messrs. Beatty, Boring, Brent, Brush, Bynum, Callbreath, Covarrubias, Downey, Ewalt, Gray, Hawes, Hunt, Kendrick, Lippincott, Meloney, Sharp, Sherrard, Taliaferro, Winston, Wohler—20

So the vote was reconsidered.

Mr Stout moved to lay the bill on the table.

Lost.

On motion of Mr. Upton, the bill was referred to the Committee of the Whole.

Mr Wohler moved that the House do now resolve itself into a Committee of the Whole, for the purpose of considering substitute bill No 56.

Lost.

On motion of Mr Stout, Senate bills Nos 90 and 91, concerning Corporations, were taken up

While discussing these bills, Mr. Upton moved that the resolution restricting members from speaking longer than five minutes on any one subject, be temporarily suspended.

On which motion, Messrs Weir, Hunter, and Hoover, demanded the ayes and noes, with the following result:

AYES.

Messrs Andrews, Beatty, Brush, Cartter, Cone, Covarrubias, Dick, Downey,

Ewalt, Gray, Hunt, Kendrick, Leihy, Oliver, Rathburn, Read, Sellick, Shearer, Sherrard, Stout, Swan, Taliaferro, Taylor, Upton, Van Dusen, White, Williams—27

NOES.

Messrs. Batchelder, Bell, Blackburn, Boring, Bowe, Brunton, Bynum, Callbreath, Coombs, Curtis, Dustin, Gage, Gaston, George, Hawes, Heald, Heiskell, Hoover, Hunter, Lewis, Lippincott, Mathews, McFarland, McGehee, Meloney, Oxley, Peck, Pugh, Ricks, Sharp, Stevenson, Sterritt, Turner, Wagner, Weir, Winsor, Winston, Wohler, Mr. Speaker—39.

So the motion was lost

Mr George moved to refer the bill to the Committee of the Whole.

Mr. Oxley moved that the bill be recommitted to a Select Committee, with instructions to make certain amendments

Mr Hunt moved that the bills be made the special order for the 21st instant, at 4 o'clock, P M.

Upon which motion, Messrs Taliaferro, Gage, and Beatty, demanded the ayes and noes, with the following result:

AYES.

Messrs. Bell, Blackburn, Brunton, Cartter, Cone, Curtis, Davis, Dick, Hunt, Kendrick, Leihy, Lippincott, Mathews, McDonald, Oliver, Peck, Pugh, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Swan, Taylor, Turner, Upton, Van Dusen, Williams, Winsor, and Winston—33.

NOES.

Messrs. Andrews, Batchelder, Beatty, Boring, Bowe, Brush, Bynum, Callbreath, Covarrubias, Dustin, Ewalt, Gage, Gaston, George, Hawes, Heald, Heiskell, Hoover, Hunter, Kelly, Lewis, McFarland, McGehee, Meloney, Oxley, Pearson, Rathburn, Read, Stout, Taliaferro, Wagner, Weir, White, Wohler, and Mr. Speaker—34.

So the motion was lost

Mr. Downey moved that the House do now adjourn

Lost

Mr. Ricks moved that the bill be indefinitely postponed.

Pending discussion, Messrs. Bell, Dustin, and Ricks, moved the previous question

Sustained

The question then recurred on the motion to refer to the Committee of the whole House.

Lost.

The question then recurring on the motion to recommit to a Select Committee, with instructions

Mr. Stout demanded a division of the question.

The vote was taken upon recommitting the bill.

The ayes and noes were demanded by Messrs Bowe, Hunter, and Taliaferro, with the following result.

AYES.

Messrs, Bell, Blackburn, Brush, Bynum, Coombs, Covarrubias, George, Oxley, Peck, Pugh, Sellick, Shearer, Sterritt, Turner, Wagner, and Williams—16.

NOES.

Messrs. Andrews, Batchelder, Beatty, Boring, Bowe, Brunton, Cartter, Callbreath, Cone, Curtis, Davis, Dick, Downey, Dustin, Ewalt, Gage, Gaston, Hawes, Heald, Heiskell, Hoover, Hunt, Hunter, Kelly, Kendrick, Lethy, Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee, Meloney, Oliver, Pearson, Rathburn, Read, Rhodes, Ricks, Sherrard, Stevenson, Stout, Swan, Taliaferro, Taylor, Upton, Van Dusen, Weir, White, Winsor, Winston, Wohler, and Mr. Speaker—53.

So the House refused to recommit the bill.

The question then recurred on the motion to indefinitely postpone the bill.

Upon which, Messrs. Gage, Hunter, and Hoover, demanded the ayes and noes, with the following result:

AYES.

Messrs. Bell, Blackburn, Brent, Brunton, Brush, Cartter, Cone, Coombs, Covarrubias, Curtis, Davis, Dick, George, Hawes, Hunt, Kendrick, Lethy, Lippincott, Mathews, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Swan, Taliaferro, Taylor Turner, Upton, Van Dusen, Williams, Winsor, Winston, Wohler—42.

NOES.

Messrs. Andrews, Batchelder, Beatty, Boring, Bowe, Bynum, Callbreath, Downey, Dustin, Ewalt, Gage, Gaston, Heald, Heiskell, Holland, Hoover, Hunter, Kelly, Lewis, McGehee, Meloney, Pearson, Rathburn, Reed, Stout, Wagner, Weir, White, Mr. Speaker—29.

So the bills were indefinitely postponed.

Mr. Stevenson moved that the House adjourn.

Upon which motion, Messrs. Gage, Hoover, and Bowe, demanded the ayes and noes, with the following result:

AYES.

Messrs. Bell, Blackburn, Boring, Brunton, Brush, Bynum, Cone, Coombs, Covarrubias, Curtis, Davis, George, Holland, Hunt, Kendrick Lippincott, Mathews, McDonald, Pearson, Peck, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Swan, Taylor, Turner, Upton, Welch, Williams, Winsor, Winston, Mr Speaker—37.

NOES.

Messrs. Andrews, Batchelder, Beatty, Bowe, Cartter, Callbreath, Dick, Downey, Dustin, Ewalt, Gage, Gaston, Hawes, Heald, Heiskell, Hoover, Hunter, Kelly, Leihy, Lewis, McFarland, McGehee, Meloney, Oliver, Pugh, Rathburn, Read, Stout, Taliaferro, Wagner, Weir, White, Wohler—33.

So the House, at half past 4 o'clock, P. M., adjourned.

IN ASSEMBLY.

SATURDAY, April 12, 1856.

House met pursuant to adjournment.

Speaker in the chair

Prayer by the Chaplain.

Roll called and members all present except those absent on leave.

The Journal of yesterday was read and approved.

Mr Taliaferro presented a petition from citizens of Calaveras county, praying for the enactment of a law to authorize the removal of the county seat of that county.

Mr Taliaferro moved that the petition be referred to the delegation from Calaveras.

Mr. Heiskell moved to amend so as to refer the petition to the Committee on

Counties and County Boundaries, with instructions to report a bill, in accordance with the prayer of the petitioners

Mr. Ricks called for a division of the question.

The question then was, on referring the petition to the Committee on Counties and County Boundaries.

Lost.

The petition was then referred to the delegation from Calaveras.

Mr. Lewis presented the following *Protest:*

Mr. Speaker:

As this House has, by a vote of a majority of its members, refused to pass a bill that has for its object the protection of the people of this State against a monster monopoly, we feel it our duty as friends to the bill and as a representation of a portion of the people of this State to enter our protest upon the Journals of this House, in order that the people whom we have the honor to represent may well understand our position.

We consider, that when a Legislature enacts a law and parties take advantage of the defects of that law (if there be such,) that the same power that makes the law, has a most undoubted right to amend or repeal the same.

Prompted as we are by feelings of right and justice, we do here most solemnly protest against the action of this House, by which it refused to pass Senate bills Nos 90 and 91, entitled an Act to amend an Act concerning Corporations.

Most respectfully,

E J. LEWIS,
T. D. HEISKELL.

Mr. Coombs introduced bill No. 299, an Act amendatory and supplementary to an Act passed April 30, 1855, entitled an Act to provide for funding the outstanding debt of the City of Oakland, and to prevent the creation of new debts by said city.

Read first and second times and referred to the Committee on Corporations.

Mr. Rhodes, from the Committee on Claims, introduced bill No. 300, an Act appropriating moneys and to provide for the payment of outstanding claims against the State, heretofore unprovided for.

Read first and second time and referred to the Committee of the Whole.

Mr. Hunt, by leave, introduced bill No. 301, an Act to purchase the portrait of General Andrew Jackson.

Read a first and second time, and referred to the Committee of the Whole.

Mr. Hunt moved that the rules be temporarily suspended for the purpose of considering the bill now.

Upon which motion, Messrs. Peck, Bell, and Batchelder, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Blackburn, Boring, Brush, Cartter, Castro, Callbreath, Coombs, Covarrubias, Curtis, Dick, Downey, Ewalt, Gage, George, Gray, Holland, Hunt, Hunter, Kelly, Kendrick, Leihy, Lewis, Lippincott, Mathews, McDonald, Meloney, Oxley, Pearson, Rhodes, Ricks, Sharp, Sherrard, Swan, Taliaferro, Turner, Upton, Weir, Winsor, Winston, Mr. Speaker—41.

NOES.

Messrs. Batchelder, Beatty, Bell, Bowe, Brunton, Davis, Dustin, Gaston, Hawes, Heald, Heiskell, Hoover, Lamon, McFarland, McGehee, Moulthrop, Peck, Rathburn, Read, Reynolds, Shearer, Stevenson, Sterritt, Taylor, White —25.

It requiring a two-third vote, the motion was lost.

Mr. Oxley asked leave to introduce a bill, without having given the requisite notice of the same, on division of the House, Ayes 28—Noes 21.

It requiring a two-third vote, leave was not granted.

The following reports were received from committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred the following named bills, having had the same under consideration, would respectfully report as follows:

Assembly bill No. 123, an Act to amend an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April 29, 1851. Also, Assembly bills Nos. 131, 175, 238, 271, 204, and Senate bill No. 9, in reference to the same subject, with a substitute for the same, and recommend the passage of the substitute.

Assembly bill No 290, an Act to authorize Robert S. Clyde to be admitted to practice as an Attorney and Counsellor-at-Law in Courts of this State without recommendation.

And Senate bill No. 11, an Act to repeal an Act entitled an Act to provide for the protection of foreigners, and to define their liabilities and privileges, passed April 30, 1855, and to revive the original Act, with a substitute, and recommend the passage of the substitute.

R. B. SHERRARD,
Chairman.

Judiciary Committee substitute for Senate bill No. 9, Assembly bills Nos 123, 131, 175, 204, 238, and 271, concerning proceedings in Civil Cases in the Courts of Justice, was read a first and second time and referred to the Committee of the Whole.

Judiciary Committee substitute for Senate bill No. 11, concerning foreigners and their liabilities, was read a first and second time, and referred to the Committee of the Whole.

Mr. Speaker:

Your committee on Claims, to whom was referred communications from the State Controller, asking for Appropriation to meet sundry Outstanding Claims against the State, have considered the same, and beg leave to report a bill appropriating the sum of Twenty thousand dollars, ($20,000) That amount being required to meet the payment of claims heretofore unprovided for.

Your committee have had also before them, the account of L. W. Wright, for services performed Surveying the Boundary lines between the Counties of Santa Clara, Santa Cruz, and San Francisco. This claim amounts to $2,668, and the number of miles run with compass, is sixty-one—averaging a fraction over $43 per mile—an amount greater, in the opinion of your committee, than the State should pay. But your committee think the claimant should be allowed a fair compensation for the services performed, and believing that that price can be better ascertained in Committee of the whole House, would respectfully recommend the subject to their consideration.

Your committee also beg leave to report back to the House, without recommendation, Senate bills 139, and 169, together with Assembly bill 133, and the account of J. M. Sheppard, and ask to be discharged from any farther consideration of claims against the State.

G H RHODES,
C. DAVIS,
A. R. ANDREWS,
U. B. WINSOR,
J. E. BOWE.
Committee.

Mr. Speaker:

The Committee on Enrollment have this day examined Assembly bill No. 168, an Act to submit the Question of the Removal of the County Seat of El Dorado, to the qualified Voters thereof, and find the same correctly enrolled.

SILAS SELLICK,
Chairman

Mr Speaker:

The Committee on Engrossment report Assembly bill No. 298, an Act relating to the Thirteenth Judicial District, and to define the Time of holding Courts in said District, as correctly engrossed, but beg leave to call the attention of the House to the fact, that there is no enacting clause in the bill

L STOUT,
Chairman.

On motion of Mr. Stout, the Engrossing Committee were authorized to insert an enacting clause to Assembly bill No. 298.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 10, 1856.

To the Assembly of California:

On yesterday, I approved a bill originating in the Assembly, entitled an Act to amend an Act entitled, an Act concerning Fraudulent Conveyances and Contracts, passed April 19, 1850.

J. NEELY JOHNSON.

SENATE CHAMBER, April 11, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on yesterday amended and passed Assembly substitute for bill No. 27, an Act concerning estray animals.

Also, on this day passed Assembly bill No 283, an Act to create a Board of Commissioners, to examine War Claims, in the counties of Klamath, Siskiyou, and Humboldt

Also, passed Assembly bill No. 296, an Act supplemental to an Act to create the county of Tehama, to define its Boundaries, and to provide for its organization.

Also, on yesterday, passed Senate bill No. 123, an Act to provide for the survey and construction of Immigrant Wagon Roads, across the Sierra Nevada mountains,

Also, on this day passed Senate bill No. 165, an Act for the relief of Robert G. Crozier.

Also, on this day concurred in the Assembly amendment to Assembly bill No. 216, an Act to incorporate the town of Eureka.

Respectfully,

W. BAUSMAN,
Sec'y Senate.

The following bills referred to in the foregoing message from the Senate, were taken up, viz:

Assembly substitute for Assembly bill No 27, an Act concerning estray animals, was read as amended by the Senate.

On motion of Mr Calibreath, the amendments made by the Senate were concurred in.

Senate bill No. 123, was read a first and second time, and referred to the Committee of the Whole.

On motion, the bill was made the special order for Tuesday next, at 2 o'clock P. M.

Senate bill No. 165, was read a first and second time, and referred to the Committee on Claims.

On motion, the House resolved itself into a Committee of the Whole, for the purpose of considering the bill reported by the Judiciary Committee, as a substitute for Senate bill No. 9, and sundry Assembly bills, concerning Proceedings in Civil Cases, in the Courts of Justice of this State.

House in Committee of the Whole.

Mr Lamon in the chair.

The committee reported the bill back with amendments, and asked leave to sit again.

The report was received, and the question being—"Shall the Committee have leave to sit again?" it was decided in the negative

Mr. Upton moved that the House concur in the amendments made by the committee, and that the committee be discharged from further consideration of the bill.

Carried.

Mr. McFarland moved to amend, by adding the following as a new section:

SECTION 20 Section twenty of an Act, to regulate Proceedings in Civil Cases, in the Courts of Justice of this State, passed April 29, 1851, is hereby amended so as to read as follows:

SEC. 20. In all other cases the action shall be tried in the county in which the defendant, or some one of the defendants resides, at the commencement of the action, or if none of the parties reside in the State, or if the plaintiff make affidavit when the complaint is filed, that the residence of the defendant, or all of the defendants, is unknown to the plaintiff, the same may be tried in any county which the plaintiff may designate in his complaint, subject, however, to the power of the Court to change the place of trial, as provided in this Act.

Adopted

Mr Bowe moved the previous question

Not sustained

Mr. Hawes moved as an amendment, to amend the section by inserting next after the word "State," in line 9, the following:

"Or the county where the debt or demand sued for was contracted or expressly made payable, or in which the injury complained of, was committed"

Upon which motion, Messrs. Hawes, Callbreath, and Holland, demanded the ayes and noes, with the following result:

AYES.

Messrs Andrews, Cartter, Coombs, Davis, Gray, Hawes, Holland, Kendrick, Lamon, Moulthrop, Rhodes, Ricks, Sharp, Stout, Taliaferro, White, Winsor, Wohler—18.

NOES.

Messrs. Beatty, Bell, Boring, Bowe, Callbreath. Dustin, Ewalt, Gage, Gaston, George, Haile, Heald, Hoover, Hunter, Kelly, Leihy, McDonald, McFarland, McGehee, Meloney, Pearson, Rathburn, Reynolds, Sherrard, Stevenson, Sterritt, Swan, Turner, Upton, Van Dusen, Weir, Welch, Winston, Mr. Speaker—34.

So the amendment was lost.

Mr. McFarland moved to amend the amendment by adding in continuation of section 20, the following words:

"*Provided* that the plaintiff shall not be precluded from bringing his suit in the county where the debt, by special contract is to be paid, or when a trespass or injury is committed."

The amendment to the amendment was adopted.

The question then recurring on the passage of the amendment, as amended, the ayes and noes were demanded by Messrs. George, Sharp, and Wohler, with the following result:

AYES.

Messrs. Batchelder, Beatty, Bell, Bowe, Brunton, Brush, Callbreath, Coombs, Dick, Dustin, Gage, Gaston, Haile, Heald, Heiskell, Kelly, Kendrick, Leihy, Lippincott, McFarland, Meloney, Pearson, Rathburn, Reynolds, Sharp, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Taliaferro, Taylor, Turner, Upton, Van Dusen, Weir, Welch, White, Mr. Speaker—40.

NOES.

Messrs. Andrews, Cartter, Davis, Ewalt, George, Gray, Hawes, Holland, Lamon, Peck, Winsor, Wohler—12.

So the amendment was adopted.

Mr. Callbreath moved that the bill be made the special order for Wednesday next, at 12 o'clock, M.

Lost.

Mr. Weir moved the previous question.

Not sustained.

Mr. Upton moved to amend the bill by inserting the following words:

Section 236 is amended so as to read as follows :

"Sec. 236. The purchasers, from the time of the sale until a redemption, and a redemptioner from the time of his redemption until another redemption, shall be entitled to receive from the tenant in possession the rents of the property sold, or the value of the use and occupation thereof. And if the premises sold are not redeemed in the manner prescribed in this Act, at the expiration of the time for redemption, the purchasers, upon application to the Court which rendered the judgment, founded upon affidavit, showing that the property sold remains unredeemed, may have a writ of assistance, commanding the Sheriff to place the purchaser in possession of the property purchased and remaining unredeemed, upon notice to the party in possession, and in discretion of the Court"

Mr. Hawes moved to amend the amendment by inserting next after the word "thereof," the following words: "but the amount or value of such rents and profits so received, shall, in case the property be redeemed, be applied towards the extinguishment of the debt and interest."

The amendment to the amendment was adopted.

The amendment as amended was passed.

Mr. McFarland moved a call of the House.

Carried.

The roll was called, and the following named members were absent:

Messrs. Bell, Blackburn, Bynum, Callbreath. Cone, Coombs, Curtis, Gage, Haile, Lippincott, McDonald, Moulthrop, Oxley, Pugh, Rhodes, Sharp, Van Dusen, Wagner, Winston, and Wohler.

Mr. Beatty moved that the House do now adjourn.

Lost.

On motion of Mr. Welch, further proceedings under the call were dispensed with.

On motion, the substitute reported by the Judiciary Committee for Senate bill No. 9, and sundry Assembly bills, entitled:

An Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, as passed April 29, 1851, and amended May 18, 1853, and May 18, 1854, and March 29, 1855, and April 28, 1855, and May 4, 1855, was read as amended and adopted.

Mr. George moved to strike out the enacting clause of the bill

Lost.

On motion of Mr McFarland, the substitute bill was then considered as engrossed, read a third time and passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 3, 1856.

To the Assembly of California:

I have this day approved the following bills, originating in the Assembly:

An Act to authorize J. E. Davis, A. P. Jordan, and others, to construct a Wharf at Santa Cruz.

Also, an Act authorizing David Ghirkey, and others, to build a Wharf at Santa Cruz.

Also, an Act to legalize the Incorporation of the Town of Santa Clara.

Also, an Act to repeal an Act entitled an Act to create a Board of Supervisors for the County of Alameda, and to provide for the Government of said County.

Also, an Act to authorize the Sheriff of Alameda County to collect the Delinquent Taxes assessed for the year 1854, 1855, and 1856.

Also, an Act amendatory to an Act entitled an Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County, passed April 27, 1855.

J. NEELY JOHNSON.

The following communications were received from the Sons of Temperance:

OFFICE OF THE GRAND DIVISION OF THE S OF T. OF CALIFORNIA,
Sacramento, April 9, 1856

To the Honorable the Assembly of the State of California:

At the last quarterly session of the Grand Division of the Sons of Temperance of California, held in the city of San Francisco, January 24, 1856, the following resolutions were unanimously adopted:

Resolved, That the present Legislature be requested to re-submit to the people the question of a Prohibitory Liquor Law—yes or no—and that a special election be called to decide the question.

Resolved, That a copy of above resolution be sent to each branch of the Legislature.

A true copy of record.

Attest,

A. C. MANNING,
G. S. G. D. S. of T. of Cal.

OFFICE OF THE GRAND DIVISION S OF T. OF CALIFORNIA,
Sacramento, April 9, 1856

To the Hon. the Assembly of the State of California:

At the last annual Session of the Grand Division of the Sons of Temperance of California, held in the city of Sacramento, Oct. 27, 1855, the following resolution was unanimously adopted:

Resolved, That it is the deliberate opinion of this Grand Division that the Legislature ought to pass an Act granting the use of the Senate and Assembly Chambers to such State Conventions or grand bodies as may hereafter assemble at the Capital of this State, and that a copy of this resolution be sent to the Senate and Assembly when in session, signed and sealed in the proper manner.

A true copy of record.

Attest,

A C. MANNING,
G. S. G. D S. of T. of Cal.

On motion of Mr. Stout, the communication from the Sons of Temperance, relative to re submitting to the People, at a special election, the question of a prohibitory liquor law, was referred to the Committee on Vice and Immorality.

The Sergeant-at-Arms presented a report relative to the conveyance of Mail Matter to and from the Assembly, from March 25th to April 5th, 1856.

Read and laid on the table

The following communication was received from the Sergeant-at-Arms:

OFFICE OF SERGEANT-AT-ARMS, April 12, 1856

Tothe Hon. Members and Officers of Assembly:

I have this day been informed by the Controller of State, that no more scrip for members and officers will be issued from his office until certificates from the State Librarian, that all books taken from the Library have been returned there.

E GATES,
Sergeant-at-Arms.

The hour having arrived for the special order of the day, it was taken up, viz:

Assembly bill No 216, an Act to amend section seven of an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, approved March 20, 1855.

The following message was received from the Senate:

SENATE CHAMBER, April 12, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on this day passed Assembly bill No. 201, and amended its title, in relation to the Independent Order of Odd Fellows

Also, passed Assembly substitute for bill No 186, an Act concerning County Officers in the County of Nevada.

Also, passed Assembly substitute for bill 121, an Act appropriating Moneys for the benefit of the Orphan Asylums of the City of San Francisco and San Rafael.

Also, amended and passed Assembly bill No 117, an Act concerning Hogs found running at large in the Counties of Marin and Santa Clara.

Also, I am directed to inform the Assembly that the Senate has passed the following resolution:

Resolved, That the Secretary of the Senate is hereby directed to respectfully request the Assembly to return to the Senate Assembly bill No 127, entitled an Act concerning Estrays, the same having been erroneously reported to the Assembly as having passed the Senate.

Also, have appointed a Committee of free conference, consisting of Messrs. Shaw, Coffroth, McCoun, Hawks, Burton, Tilford and Ashley to confer with a like Committee on the part of the Assembly on the disagreeing vote of the two Houses on Assembly bill No. 2, in relation to the Consolidation of the City of San Francisco.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

No objections being made, the Speaker directed the Clerk to return Assembly bill No. 127, entitled an Act concerning Estrays, to the Senate, in accordance with their request

The Speaker appointed Messrs Sharp, Oxley, Weir, Rhodes, Heiskell, Hawes and Dustin, Committee of free conference in relation to San Francisco Consolidation bill.

On motion of Mr. Peck, Assembly bill No. 117, an Act concerning Hogs found running at large in the Counties of Marin and Santa Clara, was taken up

Senate amendments concurred in, except the words, "San Joaquin" and "Yuba."

Mr. Oxley presented, on leave, bill No. 302, an Act to provide for a final settlement with S. A. McMeans, late State Treasurer

On motion, the bill was referred to the Committee on Ways and Means, with instructions to report on Monday

The following report was received from Committee on Enrollment:

Mr. Speaker:

The Committee on Enrollment have examined bill No 265, an Act entitled an Act to alter and define the Boundary Line of Colusi County

Also, bill No 296, entitled an Act supplementary to an Act to create the County of Tehama, to define its Boundaries, and to provide for its Organization, and have found the same correctly enrolled.

L S. WELCH,
Of Committee.

Calendar taken up.

Assembly bill No 221, an Act to authorize the Board of Supervisors of Sonoma county to levy a Special Tax for the redemption of certain Warrants.

Bill amended, considered engrossed, read third time and passed

Bill No 137, a bill for an Act entitled an Act to regulate Fares and Freights of Steamboats navigating the Waters of this State.

Laid on the table.

Senate bill No 115 an Act to authorize the Admission of Robert C. Milner as an Attorney and Counsellor in the Courts of this State.

Mr. Hunter moved the previous question.

Sustained

On the motion to indefinitely postpone the bill, Messrs Gray, Batchelder and Sellick, demanded the ayes and noes, with the following result.

AYES.

Messrs Beatty, Bell, Brunton, Castro, Dustin, Haile, Heald, Heiskell, Hoover, Hunter, Lewis, McDonald, McFarland, Oxley, Rathburn, Reynolds, Rhodes, Ricks, Sellick, Swan, Taylor, Weir, Winsor, and Mr Speaker—24.

NOES.

Messrs. Batchelder, Bowe, Brush, Carter, Colbreath, Covarrubias, Davis,

Dick, Downey, Ewalt, Gaston, George, Gray, Holland, Hunt, Kelly, Kendrick, Lamon, Leihy, Lippincott, McGehee, Meloney, Moulthrop, Pearson, Peck, Sharp, Shearer, Sherrard, Stevenson, Sterritt, Turner, Upton, Welch, White, and Wohler—35.

So the motion was lost.

On motion of Mr Oxley, the House adjourned at half past 3 o'clock, P M.

IN ASSEMBLY.

Monday, April 14, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and the following members were absent:

Messrs. Beatty, Blackburn, Callbreath, Covarrubias, Ewalt, Hunter, Sharp, Taliaferro, Upton, Van Dusen, and Wagner.

Leave of absence for an indefinite time was granted to Messrs Brent and Oliver, and for one day to Messrs. Bynum, Gage, Weir, Peck, Leihy, and Wagner.

The Journal of Saturday, 12th instant, was read and approved.

Mr. Andrews presented petitions from citizens of the Counties of Shasta and Tehama, praying that the Boundary lines of the latter county may be changed.

Read and referred to the Delegation from Shasta.

Mr. Andrews introduced bill No. 303, an Act supplemental to, and amendatory of an Act entitled, an Act to create the county of Tehama, to define its Boundaries, and provide for its organization.

Read a first and second time.

On motion of Mr. Andrews, the rules were temporarily suspended, the bill was considered as engrossed, read a third time and passed.

Mr McDonald introduced bill No. 304, an Act concerning County Officers, in the county of Klamath.

Read a first and second time.

On motion of Mr. McDonald, the rules were temporarily suspended, the bill was considered as engrossed, read a third time and passed.

Mr Cartter introduced bill No 305, an Act authorizing Charles F. Reed, administrator of the estate of Wm. Knight, deceased, to convey certain real estate

Read a first and second time

On motion of Mr Cartter, the rules were temporarily suspended, the bill was considered as engrossed, read a third time and passed.

Mr. Wohler introduced bill No 306, an Act to Fund the Debt of the County of San Francisco.

Read a first and second time, and referred to the delegation from San Francisco.

On motion of Mr Wohler, the usual number of copies of the bill were ordered printed.

Mr. Sharp introduced bill No 307, an Act defining the time when the laws of this State shall take effect after passage.

Read a first and second time.

On motion of Mr. Sharp, the rules were temporarily suspended, for the purpose of considering the bill.

Mr Stout moved to amend the bill by adding the following words, viz:

SECTION 2. "This Act shall take effect sixty days after its passage."

Adopted.

On motion of Mr. Boring, the bill was laid on the table.

The following reports were received from Committees:

Mr. Speaker:

The Committee on Corporations to whom was referred the following bills, have considered the same, and beg leave to report them back to the House, with the following recommendations.

Assembly bill No. 75, an Act granting to George Durgin and Samuel P. Dorsey, the right to construct a toll-bridge across the north and south forks of

Salmon River, immediately above their junction, and recommend its indefinite postponement.

Also, Senate bill No. 140, an Act to authorize the Board of Supervisors of Butte county, to purchase the Bridge that is being constructed across Feather River, at Bidwell, Butte county, and recommend that it be referred to the Delegation from Butte.

Also, Assembly bill No. 297, an Act to grant the Right of Way for a Railroad across the waters of the Bay of San Francisco, to certain persons therein named, without amendment, and recommend its passage.

T. W. TALIAFERRO,
Chairman.

Mr. Speaker:

The Committee on Enrollment have this day examined the following Assembly bills, and find the same correctly enrolled:

Bill No. 78, an Act to provide for the erection of a Jail in the County of Tuolumne.

No 281, (substitute,) an Act to grant the Sheriffs of Stanislaus, Sonoma and Mariposa counties additional time to make their annual settlements for the collection of State and County taxes in the year 1855.

Bill No. 293, an Act fixing the Salaries of the County Judge and of the District Attorney of the County of Tulare.

No. 22, Joint Resolution for the extinguishment of Indian Titles to Lands in this State.

No. 291, an Act to amend an Act entitled an Act to organize the County of Buena Vista, approved April 30, 1855.

No. 292, an Act fixing the travelling fees in Tulare County.

SILAS SELLICK,
Chairman.

Mr. Speaker:

The Committee on Corporations, to whom was referred Assembly bill No. 299, an Act amendatory of and supplemental to an Act to provide for funding the outstanding Debt of the City of Oakland, and to prevent the creation of new Debts by said City, passed April 30, 1855, having had the same under consideration, ask leave to report the same with the following amendment, and recommend its passage:

Amend the bill by a section to read as follows.

"Section 1. The first section of an Act to provide for funding the outstanding Debt of the City of Oakland, and to prevent the creation of new Debts by said City, approved April 3, 1855, is hereby so amended as to read as follows: The City of Oakland is hereby authorized to fund its outstanding legal indebtedness, accrued prior to the twenty-first day of April 1856, in manner as hereinafter provided, and for this purpose there shall be elected by the legal voters of said city, in the manner hereinafter prescribed, two commissioners who together with the Mayor of said City shall constitute the Commissioners of the Funded Debt of the City of Oakland, and as such, they and their successors shall possess the powers and perform the duties hereinafter enumerated: *Provided*, that this section as amended shall not be construed to require the election of said Commissioners after the passage of this amendment."

HERMAN WOHLER,
J. W. PUGH,
Of Committee.

On motion of Mr. Coombs, Assembly bill No. 299 was taken up, and read as amended by the committee.

The amendments were concurred in by the House.

The bill was cousidered as engrossed.

Read a third time and passed.

Mr. Speaker:

The special committee, to whom was referred Assembly bill No. 294, an Act to protect the people of the State of California against the imposition arising from the fluctuations of prices, rates, charges and fare, in certain cases, have had the same under consideration and beg leave to report the same back with a substitute bill, and recommend the passage of the substitute.

Your committee is of opinion that the passage of this bill will effectually amend the difficulty that was contemplated in the Senate bills Nos. 90 and 91, that enlisted so much excitement in this branch of the Legislature for the past few days: and as the session is growing so near the close we would most respectfully recommend that immediate action be had thereon.

Respectfully submitted,

V. G. BELL.
Chairman.

J. W. HUNTER,
T. C. BRUNTON,
F. D. HEISKELL,
C. DAVIS,
JOHN G. DOWNEY.

Mr. Speaker:

A majority of the Calaveras Delegation, to whom was referred certain peti-

tions from the citizens of Calaveras county, praying for the removal of the County Seat of said county, have had the same under consideration, and ask leave to report as follows:

About eighteen months ago, the question of the removal of the County Seat was submitted to a vote of the people. By a large majority, the voters of the county refused to remove it; the tax payers of the county have, since that time, had to pay an onerous tax for the erection of public buildings, which buildings, if the prayer of the petitioners is granted, will be of no further use to the county. Calaveras is already in debt over sixty thousand dollars, and each new election serves to increase the debt. However, the majority of the delegation would waive all opposition to the passage of a law, submitting this question to the people of the county, if it had been made to appear that a majority of the voters of the county desired it. The vote of Calaveras is over forty-five hundred; the petitions contain the signatures of only sixteen hundred and fifty five persons, and, if they are all voters, they do not comprise over one-third of the voters of the county. In every instance where the Legislature, at the present session, has granted to the voters of a county the right to locate their County Seat, it has been done because the majority of the voters of the county petitioned for it. In the present case, not over one-third have petitioned for the removal. It would be wrong to compel an election to be held, on the showing of a minority. The majority of the delegation are of the opinion, that the prayer of the petitioners should not be granted, and that no bill should be introduced, at the present session of the Legislature, on the subject. No one can be seriously injured by leaving this matter for the consideration of the next Legislature. The people will then, if they really desire the removal of the County Seat, cause petitions to be sent here which contain a majority of the names of the voters of the county; and, in such an event, there can be no doubt their wishes will be complied with.

Very respectfully,

E. T BEATTY,
JAMES PEARSON.

Mr. Speaker:

The minority of the Calaveras delegation, to whom was referred the petition of the citizens of Calaveras county, praying for the removal of the County Seat of said county, have considered the same, and believing that the desire of said petitioners could be more effectually subserved by submitting the question of removal to the people of said county, beg leave to report herewith a bill for that purpose, and recommend its passage.

T. W. TALIAFERRO,
Of Delegation.

Mr. Speaker:

The Committee on Engrossment have examined, and found correctly engrossed, Bill No. 269, for an Act to prevent Frauds in Elections, and to define the Duties of Electors in the incorporated Towns and Cities of this State.

Substitute of the Judiciary for bills Nos. 123, 131, 204, 234, 271, and Senate bill No. 9, for an Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this

State, passed April 29, 1851, and amended May 18. 1853, and May 18, 1854, and March 29, 1855, and April 28, 1855, and May 4, 1855.

Bill No. 218, an Act to amend Sec. 23 of an Act to regulate Fees of Office, passed April 10, 1855.

Substitute for bill No. 1 8, an Act entitled an Act to extend the Time of commencing the construction of certain Railroads herein named, approved April 25, 1855.

Bill No. 255, for an Act to provide for Assessing an additional Tax in the County of Trinity.

Bill No. 205, for an Act to legalize certain Records in the County of Solano

All of which is submitted.

LANSING STOUT,
Chairman.

The following message was received from the Senate :

SENATE CHAMBER, April 14, 1856.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate on this day, amended and passed Assembly bill No. 163, an Act to exempt from the provisions of an Act, passed April 4, 1854, entitled an Act concerning County Judges.

Also, amended and passed Assembly bill No 126, an Act to provide for the Salary of the Treasurer of Alameda county.

Also, amended and passed Assembly substitute for Assembly bill No. 27, an Act concerning Estray Animals.

Also, passed Senate bill No. 132, an Act amendatory of the Act entitled, an Act to authorize the formation of Corporations.

Also, on this day passed Senate bill No. 181, an Act concerning certain expenses pertaining to the office of Surveyor General, and to appropriate money for the payment of the same.

Also, on Saturday last, passed Assembly bill No. 195, an Act to amend an Act entitled an Act to create a Board of Supervisors, for the county of San Diego, and to define their Duties, passed May 3, 1852.

Also, on the same day, passed Assembly bill No. 222, an Act to re-incorporate the city of Sonora.

Respectfully submitted,

W. BAUSMAN,
Sec'y Senate.

On motion of Mr. Lamon, Senate bill No. 97, an Act to create the county of Fresno, to define its Boundaries, and to provide for its organization, was taken up.

On motion, the amendment reported by the majority of the Select Committee, to whom the bill was referred, was concurred in by the House, and the bill as amended was read a third time and passed.

On motion of Mr Boring, Senate bill No 45, an Act to incorporate the city of Nevada, was taken up, amended, read a third time and passed.

On motion of Mr. Gray, Assembly bill No. 76, an Act securing Liens to Mechanics, and others, was taken up.

Mr. Hawes moved to amend, section four, by striking out the word "land," where it occurs in the first line, and inserting in its place, the words "entire lot, parcel, or tract of land,". .and striking out also in line 1—3, the following clause: "together with a convenient space around the same, or so much as may be required for the convenient use and occupation of the premises." And by striking out also in lines 5—6, the following words: "but if such person owned less than a fee simple estate in said land, then only his interest therein shall be subject to said liens," and inserting in place thereof, the following words: "or was then, and had been for more than one year, then next preceding, in his actual possession, by himself or tenant, under a *bona fide* claim of ownership."

Upon the adoption of the amendment, Messrs Hawes, Gray, and Dick, demanded the ayes and noes, with the following result:

AYES.

Messrs. Bell, Gray, Hawes, Heald, McDonald, McFarland, Rathburn, Shearer, Sterritt, Tahaferro, Welch, and Winsor—12.

NOES.

Messrs Andrews, Batchelder, Beatty, Boring, Bowe, Brush, Carttei, Castro, Callbreath, Cone, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, Ewalt, Gaston, George, Haile, Heiskell, Hoover. Hunt, Hunter, Kelly, Kendrick, Lamon, Lewis, Lippincott, Mathews, McGehee, Meloney, Moulthrop, Oxley. Pearson, Pugh, Read, Reynolds, Ricks, Selick, Sharp, Sherrard, Stout, Taylor, Turner, and White—42.

So the amendment was lost.

Mr. Hawes moved to amend by inserting next before the last section containing the repealing clause, the following additional section:

"Sec. — Nothing in this Act contained, shall be so construed to render any person who has entered into express contract for any building materials, works, or improvements, liable for any greater amount than he has contracted to pay therefor, nor to render the property of such person subject to a lien, or in this Act provided, liable for a greater amount than as aforesaid."

Upon the adoption of the amendment. Messrs. Hawes, Gray, and Dick, demanded the ayes and noes, with the following result:

AYES.

Messrs. Davis, Gray, Hawes, Hunter, McDonald, McFarland, Pearson, Rathburn, Sherrard, Sterritt, Taliaferro, Taylor, Turner, Welch, and Winsor—15.

NOES.

Messrs. Andrews, Batchelder, Beatty, Boring, Bowe, Brunton, Brush, Cartter, Castro, Callbreath, Cone, Coombs, Covarrubias, Curtis, Dick, Downey, Dustin, Ewalt, Gage, Gaston, George, Haile, Heald, Heiskell, Hoover, Hunt, Kelly, Kendrick, Lamon, Lippincott, Mathews, Moulthrop, Pugh, Read, Reynolds, Ricks, Sharp, and Stout—38.

So the amendment was lost.

Mr. Hawes moved to amend the bill by inserting the following additional section:

"Sec. 5. For work and labor performed and materials furnished for the grading, paving, or otherwise constructing or repair of any public street in any incorporated city under the authority and direction of the proper municipal authorities, where the expense thereof is by law chargeable upon the adjacent lots, or where the owner or possessor under bona fide claim of ownership, as mentioned in the preceding section, of such adjacent lot or lots, shall have contracted for such work and labor, or materials, or both, the contractor, person, or persons, performing the labor or furnishing the materials, shall have a lien upon such adjacent lot or lots to the amount so contracted, to be paid by such owner or possessor, or to the amount for which such lot or lots may be liable to be assessed therefor, as the case may be; and the person or persons holding such lien, in order to secure, perfect, and enforce the same, shall proceed in the same manner as is prescribed in this Act, in cases of buildings or other improvements erected upon the premises."

Upon the adoption of the amendment, Messrs. Hawes, Gray, and Dick, demanded the ayes and noes, with the following result.

AYES.

Messrs Bell, Coombs, Ewalt, Gray, Hawes, Lamon. Mathews, M'Donald, McFarland, Moulthrop, Rathburn, Sharp, Sherrard, Sterritt, Stout, Taliaferro, Welch, White, and Winsor—21.

NOES.

Messrs. Andrews, Batchelder, Beatty, Boring, Bowe, Brunton, Cartter, Castro, Callbreath, Cone, Covarrubias, Curtis, Downey, Dustin, George, Haile, Heald, Heiskell, Hoover, Hunt, Hunter, Kelly, Kendrick, Lippincott, Meloney, Pearson, Pugh, Read, Reynolds, Taylor, and Turner—30.

So the amendment was lost.

Mr. Hawes moved to amend the bill by inserting the following additional section:

SEC 6. When any person shall make an express contract, in writing, with the owner, or owners, of any lot or lots in any incorporated city or town, or with the person who was at the time of such contract, and had been for more than one year the next preceding, in the actual possession of such lot or lots, by himself, or themselves, or tenant or tenants, under *bona fide* claim of ownership, to grade, fill in, build upon, or otherwise improve the same, and shall go on and complete such grading, filling, building, or other useful improvements, he shall have a lien upon such lot or lots, for the amount contracted to be paid, and all the provisions of this Act respecting the mode of recording, securing, and enforcing mechanics' liens, shall apply thereto.

Upon the adoption of the amendment, Messrs. Hawes, Gray, and Dick, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Bell, Bynum, Coombs, Dick, Dustin, Gray, Hawes, Hunter, Lamon, McDonald, McFarland, Moulthrop, Pearson, Rathburn, Rhodes, Sharp, Shearer, Sherrard, Sterritt, Taliaferro, Welch, White, Winsor, Mr. Speaker—27.

NOES.

Messrs. Batchelder, Boring, Bowe, Brunton, Cartter, Callbreath, Cone, Covarrubias, Curtis, Davis, Downey, Ewalt, George, Heiskell, Hoover, Hunt, Kelly, Lippincott, Mathews, Meloney, Pugh, Read, Ricks, Stout, Taylor—25.

So the amendment was adopted.

On motion to order the bill engrossed for a third reading, Messrs. Stout, Pugh, and Cartter, demanded the ayes and noes, with the following result:

AYES.

Messrs Andrews, Batchelder, Boring, Bowe, Brunton, Brush, Bynum, Cartter, Castro, Cone, Dick, Gaston, George, Gray, Haile, Hawes, Hoover, Hunt, Hunter, Kelly, Kendrick, Lamon, Lippincott, Meloney, Moulthrop, Pugh, Read, Reynolds, Ricks, Sharp, Sherrard, Stout, Taliaferro, Taylor, Welch, White, Winsor, Wohler—38.

NOES.

Messrs Bell, Downey, Dustin, Heald, Heiskell, McDonald, McFarland, Pearson, Rathburn, Shearer, Sterritt—11.

So the motion was carried.

The Calendar of bills was then taken up, viz:

Assembly bill No 231, an Act to amend an Act entitled an Act to organize the county of Plumas, passed March 18, 1854.

On motion, the bill was considered engrossed.

Read a third time and passed.

Assembly bill No 126, an Act to provide for the salary of the County Treasurer of Alameda county

On motion of Mr. Coombs, the amendments made by the Senate to the bill were concurred in by the House.

Mr Andrews moved to take from the table the resolution introduced by Mr. Upton, relative to the Legislature convening in Joint Convention, for the election of United States Senator.

Upon which motion, Messrs. Gray, Andrews, and Turner, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Bell, Bowe, Brunton, Carter, Curtis, Davis, Dick, Dustin, Gaston, Heiskell, Hoover, Hunter, Kelly, Lamon, Mathews, McDonald, McFarland, McGehee, Oxley, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Turner, Upton, Welch, White, Williams, Winsor, Winston, Mr. Speaker—41.

NOES.

Messrs. Beatty, Boring, Brush, Bynum, Callbreath, Coombs, Covarrubias, Downey, Ewalt, Gray, Hawes, Hunt, Kendrick, Lewis, Meloney, Moulthrop, Pearson, Sharp, Swan, Taliaferro, Wohler—21

So the motion was carried.

Mr. Oxley moved to amend the resolution, so as to read as follows:

Resolved, (the Senate concurring,) that the Senate and Assembly of the State of California, convene in Joint Convention on the 19th day of April, 1856, at 12 o'clock, M., for the purpose of electing a United States Senator to fill the vacancy now existing.

Carried.

Mr. Bowe moved the previous question.

Sustained.

On the passage of the resolution as amended, Messrs. George, Gray and Taliaferro, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Bell, Bowe, Brunton, Cartter, Coombs, Curtis, Davis, Dick, Dustin, Gaston, Heald, Heiskell, Hoover, Hunter, Kelly, Lamon, Mathews, McDonald, McFarland, McGehee, Oxley, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taylor, Turner, Upton, Welch, White, Williams, Winsor, Winston, Mr. Speaker—45.

NOES.

Messrs Batchelder, Beatty, Boring, Brush, Bynum, Callbreath, Covarrubias, Downey, Ewalt, George, Gray, Hawes, Hunt, Kendrick, Lewis, Meloney, Moulthrop, Pearson, Sharp, Swan, Taliaferro, Wohler—21.

So the resolution passed.

Mr. Stout moved that the vote just taken, by which the resolution was passed, be now re-considered.

Lost.

Mr Hunter offered the following resolution, and moved that the rules be temporarily suspended, for the purpose of considering it now:

Resolved, (by the Assembly, the Senate concurring,) That both Houses go into joint convention, on Thursday next, for the purpose of electing a resident Physician and other officers of the State Insane Asylum, and for no other purpose.

Upon the motion to suspend the rules, Messrs. Moulthrop, Downey, and Ewalt, demanded the ayes and noes, with the following result:

AYES.

Messrs Andrews, Batchelder, Bell, Bowe, Brunton, Bynum, Carter, Castro, Curtis, Davis, Dick, Gaston, Heiskell, Hoover, Hunter, Kelly, Lamon, Mathews, McDonald, McGehee, Oxley, Pugh, Rathburn, Read, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taylor, Turner, Upton, Welch, White, Williams, Winsor, Winston, Mr. Speaker—41.

NOES.

Messrs. Beatty, Boring, Brush, Callbreath, Covarrubias, Downey, Dustin, Ewalt, George, Gray, Hawes, Heald, Hunt, Kendrick, Lewis, McFarland, Meloney, Moulthrop, Pearson, Reynolds, Sharp, Swan, Taliaferro, Wohler—24.

It requiring a two-third vote, the motion was lost.

On motion of Mr. Hunter, bill No 288, an Act amendatory of and supplementary to an Act approved April 20, 1852, entitled an Act to provide for the

funding of the debt of San Joaquin county, for the payment of the interest thereon, and for the liquidation of the debt, was considered engrossed.

Read a third time time and passed.

Mr. Sharp offered the following Concurrent Resolution:

Resolved, (by the Assembly, the Senate concurring,) That our Senator and Representatives in Congress be, and they are hereby instructed, to use their influence to procure the passage of a law to reduce and make uniform the rates of postage upon all mail matter to and from the State of California.

Laid over one day under the rule.

Substitute for Senate bill No 14, an Act to amend an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed May 21, 1851, was read as amended by the Committee on Counties and County Boundaries.

Mr. Gaston moved to lay the bill on the table.

Lost.

The question being on the Committee amendment, Messrs. Dustin, Boring, and Reynolds demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Cone, Davis, Dick, Gaston, Gray, Kelly, Read, Rhodes, Sellick, Sherrard, Sterritt, Wimsor, Winston, Mr. Speaker—16.

NOES.

Messrs. Bell, Boring, Brunton, Castro, Callbreath, Coombs, Covarrubias, Downey, Dustin, Ewalt, Haile, Hawes Heald, Holland, Hunt, Kendrick, Lewis, McDonald, McFarland, Moulthrop, Pearson, Reynolds, Sharp, Stout, Taliaferio, Wohler—27.

So the amendment was lost.

Mr. Gaston moved to indefinitely postpone the bill.

Lost.

The bill was then read a third time and passed.

Senate bill No. 132.

Read a first and second time and referred to the Committee on Corporations.

Assembly bill No. 27, an Act concerning Estray Animals.

Read as amended by the Senate, and the amendments non-concurred in.

Senate amendment to Assembly bill No. 201, an Act to amend an Act concerning the Independent Order of Odd Fellows.

Concurred in.

Senate amendments to Assembly bill No. 163.

Concurred in.

Mr. Rathburn offered the following resolution:

Resolved, That the Enrolling Clerk and the Engrossing Clerk be requested to report to this House to morrow, the amount of assistance they now have, and how much they will need during the remainder of the session.

Adopted.

Assembly bill No 213, an Act to authorize M. C. Ruckles, R. McCloud, and James Long, to construct a Wagon Road from Shasta Valley, and to regulate Tolls to be collected on the same.

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

On the passage of the bill, Messrs. Stout, Rathburn, and Heald, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bowe, Brunton, Brush, Callbreath, Cone, Coombs, Curtis, Davis, Dustin, George, Haile, Kelly, Kendrick, McDonald, McGehee, Meloney, Moulthrop, Oxley, Pugh, Rhodes, Shearer, Stevenson, Sterritt, Turner, Welch, White, Winsor, and Winston—36.

NOES.

Messrs. Bynum, Gray, Heald, Heiskell. Holland, Hoover, Lamoo, Pearson, Rathburn, Sharp, Stout, Taliaferro, and Mr. Speaker—16.

So the bill passed.

Assembly bill No. 65, an Act requiring the Registration of the Names of Legal Voters in the incorporated Cities of this State.

On motion of Mr. Welch, the enacting clause of the bill was stricken out.

Assembly bill No. 192, an Act to prohibit Raffles, Lotteries and other gambling modes of disposing of property.

Laid on the table.

On motion of Mr. Winsor, the House resolved itself into Committee of the Whole, to take into consideration bills Nos. 121, 136 and 300.

House in Committee of the Whole.

Mr. Winsor in the chair.

The committee rose and recommended the passage of the bills.

Report received and committee discharged.

Mr. Stout offered the following resolution:

Resolved, From and after this day the House shall hold Evening Sessions until the final adjournment of the Legislature, unless by a vote of the House to the contrary; said sessions to commence at 7 o'clock, P. M.

Mr. Oxley moved to indefinitely postpone the resolution.

Upon which motion, Messrs. Stout, Rathburn and Gray demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Brush, Cartter, Covarrubias, Curtis, Kelly, Lippincott, Meloney, Moulthrop, Oxley, Pearson, Sharp, Sherrard, Sterritt, Taliaferro, Taylor, Welch, Winsor, Wohler—19.

NOES.

Messrs Batchelder, Bell, Blackburn, Bowe, Brunton, Coombs, Davis, Dick, Downey, Dustin, Ewalt, Gaston, George, Gray, Haile, Heald, Heiskell, Holland, Hoover, Lamon, Mathews, McFarland, McGehee, Rathburn, Reynolds, Rhodes, Ricks, Shearer, Stout, Turner, Upton, Welch, White, Mr. Speaker—34.

So the motion was lost.

Mr. Meloney moved to adjourn.

Lost.

The resolution was then passed.

Mr. George gave notice for a motion to reconsider the vote just taken, by which the resolution was passed.

On motion of Mr. Taliaferro, the House adjourned at 4½ o'clock, P. M.

IN ASSEMBLY.

TUESDAY, April 15, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

Journal of yesterday was read and approved.

The following reports were received from committees:

Mr. Speaker:

The Judiciary Committee, to whom was referred Assembly bill No 110, a bill for an Act entitled an Act to regulate Fees of Office, approved April 20, 1855, have had the bill under consideration, and respectfully beg leave to report the same back to the House, and recommend the passage of the original bill without the amendments.

R. B. SHERRARD,
Chairman.

On motion of Mr. Beatty, Assembly bill No. 110, reported by the Judiciary Committee, was taken up.

Mr. Hawes moved to recommit the bill to the Judiciary Committee.

Lost.

Mr. Hawes moved to add the following section to the bill, viz:

Section 2. The fees of witnesses in the county of San Francisco shall remain the same as allowed by law, previous to the passage of this Act.

Adopted.

On motion of Mr. Beatty, the bill was considered as engrossed.

Read a third time as amended, and passed.

Mr. Speaker:

The committee to whom was referred Senate bill No. 128, an Act to provide

for the construction of the State Capitol in the city of Sacramento, beg leave to submit the following report:

The State of California has now an existence of over seven years, yet, to her shame be it spoken, she does not possess any claim to a building to hold the annual sessions of the Legislature in, or to afford apartments for any of her State officers.

It has been said, and perhaps with some degree of justice, that her heavy debt should preclude her erecting public buildings, at an enormous expense, but this cause no longer exists, as the great reduction in the price of materials and labor renders it easy to erect a suitable building that will supply the wants of the State for years to come, at about half the cost that it would a few years ago; and your committee believe that the people of the State are anxious to see a suitable building erected at Sacramento, that the State may no longer be a houseless wanderer.

The bill under consideration proposes to issue bonds to the amount of three hundred thousand dollars, bearing interest at the rate of seven per cent. per annum, payable in thirty years from date, for the purpose of erecting a suitable building for a State Capitol. It is estimated by good and responsible mechanics, that a building such as it is acknowledged California requires, can be erected for the amount proposed to be appropriated, and we are prepared to show that the State would be a gainer by the operation about ten thousand dollars per annum. The interest on the bonds would amount to $21,000, while the State is now paying $30,372 per annum as rents for the various State officers.

State House, - - - - -	$12,000
Supreme Court Rooms, - - - -	7,200
State Library, - - - - -	1,800
Superintendent of Public Instruction, - -	1,200
Quartermaster General, - - - -	1,924
Attorney General, - - - - -	1,924
Surveyor General, - - - - -	1,924
Committee Rooms for the Legislature, - -	1,200
Lieut. Governor's Rooms, - - - -	1,200
	$30,372

As a measure of economy, the erection of a Capitol would save the State in thirty years the entire amount proposed to be appropriated, and the people would have a building that will not only be an ornament to the State, but afford ample accommodations to all Government officers.

Your committee believe the bill referred to, to be very carefully drawn, and fully answers all demands, and would recommend its passage without amendment.

All of which is respectfully submitted,

GEO. W. LEIHY,
Chairman.

ALEX. ANDREWS,
THOMAS J. OXLEY,
R. M. TURNER.

Mr. Speaker:

The undersigned, minority of a committee, to whom was referred Senate bill No 218, an Act to provide for the construction of a State Capitol in the City of Sacramento, regrets that a difference of opinion with the majority compels him him to submit the following report:

The bill under consideration contemplates the expenditure of $300,000, for the erection of a State Capitol, but is so incautiously expressed and destitute of the limitations imperatively demanded by every consideration of public welfare, that the undersigned cannot but regard it as fraught with untold evil to this State should it become a law. There is no clause in the bill which prevents the Commission from altering the plans or specifications, when once adopted, and involving the State in an indebtedness for extra work, equal to the entire amount of the origina' contract. The omission of such provision, the unders gned believes, is a fatal error in the bill and calculated to embarrass the State were the Treasury so full as to require depletion.

The history of building State Capitols and all other buildings of a public character admonishes us to examine closely the plans and estimates before embarking in their construction.

The erection of the State Capitol of Mississippi well nigh ruined that State. The State House of Ohio has already cost about $1,200,000, and is not yet completeted; while those of Illinois and Indiana have materially added to the indebtedness of those States. The erection of a Court House in the city of Louisville was disastrous to the county of Jefferson, and the very building in which we are now sitting has cost the county of Sacramento double the amount of the original contract.

The bill under consideration appoints as a Commissioner a gentleman who acted as such in the erection of this building. The bill also contemplates the appointment of a Superintendent, with a salary of $3,500 per annum, whose duties will merely be a sinecure for the next six months.

The undersigned is unable to see the necessity for such Superintendent, until the expiration of the time for submitting plans, except it be to give such Superintendent time to see what private arrangements can be made by using his influence in the adoption of plans.

In conclusion, the undersigned believes that the appropriation of $300,000 is a mere entering wedge for future extravagance and enormous outlays.

All of which is respectfully submitted.

JAMES GEORGE,
Minority of Committee on Public Buildings.

On motion, Senate bill No. 128 was temporarily laid on the table.

Mr. Speaker:

The Committee of Ways and Means, to whom was referred Assembly bill No. 302, for an Act to provide for a Final Settlement with S. A. McMeans, late State Treasurer, ask leave to report the same back with an amendment, and recommend that the same be passed as amended.

W. W. UPTON,
Chairman.

On motion, Assembly bill No. 302 was taken up.

On motion of Mr. Oxley, the amendment reported by the Committee on Ways and Means to the bill, was concurred in by the House

On motion of Mr Oxley, the House resolved itself into a Committee of the Whole, for the purpose of considering the bill.

House in Committee of the Whole, Mr. Taylor in the chair.

The committee reported the bill back, and recommended its indefinite postponement; also asked to be discharged from further consideration of the same.

The report was received, and the Committee discharged.

The question recurring on the recommendation of the Committee, viz: the indefinite postponement of the bill—

The ayes and noes were demanded by Messrs. Turner, Downey, and Boring, with the following result:

AYES.

Messrs Andrews, Boring, Brush, Bynum, Callbreath, Dick, Downey, Ewalt, Gaston, Gray, Hale, Heald, Heiskell, Hunt, Kelly, Kendrick, McFarland, Pearson, and Turner—20.

NOES.

Messrs Batchelder, Bell, Bowe, Brunton, Cone, Coombs, Covarrubias, Curtis, Davis, Dustin, Gage, George, Holland, Hunter, Lamon, Leihy, Lewis, Mathews, McGehee, Moulthrop, Oxley, Pugh, Rathbun, Read, Reynolds, Rhodes, Ricks, Shearer, Sherrard, Sterritt, Stout, Swan, Taliaferro, Taylor, Upton, Van Dusen, Weir, Welch, White, Winsor, Winston, and Mr. Speaker—40.

Mr. Oxley moved to amend the bill by striking out the seventh section of the bill.

Carried.

Mr. Curtis moved to lay the bill on the table.

Lost.

On motion of Mr. Oxley, the bill was considered as engrossed, read a third time, and passed.

Mr. Speaker ·

The Committee on Enrollment having carefully examined and compared Assembly bill No 86, an Act to fund the Debt of the County of Napa, and provide for the payment of the same, find the same correctly enrolled.

Mr. Speaker:

The Engrossing Committee have examined, and found correctly engrossed, the following bills:

Bill No. 288, an Act amendatory of and supplementary to an Act approved April 20, 1852, entitled an Act to provide for funding the debt of San Joaquin county, for the payment of the interest thereon, and for the liquidation of the debt.

Bill No. 231, an Act to amend an Act entitled an Act to organize the county of Plumas, passed March 18, 1854.

Bill No. 303, an Act amendatory of and supplementary to an Act entitled an Act to create the county of Tehama, to define its boundaries, and to provide for its organization.

R L. MATHEWS,
Chairman, *pro. tem.*

Mr. Speaker:

The Engrossing Committee have examined and found correctly engrossed:

Bill No. 305, for an Act to authorize Charles F. Reed, administrator of the estate of William Knight, deceased, to convey certain real estate.

Substitute for bill No 77, for an Act to provide for the sale of the Swamp and Overflowed Lands belonging to this State.

Bill No 221, an Act to authorize the Board of Supervisors of Sonoma county to levy a special tax for the redemption of certain Warrants.

LANSING STOUT,
Chairman.

Mr. Speaker.

The Select Committee, to whom was referred Senate bill No 150, concerning a wharf at Monterey, have considered the same, and would recommend its passage.

R. L. MATHEWS,
Chairman.

On motion of Mr. Bell, Senate bill No 150, an Act to confirm a certain contract of the Trustees of the City of Monterey, for the building of a wharf, was taken up.

Read a third time and passed.

The following message was received from the Senate:

SENATE CHAMBER,
April 15, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate on this day passed Senate bill No 183, an Act to enable the county of Placer to take and hold stock in any Company, having for its object the extension of the Sacramento Valley Railroad to the town of Auburn.

Also, that the Senate this day amended and passed Assembly substitute bill No. 69, an Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, passed March 20, 1852.

Also, passed Assembly bill No. 104, an Act to amend an Act entitled an Act to regulate Fees of Office, passed April 10, 1855, with amendments, as therein shown.

Respectfully submitted,

WM. BAUSMAN,
Secretary of Senate.

The following bills referred to in the foregoing message from the Senate were taken up, viz:

Senate bill No. 183.

Read a first and second time.

On motion of Mr Stout, the rules were temporarily suspended, the bill was considered as engrossed.

Read a third time and passed.

Assembly bill 69.

Read as amended by the Senate.

The amendments adopted by the Senate were concurred in by the House, with the exception of those relating to the counties of Amador and Sonoma.

Assembly bill No. 104.

Read as amended by the Senate.

The amendments adopted by the Senate were concurred in by the House, with the exception of one relating to the fees of the Clerk of the county of San Francisco.

The hour having arrived for the special order of the day, it was taken up, viz:

Senate bill No. 176, an Act to abolish the Office of State Prison Directors, and to provide for their payment, and devolve their duties upon the Board of State Prison Commissioners.

On motion of Mr. Lamon, the bill was referred to a Select Committee of seven, with instructions to report on to-morrow.

The Speaker appointed Messrs. Lamon, Upton, McDonald, Brunton, Stout, Gage, and Hunter, as committee.

The following message was received from the Senate :

SENATE CHAMBER, April 15, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on this day, refused to recede in its amendments to Assembly bill No 117, an Act concerning Hogs found running at large in the Counties of Marin and Santa Clara, and have appointed a committee of free conference on the part of the Senate, consisting of Messrs. Burnett, Heintzelman, and McConn, to act with a like committee on the part of the Assembly.

Also, refused to recede from its amendments to Assembly bill, substitute No. 27, an Act concerning Estray Animals, and appointed Messrs. Heintzelman, Ashley and Bynum, a committee of free conference on the part of the Senate, to act with a like committee on the part of the Assembly.

Also, concurred in Assembly amendment to Senate bill No. 97, an Act creating the County of Fresno, &c.

Also, concurred in Assembly amendment to Senate bill No 45, an Act to incorporate the City of Nevada.

Also, passed Assembly bill No. 298, an Act relating to the Thirteenth Judicial District, and to define the Time of holding the Courts in said District

Also, indefinitely postponed Assembly resolution in relation to a Senatorial Joint Convention.

Respectfully submitted,

RASEY BIVEN,
Assistant Secretary.

The Speaker appointed Messrs Brush, Rathburn and Turner, as Committee of Conference on the part of the Assembly, relative to Assembly bill No. 117

The Speaker appointed Messrs Davis, Meloney, and Heath, as Committee of Conference on the part of the Assembly, relative to Assembly substitute Bill No. 27.

Mr Cartter moved that the House resolve itself into a Committee of the Whole, for the purpose of considering Senate bill No. 128, an Act to provide for the Construction of the State Capitol in the City of Sacramento.

House in Committee of the Whole, Mr. Upton in the chair.

The committee reported the bill back, and recommended its passage, without amendment; also, asked to be discharged from further consideration of the same.

Report received and committee discharged.

Mr Heiskell moved to amend the bill by adding in continuation of first section, the following words:

"The said Commissioners shall not proceed in the construction of the said State Capitol until a good and sufficient title is secured to the State of the land upon which the said Capitol is proposed to be constructed."

Pending discussion, Mr. Reynolds moved the previous question.

Sustained.

Mr Taylor moved that the House do now adjourn.

Lost.

The question then being, "Shall the main question be now put?" Messrs. Hawes, George, and Meloney, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bowe, Brunton, Bynum, Cartter, Cone, Gaston, Haile, Hunter, Kelly, Lamon, Leihy, Mathews, McFarland, McGehee, Oxley, Pugh, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sterritt, Swan, Van Dusen, Welch, Winston—29.

NOES.

Messrs. Beatty, Brush, Callbreath, Coombs, Davis, Dick, Downey, Dustin, Gage, George, Heald, Heiskell, Kendrick, McDonald, Meloney, Pearson, Rathburn, Sharp, Taylor, Turner, Weir, Winsor, Wohler, Mr. Speaker—24.

So it was decided in the affirmative.

Mr. Downey moved that the House adjourn until 7 o'clock, this evening.

The Speaker decided that while acting under the previous question, the motion could not be entertained.

From which decision Mr. Downey appealed.

The question being, "Shall the decision of the Chair stand as the decision of the House?" it was decided in the affirmative.

The question recurring on the adoption of the amendment, Messrs. Brush, George, and Haile, demanded the ayes and noes, with the following result:

AYES.

Messrs Beatty, Brush, Callbreath, Coombs, Davis, Dick, Downey, Dustin, Ewalt, Gage, George, Gray, Haile, Hawes, Heald, Heiskell, Hoover, Kendrick, Meloney, Pearson, Rathburn, Sharp, Turner, Winsor, Wohler, Mr. Speaker —26.

NOES.

Messrs. Andrews, Batchelder, Bell, Bowe, Brunton, Bynum, Carter, Cone, Curtis, Gaston, Hunter, Kelly, Lamon, Leiby, Mathews, McDonald, McFarland, McGehee, Oxley, Pugh, Read, Reynolds, Rhodes, Ricks, Selluck, Shearer, Sherrard, Stevenson, Sterritt, Swan, Van Dusen, Weir, Williams, Winston—34.

So the amendment was lost.

The bill was then read a third time.

The question then recurring on the passage of the bill, the ayes and noes were demanded by Messrs. Hawes, Haile, and Weir, with the following result:

AYES.

Messrs Andrews, Batchelder, Bell, Brunton, Bynum, Carter, Cone, Curtis, Hunter, Kelly, Mathews, McDonald, McFarland, McGehee, Oliver, Oxley, Pugh, Read, Reynolds, Rhodes, Ricks, Selluck, Shearer, Sherrard, Sterritt, Swan, Turner, Van Dusen, Weir, Williams, and Winston—34

NOES.

Messrs Beatty, Brush, Callbreath, Davis, Dick, Downey, Dustin, Gage, Gaston, George, Gray, Haile, Hawes, Heald, Heiskell, Kendrick, Lamon, Meloney, Pearson, Rathburn, Sharp, Taylor, Welch, Wohler, and Mr Speaker—25.

So the bill passed.

Mr. Oxley moved to reconsider the vote just taken, by which the bill passed.

Mr. Van Dusen moved to indefinitely postpone the motion.

Mr. Beatty moved that the House do now adjourn.

Lost.

Mr. Dustin moved to lay the motion "to indefinitely postpone the motion to reconsider" on the table.

Lost.

Mr. George moved a call of the House.

The ayes and noes were demanded by Messrs. Gray, Haile, and Beatty, with the following result:

AYES.

Messrs. Beatty, Brush, Callbreath, Davis, Downey, Dustin, Ewalt, George, Gray, Haile, Hawes, Heald, Heiskell, Hoover, Kendrick, Meloney, Pearson, Rathburn, Van Dusen, and Wohler—20.

NOES.

Messrs. Andrews, Batchelder, Bell, Bowe, Brent, Bynum, Cartter, Cone, Coombs, Curtis, Dick, Gage, Hunter, Kelly, Lamon, Leihy, McDonald, McFarland, McGehee, Oxley, Peck, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Swan, Turner, Weir, Welch, Williams, Winston, and Mr. Speaker—31.

So the motion was lost.

Mr. Taylor moved that the House do now adjourn.

The ayes and noes were demanded by Messrs. Beatty, Hunter, and Ewalt, with the following result:

AYES.

Messrs. Andrews, Beatty, Brush, Callbreath, Davis, Downey, Dustin, Ewalt, Gaston, George, Gray, Haile, Hawes, Heald, Heiskell, Hoover, Kendrick, Lamon, McFarland, Meloney, Pearson, Rathburn, Sharp, Turner, Welch, Winsor, and Wohler—27.

NOES.

Messrs. Batchelder, Bell, Bowe, Brunton, Bynum, Cartter, Cone, Coombs, Gage, Hunter, Kelly, Leihy, Lewis, McGehee, Oxley, Pugh, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Taylor, Van Dusen, Weir, Williams, Winston, and Mr. Speaker—32.

So the motion was lost.

Mr. Beatty moved to make the motion to indefinitely postpone the vote to reconsider the special order for to-morrow at 12 o'clock, M.

Speaker decided the motion out of order.

From which decision Mr. Beatty appealed

The Chair was sustained.

Mr. Heiskell moved to lay the subject matter on the table.

Lost.

Mr. Rhodes moved the previous question.

Upon which, Messrs. George, Meloney, and Winsor, demanded the ayes and noes, with the following result:

AYES.

Messrs Batchelder, Brunton, Bynum, Cartter, Cone, Haile, Hunter, Kelly, Leihy, McDonald, McGehee, Oxley, Pugh, Read, Reynolds, Rhodes, Ricks, Sellick, Sharp, Shearer, Sherrard, Stevenson, Sterritt, Swan, Turner, Van Dusen, Weir, Williams, Winston—29.

NOES.

Messrs Beatty, Bell, Brush, Callbreath, Coombs, Davis, Dick, Downey, Dustin, Ewalt, Gage, Gaston, George, Gray, Hawes, Heald, Heiskell, Hoover, Kendrick, Lamon, Lewis, Meloney, Pearson, Rathburn, Taylor, Welch, Wohler, Mr. Speaker—28.

So the previous question was sustained.

The question recurred on Mr. Van Dusen's motion to indefinitely postpone the motion to re-consider.

Upon which, Messrs. Meloney, Beatty, and Gray, demanded the ayes and noes, with the following result:

AYES.

Messrs Batchelder, Brunton, Bynum, Cartter, Cone, Hunter, Kelly, Leihy, Lewis, McDonald, McGehee, Oxley, Pugh, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Swan, Turner, Van Dusen, Weir, Williams, Winston—28.

NOES.

Messrs. Beatty, Brush, Callbreath, Coombs, Davis, Dick, Downey, Dustin, Ewalt, Gage, Gaston, George, Gray, Haile, Hawes, Heald, Heiskell, Kendrick, Lamon, Meloney, Pearson, Rathburn, Sharp, Welch, Winsor, Wohler, Mr. Speaker—27.

So the motion was carried.

On motion of Mr. Reynolds, the House adjourned at 5 o'clock, P. M.

IN ASSEMBLY.

WEDNESDAY, April 16, 1856.

House met pursuant to adjournment.

Speaker in the Chair

Prayer by the Chaplain.

Roll called, and the following members were absent:

Messrs. Blackburn, Calbreath, Core, Covarrubias, Curtis, Davis, Downey, Ewalt, Heald, Lippincott, McFarlane, McGehee, Meloney, Moulthrop, Oxley, Peck, Sharp, Sherrard, Swan, Taliaferro, Van Dusen, Weir, Welch, White, Wohler.

By leave of the House Mr. Holland introduced bill No. 308, an Act for the relief of Xavier Van de Castile, Trustee for Henriette Dehe.

Read a first and second time, and referred to the Judiciary Committee.

By leave of the House, Mr. Dick introduced bill No 309, an Act to provide for the appointment of a Deputy District Attorney in and for the County of Butte.

Read a first and second time and referred to the Judiciary Committee.

Mr. Winston introduced the following resolution:

Resolved, That the Chief Clerk of the House be allowed one assistant. *Provided*, that said Assistant receive pay only from the passage of this resolution.

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

Lost.

The resolution then passed.

Mr Lamon, Chairman of Select Committee, to whom was referred Senate bill No. 176, an Act to abolish the office of State Prison Directors, and to provide for their payment, and devolve their duties upon the Board of State Prison Commissioners, asked further time to make their report.

No objection being made the time was granted.

The following report was received from Select Committee:

Mr. Speaker:

The Committee of Conference appointed on the part of the Assembly to confer with a like committee on the part of the Senate, on the Assembly substitute bill No 27, being an Act concerning Estray Animals, have agreed to recommend that the Senate recede from its amendment Also, in section 17, line 5, after the words "Los Angeles," insert "Monterey"

H. G HEALD,
Of Committee.

The following report was received from the Committee on Enrollment:

Mr. Speaker:

The Committee on Enrollment have this day examined Assembly bill No 253, an Act for the better protection of the State Treasury, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

Mr. Oxley introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to certify to the amount of $166, in favor of E L Barber, and that the Controller of State be requested to draw his warrant for the same, to be paid out of the contingent fund of the Assembly.

On motion of Mr. Downey, the House resolved itself into Committee of the Whole, for the purpose of considering the resolution:

House in Committee of the Whole.

Mr. Downey in the chair.

The Committee reported the resolution back, and recommended its passage, and asked leave to be discharged.

The report of the Committee was received, and they were discharged.

Mr. Hunter moved the previous question.

The question then recurred upon the passage of the resolution

Upon which, Messrs Beatty, Hunter, and Rathburn, demanded the ayes and noes, with the following result.

AYES.

Messrs. Bell, Dick, Downey, Dustin, Ewalt, Holland, Hoover, Hunter, Kendrick, Lamon, Leahy, Lippincott, McDonald, McFarland, McGehee, Oxley,

Pearson, Pugh, Read, Rhodes, Ricks, Stevenson, Sterritt, Stout, Taylor, Upton, Van Dusen, Weir, Wimsor, Winston—30.

NOES.

Messrs. Batcholder, Beatty, Bowe, Callbreath, Cone, Davis, Gray, Haile, Heald, Heiskell, Hunt, Kelly, Lewis, Moulthrop, Rathburn, Taliaferro, Turner, Mr. Speaker—18.

So the resolution was passed.

The following report was received from the Committee on Engrossment:

Mr. Speaker:

The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Bill No. 299, an Act amendatory of and supplementary to an Act passed April 30, 1855, entitled an Act to provide for funding the outstanding debt of the city of Oakland, and to prevent the creation of new debt by that city.

Bill No. 76, an Act for securing liens for Mechanics, and others.

J. C. CALLBREATH,
Chairman, *pro. tem.*

On motion of Mr. McDonald, Senate bill No. 11 was taken from the table.

On motion of Mr. McDonald, the House resolved itself into Committee of the Whole, to consider Senate bill No. 11, an Act to repeal an Act entitled an Act to amend an Act to provide for the protection of foreigners, and to define their duties and liabilities, and privileges, passed April 30, 1855, to revise the original Act.

House in Committee of the Whole.

Mr. Lamon in the chair.

The committee rose, reported the Senate bill back to the House, with amendments, and recommended the passage of the bill, as amended, and asked to be discharged.

Mr. McFarland moved that the recommendations of the committee be concurred in.

Mr. Andrews offered the following amendment to the amendment reported by Committee of the Whole:

"*Provided, further*, that from and after the first day of May, eighteen hundred and fifty-seven, (1857) the amount to be paid for license by each foreigner, ineligible to become a citizen of the United States, shall be at the rate of six

dollars per month, and from and after that date until the first day of May, 1858, at the rate of eight dollars per month, and so on, increasing the license two dollars per month, from and after the first day of May, each year, to be paid by all foreigners ineligible to become citizens."

Mr Dustin offered the following substitute for the amendment to the amendment:

"*Provided*, that no Chinaman or Asiatic shall hereafter be allowed to engage in any labor, occupation, or trade, in any portion of this State without first obtaining a license as herein provided for foreign miners.

Mr. Lamon moved to lay the bill on the table.

Lost.

Pending discussion, Mr. Boring moved the previous question.

Sustained.

The question was then on the substitute offered by Mr. Dustin.

Substitute lost.

The question then recurred upon the amendment offered by Mr. Andrews.

Upon which, Messrs Lamon, Ricks, and Van Dusen, demanded the ayes and noes, with the following result:

AYES.

Messrs Andrews, Brunton, Ewalt, Heiskell, Lamon, Leihy, Lewis, McGehee, Meloney, Ricks, Schick, Sterritt, Upton, Van Dusen, and Mr. Speaker—14

NOES.

Messrs. Batchelder, Beatty, Bell, Boring, Bowe, Brush, Bynum, Callbreath, Conn, Covarrubias, Davis, Dick, Downey, Dustin, Gage, Gaston, George, Gray, Holland, Hoover, Hunt, Hunter, Kelly, Kendrick, Mathews, McDonald, McFarland, Moulthrop, Oliver, Pearson, Peck, Rathburn, Read, Rhodes Sharp, Sherrard, Stoat, Taliaferro, Taylor, Turner, Wagner, Weir, Welch, Winsor, Winston, and Wohler—47.

So the amendment was lost.

The question then recurred upon the motion of Mr. McFarland to concur in amendments reported by Committee of the Whole.

Amendments adopted.

On the passage of the bill, Messrs. Lamon, Bowe, and Heiskell, demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Beatty, Bell, Boring, Bowe, Brush, Bynum, Calhoun, Cone, Covarrubias, Dick, Downey, Dustin, Gage, Gaston, George, Gray, Hawes, Heald, Holland, Hoover, Hunt, Hunter, Kelly, Kendrick, Leiby, Mathews, McDonald, McFarland, Moulthrop, Oliver, Pearson, Peck, Rathburn, Read, Rhodes, Sharp, Sherrard, Stout, Talaferro, Taylor, Turner, Upton, Wagner, Weir, Welch, Winsor, Winston, and Wohler—49

NOES.

Messrs Andrews, Brunton, Carter, Coombs, Heiskell, Lamon, Lewis, Lippincott, McGehee, Meloney, Oxley, Ricks, Sellick, Van Dusen, and Mr. Speaker —15.

So the bill passed.

Mr. Upton gave notice, that on to-morrow he would move a reconsideration of the vote just taken.

The title was read, Mr Bowe desired to amend the title of the bill.

The Speaker decided that he had erroneously ordered the Clerk to read the title of the bill; that pending a notice to reconsider, it was not in order to amend the title of a bill.

From which decision, Mr. Dustin appealed.

The question being, Shall the decision of the Chair stand as the decision of the House?

Messrs Bell, Bowe, and McDonald, demanded the ayes and noes, with the following result:

AYES.

Messrs Andrews, Batchelder, Beatty, Brunton, Bynum, Coombs, Covarrubias, Davis, Downey, George, Hale, Hunt, Hunter, Kendrick, Lamon, Meloney, Moulthrop, Pearson, Peck, Rhodes, Ricks, Taylor, Upton, Van Dusen, Wagner, and Winsor - 26.

NOES.

Messrs Bell, Boring, Bowe, Brush, Dustin, Gage, Gray, Hoover, Leiby, McDonald, McFarland, Rathburn, Sharp, Stout, Turner, Welch, White, and Wohler—18.

So it was decided in the affirmative.

Mr Rhodes moved to take up Assembly bill, No. 300, an Act appropriating Moneys, and to provide for the Payment of Outstanding Claims against the State heretofore unprovided for.

Mr. Rhodes moved to concur in the amendment reported by the Committee of the Whole.

Mr. Hoover moved a call of the House

Lost.

The amendment reported by the Committee was then concurred in.

Mr. Rhodes moved to strike out "1856," after the word "gas."

Carried.

Mr. Stout moved to strike out the following words: "Blanton McAlpin, extra services year 1855."

Carried.

Mr. Beatty moved to strike out the following words: "for supplying beef at State Prison"

Mr. Kelly moved to lay the whole subject matter on the table.

Lost.

On the motion to strike out, a division of the House being called for, and no quorum voting, Mr Taliaferro raised a point of order, that when a quorum was present and refused to vote, the members refusing to vote should be counted as voting in the affirmative.

The Chair ruled the point of order. Not well taken.

Mr. Taliaferro appealed from the decision of the Chair.

The motion to strike out was carried.

Mr George moved to insert an appropriation to pay for the services of Wm. Wright, as porter of the Supreme Court.

Mr. Rhodes moved to refer the account to the Committee on Claims.

Carried.

Mr. Boring offered the following amendment, viz:

"The sum of ten thousand dollars is hereby appropriated to pay the deficiency for the conveying of Convicts for the year 1855."

Mr. Winsor offered the following as a substitute:

Strike out the words in the bill "February 1st, 1856," and insert "Novem-

ber 1st, 1855," so as to read, from the first November, 1855, to January first 1857.

The substitute was lost.

Mr Stout moved to lay the bill on the table.

Carried.

The following message was received from the Senate:

SENATE CHAMBER,
April 16, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate on this day amended and passed Assembly substitute for Assembly bill No. 279, an Act fixing the time of holding the several Courts authorized to be held by the County Judges, in the counties of Shasta, Monterey, and Humboldt.

Also, passed Senate bill No. 186, an Act to authorize the funding of the debt of the city of San Jose, and to provide for the payment of the same.

Also, have appointed a Committee of free conference, consisting of Messrs. Crandall, Heintzelman, and Ashley, on the disagreeing vote of the two Houses, on Assembly substitute for bill No. 69, relative to Supervisors in the counties of this State

Also, appointed a Committee of free conference on Assembly bill No 114, an Act to amend an Act entitled an Act to regulate Fees of Office, passed April 10, 1855, consisting of Messrs. McGee, Burnett, and Tilford.

Also, passed, Assembly bill No. 303, an Act supplementary to and amendatory of an Act entitled an Act to create the county of Tehama, to define its boundaries, and provide for its organization

Also, Senate receded from its amendment to substitute for Assembly bill No. 27, an Act concerning Estray Animals, and have inserted "Monterey" after the name of Los Angeles, as per report of the Committee of Conference from both Houses.

Also, on yesterday, passed Senate substitute for Assembly bill No. 6, relative to the non-indebtedness of the State.

Also, amended and passed Assembly bill No. 152, an Act granting certain Wharf Privileges to Robert Haley and others

Also, passed Assembly bill No. 253, an Act for the better protection of the State Treasury

Respectfully submitted,

W. BAUSMAN,
Sec'y Senate.

The Chair announced the following committees of free conference:

On Assembly bill No. 69: Messrs. Wagner, Bowe and Winston.

On Assembly bill No. 114: Messrs. Carter, Winsor and George.

On motion of Mr. Ricks, the House concurred in Senate amendments to Assembly bill No. 279, an Act fixing the time of holding the several Courts authorized to be held by the County Judges, in the Counties of Shasta, Monterey and Humboldt

Senate bill No. 186, an Act to authorize the funding of the debt of the City of San Jose, and to provide for the payment of the same.

Read a first and second time.

Rules suspended.

Bill read a third time and passed.

Senate substitute for Assembly bill No 6, an Act concerning the War Debt of this State, and providing for the redemption thereof.

Read a first and second time.

On motion of Mr. Rhodes, the substitute was adopted.

Rules suspended.

Bill read a third time, and on its passage, Messrs. Caldbreath, Downey and Covarrubias demanded the ayes and noes, with the following result:

AYES.

Messrs Batchelder, Bell, Bowe, Brush, Bynum, Carter, Cone, Coombs, Covarrubias, Curtis, Davis, Dick, Dustin, Gaston, George, Hale, Heald, Holland, Hoover, Hunter, Kelly, Lamon, Lehy, McDonald, McFarland, McGehee, Mouthrop, Peck, Pugh, Rathburn Reynolds, Rhodes, Ricks, Shearer, Sherrard, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Weir, Welch, White, Winsor, Winston, Wohler and Mr. Speaker—19

NOES.

Messrs Downey, Ewalt, Gage, Gray, Heiskell, Hunt, Kendrick, Meloney, Pearson, Tahafero, Wagner—11.

So the bill passed.

Mr. Van Dusen gave notice that on to morrow he would move a re-consideration of the vote just taken.

Senate amendments to Assembly bill No 152, an Act granting the privilege

to Robert Haley and others to erect and build a Wharf on the Ranch of San Pablo in Contra Costa County.

Concurred in.

Mr Downey offered the following resolution, and moved to suspend the rules, so that the resolution might be acted on:

Resolved, (by the Assembly the Senate concurring,) That the State Printer, be and is hereby authorized and required to cause two thousand copies of all Acts passed by the present Legislature, and which have received Executive sanction, to be printed for the use of the Senate and Assembly.

Resolved further, That he be required to have the same ready for distribution, (in pamphlet form,) for the use of the members of both Houses, on or before the 22nd inst.

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

Lost.

The motion to suspend the rules was lost.

The Committee on Claims made the following report:

Mr. Speaker:

A portion of the Committee on Claims, to whom was referred Senate bill No. 165, an Act for the relief of R J. Crozier, would report it back and recommend it to the favorable consideration of the House

Your Committee have also considered a resolution providing for the payment of N. A H Ball, for extra services as Clerk of the Joint Committee for examination of the State Treasurer's accounts, and recommend it to the consideration of the Committee of the whole House.

G. H. RHODES,
A. R ANDREWS,
U. B. WINSOR.

The following report was received from the Committee on Ways and Means:

Mr. Speaker :

The Committee on Ways and Means ask leave to report the following bills without recommendation:

Assembly bill No. 181, for an Act concerning Expenses pertaining to the Office of Surveyor General, and to appropriate Money for the Payment of the same.

Senate bill No. 48, for an Act amendatory of an Act to provide Revenue for the Support of the Government of this State, passed April 27, 1855.

And Assembly bill No. 130, for an Act to amend an Act entitled an Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved April 27, 1855.

Also, Assembly bill No. 5, for an Act to regulate the Per Diem Allowance of Officers of the Senate and Assemely, and to repeal the existing laws in relation thereto.

W. W. UPTON,
Chairman.

On motion of Mr. Upton, Senate bill No. — was taken up.

Mr. Upton moved that the Committee of the Whole be discharged from the further consideration of the bill.

Carried.

Mr. McFarland moved that the House recede from its amendments to the bill.

Lost.

Mr. Taliaferro moved that a committee of free conference be appointed on Senate bill No. 106.

Carried.

The Speaker appointed Messrs. Taliaferro, Stevenson, Upton, Davis, and George, as committee.

On motion of Mr. Beatty, the House, at half past 5 o'clock, adjourned till 9 o'clock, to-morrow morning.

IN ASSEMBLY.

THURSDAY, April 17. 1856.

House met pursuant to adjournment.

The Speaker being absent, the House was called to order by the Clerk.

On motion of Mr. Winsor, Mr. Taylor was elected Speaker, *pro tem.*

Prayer by the Chaplain.

Roll called and the following members were absent:

Messrs. Blackburn, Boring, Covarrubias, George, Lewis, McGehee, Moulthrop, Sharp, Swan, Taliaferro, Van Dusen, Welch, White, Mr. Speaker.

Mr. Castro was granted leave of absence for two days.

The Journal of yesterday was read and approved.

On motion of Mr, Peck, the usual order of business was dispensed with.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 16, 1856.

To the Assembly of California:

I have this day approved the following bills originating in the Assembly:

An Act fixing the salaries of County Judge, and of the District Attorney of the county of Tulare.

Also, an Act to amend an Act entitled an Act to organize the county of Buena Vista, approved April 20, 1855.

Also, an Act fixing Traveling Fees in the county of Tulare.

Also, an Act supplemental to an Act to create the county of Tehama, to define its boundaries, and provide for its organization.

J. NEELY JOHNSON.

The following communication was received from the Enrolling Clerk:

OFFICE OF THE ENROLLING CLERK OF ASSEMBLY,
April 15, 1856.

To the Honorable the Assembly of the State of California:

In obedience to the resolution adopted by the Assembly, on yesterday, "That the Enrolling Clerk be requested to report to this House, to-morrow, the amount of assistance they now have, and how much they will need during the remainder of the session.

The undersigned begs leave respectfully to report: that by authority of resolution heretofore adopted, he has employed two assistants.

At the present moment there are only some five or six bills in my office for enrollment, most, if not all of which will be enrolled and in readiness for the Committee on Enrollment during the day.

I have no data that would enable me to report what additional assistance will be required during the remainder of the session, as the amount of aid to be required must entirely depend upon the number of bills that may be matured and passed, which have originated in the Assembly.

I take it for granted that every member of the Assembly is aware of the fact, that all bills that pass the Legislature must be enrolled before being presented or the approval and signature of the Governor, and that all such as fail of this requirement, are as signally defeated, as if indefinitely postponed by the action of either House.

I am advised that such was the fact of many bills that passed both branches of the Legislature at the last session, and that in some instances as high as $50 and $100 was paid, by interested parties, to have their bills enrolled in time to have the Governor's sanction before the hour of adjournment.

I may add, that should the *Consolidation* Bill (for San Francisco,) become a law to-day, it would require the time of one clerk some four or five days to enroll it.

Very respectfully yours,

J. POWELL,
Enrolling Clerk of Assembly.

The following communication was received from the Engrossing Clerk:

To the Hon. the Speaker of the Assembly:

In compliance with a resolution of the Assembly passed on the 13th inst., the Engrossing Clerk respectfully submits the following report:

In accordance with a resolution of the House, passed Feb. 11th, 1856, he employed one assistant to aid in performing the duties of his office, and does not design asking further assistance, being desirous of economising the expenses for clerk hire. At previous sessions of the Legislature the Engrossing and Enrolling Clerks have been allowed one assistant each, and in the opinion of the undersigned, one clerk is sufficient for the timely completion of their labors. Since the meeting of the Assembly one hundred and seventy-seven bills have been engrossed, about sixty of which have become laws.

There are no bills at present in the hands of the Engrossing Clerk, as all bills passed yesterday are engrossed, and in the hands of the Engrossing Committee to be reported to-day.

It has been suggested that the rush of business at the close of the session, may cause uncertain delay, so as to prevent bills reaching the Senate; and several outside parties have endeavored to induce the undersigned to apply for another assistant to facilitate the speedy engrossment of bills.

In no event will a want of alacrity on the part of the undersigned delay the action of the Senate, but, on the contrary, the Engrossing Clerk and Assistant are fully able to accomplish their labors to the satisfaction of the House promptly, and any delay that may ensue is chargeable to other officers of the House.

I have the honor to be,
Very respectfully,
Your ob'dt serv't

THOS. MORELAND,
Engrossing Clerk of the Assembly.

On motion of Mr. Stout, the calendar of bills was taken up, viz:

Assembly bill No. 252, an Act concerning the office of County Recorder of the county of San Francisco, was considered as engrossed, read a third time and passed.

On motion of Mr. McFarland, Assembly bill No. 94, an Act defining the time of Commencing Civil Actions in certain cases, was indefinitely postponed.

Assembly bill No 234, an Act supplementary to an Act entitled, an Act concerning escape of Convicts of the State Prison, approved April 30, 1855, was considered as engrossed, read a third time and passed.

Assembly bill No. 220, an Act to amend an Act entitled an Act to authorize the Board of Trustees of the city of San Diego, to make regulations to prohibit the Obstruction, or placing of Rubbish or Filth, or Slaughtering Animals in the Streets or Alleys of that part of said city known as old San Diego, and for Sweeping and Cleaning the Plaza thereof, approved May 7, 1855, was considered as engrossed, read a third time and passed.

Assembly bill No. 189, an Act to incorporate the Town of Martinez, was considered as engrossed, read a third time and passed.

Assembly bill No. 226, an Act amendatory of an Act to regulate the settlement of the Estates of Deceased Persons, was considered as engrossed, read a third time and passed.

On motion of Mr. McFarland, Assembly bill No. 242, an Act to separate the Office of Collector of Taxes from the Office of Sheriff in the several Counties of this State, and to provide for the election of a Collector of Taxes, in each of the Supervisor Districts in the several counties of the same, was indefinitely postponed.

On motion of Mr. Stevenson, Assembly bill No 206, an Act for the appointment of a Bailiff to the Supreme Court of this State, and to define his Duties, was indefinitely postponed.

Assembly bill No. 237, an Act to prohibit the erection of Weirs or other Obstructions to the run of Salmon, was considered as engrossed, read a third time and passed.

Mr Taliaferro gave notice, that on to-morrow he would move a reconsideration of the vote just taken, by which Assembly bill No 237 passed.

On motion of Mr. Gray, Assembly bill No. 284, an Act to provide for removing the Obstructions to Navigation between San Antonio and San Francisco, was indefinitely postponed.

Mr. George gave notice, that on to-morrow he would move a reconsideration of the vote just taken, by which Assembly bill No. 284 was indefinitely postponed.

Assembly bill No. 241, an Act to amend an Act to regulate Fees of Office, approved April 10, 1855, was considered as engrossed, read a third time, and passed.

On motion of Mr. Sharp, Assembly bill No. 243, an Act to amend an Act entitled an Act to regulate Fees in Office, approved April 10, 1855, was indefinitely postponed.

Substitute for Assembly bill No 79, an Act amending the Act defining Legal Distances, &c, was considered as engrossed, read a third time, and passed.

Assembly bill No. 212, an Act to fix the Compensation of the County Judge of the County of Napa, was considered as engrossed, read a third time, and passed.

Assembly bill No 244, an Act amendatory of an Act entitled an Act to suppress Houses of Ill Fame, approved April 2, 1855.

Mr. Ewalt moved to amend by inserting in Sec. 1, after the words "every person who shall keep," the following, "or be found in."

Carried.

Mr. Cartter moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Pugh, Bowe, and Rathburn, with the following result:

AYES.

Messrs. Beatty, Brush, Cartter, Covarrubias, Ewalt, Hunt, Hunter, Lippincott, McDonald, Oxley, Pearson, Rhodes, Sherrard, Stevenson, Sterritt, Taliaferro, Van Dusen, Weir, Winsor, and Winston—20.

NOES.

Messrs. Andrews, Batchelder, Bell, Blackburn, Boring, Borland, Brunton,

Bynum, Cone, Coombs, Davis, Dick, Downey, Dustin, Gage, Gaston, George, Gray, Haile, Hawes, Heald, Heiskell, Holland, Kelly, Kendrick, Lewis, Mathews, McFarland, McGehee, Meloney, Moulthrop, Oliver, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick Shearer, Stout, Turner, Wagner, Welch, White, and Mr Speaker—45.

So the motion was lost.

Mr. Stout moved to amend the first section of the bill, by adding the following words: "And it is further provided, that any male found frequenting such houses, shall be liable to all the penalties prescribed by this Act."

The ayes and noes were demanded by Messrs. Stout, Rathburn, and Haile, with the following result:

AYES.

Messrs. Beatty, Bell, Blackburn, Brunton, Cartter, Davis, Downey, Gray, Hunter, Kelly, Kendrick, Leiby, Lippincott, McDonald, Meloney, Moulthrop, Oliver, Pearson, Peck, Reynolds, Rhodes, Sherrard, Sterritt, Stout, Van Dusen, White, Winsor, and Winston—28.

NOES.

Messrs. Andrews, Batchelder, Boring, Bowe, Brush, Bynum, Callbreath, Cone, Covarrubias, Dick, Dustin, Ewalt, Gage, Gaston, Haile, Hawes, Heald Heiskell, Holland, Hoover. Hunt, Lewis, Mathews, McFarland, McGehee, Pugh, Rathburn, Read, Ricks, Sellick, Shearer, Swan, Turner, Wagner, Welch, and Mr. Speaker—32.

So the motion was lost.

Mr. Stout moved that the bill be considered as engrossed.

Mr. Bowe moved the previous question.

Sustained.

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

On its passage, the ayes and noes were demanded by Messrs. Stout, Rathburn and Bell, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Bowe, Brunton, Cartter, Callbreath, Cone, Dick, Downey, Dustin, Gage, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Kelly, Kendrick, Leiby, Lewis, McFarland, McGehee, Meloney, Moulthrop, Oliver, Peck, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Stout, Turner, Van Dusen, Wagner, White and Mr. Speaker—43.

NOES.

Messrs Boring, Brush, Bynum, Covarrubias, Ewalt, Hunt, Hunter, Lippincott, Mathews, McDonald, Oxley, Pearson, Rhodes, Sherrard, Sterritt, Swan, Winsor and Winston—17.

So the bill passed.

Mr Van Dusen gave notice that on to-morrow he would move a reconsideration of the vote just taken, by which Assembly bill No. 244 passed.

By leave of the House, Mr. Sharp introduced bill No. 310, an Act to authorize the Tax Collector of the City of San Francisco to sell property for unpaid Taxes.

Read a first and second time, and referred to the Delegation from San Francisco.

On motion of Mr. Hunter, Assembly bill No. 185, an Act to appropriate Forty Thousand Dollars for the construction of the State Insane Asylum, was taken up and read a third time.

On the passage of the bill, Messrs. Sharp, Downey, and Bell, demanded the ayes and noes, with the following result:

AYES.

Messrs. Batchelder, Beatty, Blackburn, Boring, Brush, Bynum, Callbreath, Cone, Covarubias, Curtis, Dick, Dustin, George, Heiskell, Holland, Hoover, Hunt, Hunter, Kendrick, Leihy, Lewis, Lippincott, McDonald, McFarland McGehee, Oliver, Oxley, Pearson, Pugh, Read, Rhodes, Ricks, Sellick, Shearer, Stevenson, Sterritt, Stout, Swan, Taliaferro, Taylor, Van Dusen, Wagner, Weir, White, Winsor, Winston, Wohler, and Mr. Speaker—48.

NOES.

Messrs. Davis, Downey, Ewalt, Gray, Haile, Heald, Kelly, Meloney, Peck, Rathburn, and Sharp—11.

So the bill passed.

The following messages were received from the Senate :

SENATE CHAMBER, April 16, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on this day, passed the following Senate bills:

No. 81, an Act for the Relief of the Mayor and Common Council of Sacramento.

No. 174, an Act to amend an Act entitled an Act to protect Owners of Growing Crops, Buildings, and other improvements, in the Mining Districts of this State, passed April 25, 1855.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y of Senate.

SENATE CHAMBER, April 17, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate, this day, passed Assembly bill No. 288, an Act amendatory of and supplementary to an Act approved April 20, 1852, 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, concurred in the amendments made by the Conference Committee to Assembly bill No. 104, an Act entitled an Act to regulate Fees of Office, passed April 10, 1855.

Also, amended and passed Assembly bill, No. 221, an Act to authorize the Board of Supervisors of Sonoma County to levy a Special Tax for the redemption of certain Warrants.

Also, on yesterday, passed Senate bill No. 24, an Act to provide for the Publication of the Laws of this State.

Also, have concurred in the amendments of the Conference Committee to Assembly bill No. 2, the San Francisco Consolidation Act.

Respectfully submitted,

W. BAUSMAN,
Sec'y Senate.

Senate bill No. 24, was read a first and second time and laid on the table.

Senate bill No. 81, was read a first and second time, and laid on the table.

Senate bill No. 174, was read a first and second time and referred to the Committee on Mines and Mining Interests.

On motion the House concurred in the amendments made by the Conference Committee to Assembly bill No. 104, an Act to amend an Act entitled an Act to regulate Fees in Office, passed May 10, 1856.

On motion, the House concurred in the amendments made by the Senate to Assembly bill No. 221, an Act to authorize the Board of Supervisors of Sonoma County to levy a Special Tax for the redemption of certain outstanding warrants.

Mr. Rhodes moved that the House concur in the amendments of the Conference Committee to Assembly bill No. 2, the San Francisco City and County Consolidation bill.

The ayes and noes were demanded by Messrs. Weir, Hoover and Bowe, with the following result:

AYES.

Messrs Andrews, Batchelder, Beatty, Bell, Blackburn, Bowe, Brunton, Brush, Bynum, Cartter, Cone, Coombs, Covarrubias, Davis, Dick, Downey, Dustin, Ewalt, Gage, Gaston, George, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Hunt, Hunter, Kendrick, Lamon, Leihy, Mathews, McFarland, McGehee, Moulthrop, Oliver, Oxley, Peck, Pugh, Rathburn, Read, Rhodes, Ricks, Sellick, Sharp, Shearer, Sherrard, Stephenson, Sterritt, Stout, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, White, Winsor, Winston and Mr. Speaker—63.

NOES.

Messrs. Callbreath, Curtis, Gray, Lewis, Lippincott, McDonald, Meloney and Pearson—9.

So the motion was carried.

The following report was received from the Committee on Engrossment:

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed the following bills:

Bill No 302, an Act to provide for a final settlement with S. A. McMeans late State Treasurer.

Bill No. 304, an Act concerning County Officers in the County of Klamath.

Bill No 110, an Act to amend an Act to regulate Fees of Office, approved April 10, 1855.

Bill No, 213, an Act to authorize Mr. C. Ruckles, James Hoag and R. McCloud to construct a Wagon Road and Toll Bridges from Shasta City to Yreka.

J. C. CALLBREATH,
Chairman, pro tem.

Mr. Heiskell, at half past 1 o'clock, P. M., moved that the House adjourn until seven o'clock this evening.

The ayes and noes were demanded by Messrs Rathburn, White, and Gage, with the following result:

AYES.

Messrs. Beatty, Blackburn, Brush, Bynum, Callbreath, Coombs, Covarrubias, Downey, Ewalt, Gage, George, Heiskell, Hunt, Hunter, Kendrick, Leihy, Lewis, McDonald, Meloney, Moulthrop, Pearson, Rhodes, Ricks, Sellick, Sharp, Sherrard, Stevenson, Swan, Taylor, Weir, Welch, Winston, Wohler, Mr. Speaker—34.

NOES.

Messrs. Andrews, Batchelder, Bell, Brunton, Cartter, Curtis, Davis, Dick, Dustin, Gage, Gaston, Gray, Haile, Heald, Holland, Hoover, Kelly, Mathews, McFarland, McGehee, Oliver, Oxley, Peck, Pugh, Rathburn, Read, Shearer, Turner, Van Dusen, Wagner, White, Winsor—30.

So the House adjourned.

EVENING SESSION.

THURSDAY, April 17, 7 P. M.

House met pursuant to adjournment.

The Speaker being absent, the House was called to order by the Clerk.

On motion of Mr. Hoover, Mr. McFarland, was elected Speaker *pro tempore.*

The roll was called, and the following members were absent:

Messrs. Beatty, Blackburn, Boring, Bynum, Coombs, Covarrubias, Downey, George, Hunter, Kelly, Lewis, Lippincott, Oxley, Pearson, Reynolds, Ricks, Sharp, Swan, Taliaferro, Williams, Winston, Wohler, Mr. Speaker.

Mr. Hunt moved that the House resolve itself into a Committee of the Whole, for the purpose of considering sundry bills which had been referred to that Committee.

Lost.

On motion of Mr Stout, the calendar of bills was taken up, viz:

Assembly bill No. 83, an Act relative to the sixteenth and thirty-sixth sections of the Public Lands of this State.

Mr. Weir moved to consider the bill engrossed for a third reading.

Lost.

Mr. Ewalt moved to strike out the enacting clause of the bill.

Lost.

Mr. Pearson moved to make the bill the special order for to-morrow at one o'clock, P. M.

Lost.

On motion of Mr. Stout, the bill was laid on the table.

On motion of Mr. Callbreath, the special order, Assembly bills Nos. — and —, were taken up and made the special order for to-morrow, as 12 o'clock, M.

On motion of Mr. Kelly, Assembly bill No. 232, an Act to amend an Act entitled an Act to exempt the Homestead, and other property, from Forced Sale in certain cases, passed April 21, 1851, was taken up.

Mr. George moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Haile, White, and Hoover, with the following result:

AYES.

Messrs, Andrews, Brunton, Coombs, Curtis, Dustin, George, Gray, Hawes, Holland, Kendrick, Lewis, Lippincott, Mathews, Oliver, Pearson, Pugh, Stout, Turner, Weir, Welch, Wohler, and Mr. Speaker—23.

NOES.

Messrs. Batchelder, Beatty, Bell, Boring, Bowe, Brush, Bynum, Cartter, Callbreath, Cone, Davis, Dick, Downey, Ewalt, Haile, Heald, Heiskell, Hoover, Kelly, McFarland, McGehee, Meloney, Peck, Rathburn, Read, Shearer, Sterritt, Taliaferro, Upton, White, Winsor, and Winston—31.

So the motion was lost.

Mr. McFarland moved to amend Section 1st, line six, by striking out the words "thirty days after the passage of this Act," and inserting "the 21st day of May, 1851"

Lost.

On motion of Mr. Kelly, the bill was considered as engrossed, and read a third time.

On its passage the ayes and noes were demanded by Messrs. Hoover, George, and Kelly, with the following result:

AYES.

Messrs. Batchelder, Beatty, Bell, Boring, Bowe, Brush, Bynum, Callbreath, Cone, Coombs, Davis, Dick, Downey, Ewalt, Haile, Heald, Heiskell, Hoover, Kelly, McFarland, McGehee, Meloney, Pearson, Peck, Rathburn, Read, Shearer, Sterritt, Swan, Taliaferro, Upton, White, Winsor, Winston—35.

NOES.

Messrs. Andrews, Brunton, Cartter, Curtis, Dustin, George, Gray, Hawes, Holland, Kendrick, Lewis, Mathews, McDonald, Oliver, Pugh, Stout, Turner, Weir, Welch, Wohler, Mr Speaker—21.

So the bill passed.

Mr. Pearson gave notice of a motion to reconsider the vote just taken.

Assembly bill No. 257, an Act to fix the Compensation of the County Judge of the county of Yolo.

Considered as engrossed, read a third time and passed.

On motion of Mr. Rhodes, the House resolved itself into Committee of the Whole, to take into consideration certain bills.

House in Committee of the Whole.

Mr. Rhodes in the chair.

Committee recommended an amendment to Assembly bill No 227, an Act to provide for the immediate procurement of Arms for the use of this State, and making an appropriation therefor.

On motion of Mr. Kelly, the House adjourned at 11 o'clock, P. M, to meet at 9 o'clock, A. M, to-morrow.

IN ASSEMBLY.

FRIDAY, April 18, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

The Journal of yesterday was read and approved.

Mr. Sterritt introduced the following Concurrent Resolution:

Resolved, By the Assembly, (the Senate concurring,) that the Superintendent of Public Instruction be, and he is hereby authorized to pay, or cause to be paid out of the School Fund, at the next apportionment of the same, the amount of money which would have been due to Slate Range Township, Yuba county, had the return been made according to law before the last apportionment.

On motion, the rules were suspended, and it was passed.

Mr Hawes presented a petition numerously signed by citizens of San Francisco, praying for the repeal of the provisions relating to the Attachments embraced in Sections Nos. 120—141, inclusive, of the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851, and for the passage of an Act empowering a creditor to Attach the Effects of an Insolvent Debtor, for *pro rata* distribution among all his creditors.

Read and referred to Judiciary Committee, with instructions to report tomorrow.

The following reports were received from committees:

Mr. Speaker :

The Judiciary Committe, to whom was referred the following bills, having had the same under consideration, would respectfully report as follows:

Assembly bill No 23, an Act proposing Amendments to the Constitution, and recommend the passage of the same.

Assembly bill No 308, an Act for the Relief of Van de Casteele, Trustee for Henrietta Delie, and recommend its passage.

Assembly bill No 309, an Act to provide for the appointment of a Deputy District Attorney, in and for the county of Butte, and recommend its passage.

R. B SHERRARD,
Chairman.

On motion of Mr Dick, Assembly bill No 309, was laid on the table.

Mr. Speaker :

The Committee on Corporations have considered Assembly bill No. 286, an Act to encourage the construction of a Railroad from Martinez to Stockton, and report the same back to the House without amendment, and recommend its passage.

Also, Senate bill No. 132, an Act amendatory of an Act entitled an Act to authorize the Formation of Corporations, and report it back without amendment, and recommend its passage.

T. W TALIAFERRO,
Chairman.

Mr. Speaker:

The Engrossing Committee have examined and found correctly engrossed, the following bills, viz:

Bill No. 252, for an Act concerning the Office of County Recorder of San Francisco.

Bill No. 189, an Act to Incorporate the Town of Martinez.

Bill No. 241, for an Act to amend an Act entitled an Act to regulate Fees of Office, approved April 10, 1855.

Bill No. 244, for an Act amendatory of an Act entitled an Act to suppress Houses of Ill Fame.

Bill No. 234, for an Act supplementary to an Act entitled an Act concerning the Escape of Convicts of the State Prison, approved April 30, 1855.

Bill No. 226, for an Act to amend an Act entitled an Act to regulate the settlement of the Estates of Deceased Persons. passed May 1, 1851.

LANSING STOUT,
Chairman.

Mr. Speaker:

The Committee on Vice and Immorality, to whom were referred Assembly bill No. 157, an Act amendatory of an Act entitled an Act to suppress Gaming, have had the same under consideration, and beg leave to report the same back, and recommend its indefinite postponement.

Your Committee would here take the liberty to state that they have reported a bill on the same subject, and recommended the passage of it; but, from some cause unknown to your Committee, this House has refused to consider its merits. Consequently, it is only consuming the time of this body for nothing, to urge the passage of a law on this baneful and disgraceful profession, if a profession it can be called.

V. G. BELL,
Chairman pro tem.
G. W. CONE,
J. L. RATHBURN.

Mr. Speaker:

The Special Committee, to whom was referred Assembly bill No. 95, an Act supplementary to and amendatory of an Act entitled an Act concerning Public Ferries and Toll Bridges, approved April 28, 1853, have had the same under consideration, and beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

V. G. BELL,
WALTER McDONALD,
JAMES PEARSON,
Committee.

Substitute bill No. 95, was read a first and second time and placed on the Calendar.

Mr. Speaker :

The special committee, to whom was referred substitute for bill No. 176, an Act to abolish the Office of State Prison Directors, and provide for their payment, have had the same under consideration, and concluded to amend by striking out all after the word "purpose" in Sec. 1, last line on page 1 of the substitute, and inserting two additional sections, which are herewith, together with the substitute, reported back to the House, without recommendation.

R. B. LAMON,
Chairman.

Mr. Speaker:

The select committee, appointed to examine and report upon a suitable location for a State Prison, have attended to the same, and beg leave to report, that immediately in the vicinity of Granite City, they found different places well suited for the same, with an abundance of fine granite, clay, and a good supply of wood for all needful purposes, with a sufficient outlet by way of the railroad and American river, for all manufactured and raw material, and combining all the advantages, in short, necessary for a healthy and profitable location for a State Prison. Your Committee would recommend that a commission be appointed for the purpose of procuring a suitable location for said Prison.

B. G. WEIR,
GEO. W. LEIHY.

To the Senate and the Assembly :

Your Joint Committee on the disagreeing votes of the two Houses on the State Funding bill, have considered the same, and report that we recommend that the amendment to the title be stricken off.

That the amendment to Sec. 5, as made by the Assembly be concurred in.

That the amendment to Sec. 7, and the addition of three new sections, be disagreed to.

The addition to Sec. 13 to be adopted.

All of which is respectfully submitted.

A. FRENCH,
D. R. ASHLEY,
WM. J. SHAW,
JNO. D. SCELLEN,
E. G. WAITE,
Senate Committee.

T. W. TALIAFERRO,
CASWELL DAVIS,
A. M. STEVENSON,
JAMES GEORGE,
Assembly Committee.

On motion, the recommendations of the Committee of Conference relative to Senate bill No. 106, the State Funding bill, were concurred in by the House.

Mr. Speaker:

The Committee on Ways and Means, to whom was referred Senate bill No. 107, for an Act to amend an Act entitled an Act concerning the Office of State Treasurer, ask leave to report the same without amendment, and recommend its passage.

W. W. UPTON,
Chairman.

Mr. Heiskell offered the following resolution:

Resolved, That the Enrolling Clerk be authorized to employ such additional assistance as may be required to enrol all bills that may pass having originated in the Asembly.

Mr. Oliver mover moved to strike out "Clerk," and insert Committee.

Pending discussion, Mr. Lamon moved the previous question.

Sustained.

The question recurred on the amendment.

Adopted.

The resolution as amended passed.

On motion of Mr, Bell, Assembly bill No 21. an Act to amend an Act authorizing the Formation of Corporations for the construcnon of Plank and Turnpike Roads, passed May 12, 1853, was taken up, and the amendments made by the Senate were read.

On motion of Mr. Bell, the amendments were concurred in.

On motion of Mr George, Assembly bill No. 76, an Act for securing Liens to Mechanics and others, was taken up.

Pending discussion, Mr. Lamon moved the previous question.

Sustained.

The bill was then read a third time and passed.

On motion of Mr. Stout, the calendar of bills was taken up, viz:

Assembly bill No. 274 was made the special order for twelve o'clok, M., this day.

Senate bill No 137, an Act for the relief of D. F Newson.

Read a third time and passed.

Assembly bill No 264, an Act to fix the compensation of District Attorney of the County of Nada.

Considered as engrossed.

Read a third time and passed.

The following report was received from the Committee on Enrollment:

Mr. Speaker:

The Committee on Enrollment have this day examined the following Assembly bills, and find the same correctly enrolled:

No 126, an Act to provide for the Salary of the Treasurer of Alameda County.

No. 201, an Act to amend an Act concerning the Independent Order of Odd Fellows.

No. 222, an Act to incorporate the city of Sonora.

No 233, an Act to create a Board of Commissioners to examine War Claims in Klamath, Siskiyou and Humboldt Counties.

No. 186, an Act concerning County Officers in the County of Nevada.

Substitute for No. 121, an Act appropriating money for the benefit of the Orphan Asylum of the City of San Francisco and San Rafael.

No. 272, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville.

No. 203, an Act relating to the Thirteenth Judicial District and to define the time of holding the Courts in said District.

No 105, an Act to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego.

No. 214, an Act to incorporate the town of Eureka.

No 163, an Act to exempt Merced County from the provisions of an Act, passed April 4, 1854, entitled an Act concerning County Judges.

SILAS SELLICK,
Chairman.

On motion of Mr. Pugh, Committee on Corporations' substitute for Assembly bill No. 173, an Act to grant the right of way to certain parties to construct a Wagon and Railroad across the Sacramento river was indefinitely postponed.

On motion of Mr. Batchelder, Assembly bill No. 158, an Act concerning Crimes and Punishments, was indefinitely postponed.

On motion of Mr. Heald, Assembly bill No. 239, an Act concerning lawful fences, was indefinitely postponed.

Assembly bill No. 256, an Act concerning the office of Surveyor General was considered as engrossed.

Read a third time and passed.

On motion of Mr. Wohler, Assembly bill No 18, an Act to authorize Lewis Soher to construct a Wagon Road from Mokelumne Hill, Calaveras County, to a point near Butte City, Amador County, was indefinitely postponed:

Senate bill No. 69, an Act to authorize Benj. F. Forsyth to construct a Wharf in Solano County.

On motion, the amendments reported by the Committee on Corporations were concurred in.

The bill as amended was read a third time and passed.

Assembly substitute bill No. 138, an Act to authorize the Board of Supervisors of the County of Sacramento to establish a Work House, in connection with the County Jail of said County.

Considered as engrossed.

Read a third time and passed.

Assembly substitute bill No. 92, an Act concerning Roads and Highways

Laid on the table.

Assembly bill No 233, an Act to amend an Act concerning Roads and Highways, approved April 28th, 1855.

Laid on the table.

Senate bill No. 17, an Act to amend an Act entitled, an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

Read a third time and passed.

Senate bill No. 162, an Act concerning proceedings in Courts, being in the Spanish language.

Read a third time and passed.

Assembly bill No. 111, an Act to provide for the Donation of Land for the construction of a Wharf, at Alameda.

On motion of Mr. Coombs, the amendments reported by the majority of the Committee on Commerce and Navigation, were concurred in.

Mr. Hawes moved to strike out the enacting clause.

The ayes and noes were demanded by Messrs. Hawes, Heiskell, and Boring, with the following result:

AYES.

Messrs. Andrews, Beatty, Boring, Bowe, Brunton, Bynum, Cone, Davis, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Hoover, Kelly, Kendrick, Lamon, McGehee, Moulthrop, Oliver, Pearson, Pugh, Rathburn, Read, Rhodes, Sellick, Shearer, Stearitt, Stout, Taylor, Turner, Welch, White, Williams, Mr. Speaker—37.

NOES.

Messrs Batchelder, Bell, Coombs, Covarrubias, Dustin, Ewalt, Hunt, Lewis, Lippincott, Mathews, McDonald, McFarland, Peek, Reynolds, Ricks, Sherrard, Stephenson, Swan, Tahaferro, Van Dusen, Wagner, Weir, Winston, Wohler—19.

So the motion was carried.

The following message was received from the Senate:

SENATE CHAMBER, April 18, 1856.

Mr Speaker:

I am directed to inform the Assembly, that the Senate on yesterday the 17th instant, amended and passed Assembly bill No. 251, an Act to Legalize and Confirm the Election of certain Officers.

Also, passed Senate bill No. 161, substitute for an Act to amend an Act entitled an Act to establish Support, and Regulate Common Schools, and to Repeal former Acts concerning the same, approved May 3, 1855.

Also, passed Senate bill No. 185, an Act to provide for the payment of T. F. W. Price, and Hirum Morgan.

Also, that the Senate concurred in the report of the Committee of Free Conference, on the disagreement of the Houses in Senate bills Nos. 42 and 43, concerning Crimes and Punishments.

Also, on this day, amended and passed Assembly bill No. 110, an Act to amend an Act entitled, an Act to regulate Fees of Office, approved April 10, A. D. 1855.

Have also passed Assembly No. 234, an Act supplementary to an Act entitled, an Act concerning the Escape of Convicts of the State Prison, approved April 30, 1855.

Also, passed Assembly bill No. 185, an Act to appropriate $40,000 for the completion of the State Insane Asylum.

Also, on this day, passed Assembly bill No 304, an Act concerning County Officers, in the county of Klamath.

Have also concurred in Assembly amendments to Senate bill No. 11, an Act providing for the Protection of Foreigners, &c.

Respectfully submitted,

W. BAUSMAN,
Sec'ry Senate.

On motion, the following bills referred to in the foregoing message, were taken up, viz:

Senate bill No 161, was read a first and second time, and referred to the Committee on Education.

Senate bill No. 185, was read a first and second time, and referred to the Committee on Claims.

Senate amendments to Assembly bill No. 251, were concurred in by the House.

On motion, the amendments made by the Committee of Conference to Senate bill Nos. 42 and 43, were concurred in.

The following report was received from the Committee of Conference:

To the Honorable the Senate and Assembly:

The Committee of Conference, to whom was referred substitute for Assembly bill No. 69, have had the same under consideration, and respectfully report the same back, with amendments, and recommend its passage as amended.

D. CRANDALL,
Chairman Senate Committee.

GEO. W. WAGNER,
Chairman Assembly Committee.

On motion, the amendments made by the Committee of Conference to Assembly bill No 69, were concurred in.

The following report was received from the Committee on Claims.

Mr. Speaker:

Your Committee on Claims, to whom was referred the bill of W. Wright for services as porter for the Supreme Court for the year 1855, have had the same

under consideration, and recommend it to the favorable consideration of the House.

G. H. RHODES,
Chairman.

In accordance with notice, Mr Pearson moved to reconsider the vote by which the House, on yesterday, passed Assembly bill No. 232, an Act to amend an Act entitled an Act to exempt the Homestead and other property from forced sale in certain cases, passed April 21, 1851.

Mr. McFarland moved to indefinitely postpone the motion to reconsider.

Pending discussion, Mr. Lamon moved the previous question.

The question being, Shall the main question be now put?

Messrs. Shearer, George, and Haile, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Boring, Brunton, Bynum, Carter, Callbreath, Cone, Curtis, Dick, Gaston, George, Gray, Haile, Heiskell, Holland, Hoover, Lamon, Leiby, Mathews, McDonald, McFarland, Moulthrop, Rathburn, Read, Reynolds, Rhodes, Ricks, Selluck, Stevenson, Stout, Swan, Taylor, Van Dusen, Wagner, Weir, White, Williams—38.

NOES.

Messrs Bowe, Covarrubias, Downey, Ewalt, Heald, Kelly, Kendrick, Meloney, Pearson, Peck, Pugh, Shearer, Sherrard, Winston, Wohler, and Mr. Speaker—15.

So it was decided in the affirmative.

The question recurring on the motion to indefinitely postpone the motion to reconsider, the ayes and noes were demanded by Messrs. George, Haile, and Pugh, with the following result:

AYES.

Messrs. Batchelder, Beatty, Boring, Bowe, Bynum, Covarrubias, Downey, Ewalt, Haile, Heald, Heiskell, Hoover, Kelly, Lamon, McFarland, Rathburn, Read, Reynolds, Rhodes, Ricks, Shearer, Stevenson, Sterritt, Wagner, White, Wilson, and Winston—26.

NOES.

Messrs. Andrews, Bell, Brunton, Carter, Callbreath, Cone, Curtis, Davis, Dick, Dustin, Gage, Gaston, George, Gray, Holland, Hunt, Kendrick, Leiby, Lewis, Lippincott, Mathews, McDonald, Meloney, Moulthrop, Oxley, Pearson,

Peck, Pugh, Sellick, Sherrard, Stout, Swan, Taliaferro, Turner, Van Dusen, Weir, Williams, Wohler, and Mr. Speaker—40,

So the motion was lost.

The question then recurring on the motion to reconsider the vote by which the bill passed, a division of the House was called, with the following result: Ayes 35, Noes 25.

Carried.

The question then recurring on the passage of the bill, the ayes and noes were demanded by Messrs. White, Shearer, and Haile, with the following result:

AYES.

Messrs. Batchelder, Beatty, Boring, Bowe, Bynum, Callbreath, Davis, Downey, Ewalt, Gage, Haile, Heald, Henskell, Hoover, Kelly, Lamon, McFarland, Rathburn, Read, Reynolds, Ricks, Shearer, Sherrard, Stevenson, Sterritt, White, Winsor, and Winston—28

NOES.

Messrs. Andrews, Bell, Brunton, Cartter, Cone, Coombs, Covarrubias, Curtis, Dick, Dustin, Gaston George, Gray, Hawes, Holland, Kendrick, Leiby, Lewis, Lippincott, Mathews, McDonald, McGehee, Meloney, Moulthrop, Oliver, Pearson, Peck, Pugh, Rhodes, Sellick, Stout, Swan, Taliaferro, Taylor, Turner, Weir, Williams, Wohler, and Mr. Speaker—45.

So the bill did not pass.

On motion of Mr. Callbreath, the House resolved itself into a Committee of the Whole, for the purpose of considering the following Assembly bills:

No. 207, an Act for the relief of the Heirs of John C. Gulick, deceased.

No 274, an Act appropriating Money to defray the Expenses of Transportation of Convicts to the State Prison.

No 270, an Act to authorize the Treasurer of San Bernardino County to retain Money belonging to the General Fund of the State for the benefit of the San Bernardino Rangers.

House in Committee of the Whole, Mr. Rhodes in the chair.

The Committee having considered the bills referred to them, reported them back, and recommended that Assembly bill No. 274 pass with an amendment, and that Assembly bills Nos 207 and 270 pass without amendment, and asked to be discharged from the further consideration of the bills.

Report received and Committee discharged.

The amendments reported by the Committee of the Whole to Assembly bill No 274 were concurred in, and the bill, as amended, was considered as engrossed, read a third time, and passed.

Assembly bill No 207, was considered as engrossed, read a third time and passed.

Assembly bill No. 270 was considered as engrossed, read a third time and passed.

Mr. Beatty offered the following resolution:

Resolved, That the Sergeant-at-Arms is hereby instructed to issue scrip to the gentlemen, who were summoned, appeared, and testified before the Select Committee, on the lost amendment of the Consolidation Bill, per diem of twelve dollars each.

On motion of Mr. Bell, the resolution was laid on the table.

In accordance with notice, Mr. Taliaferro moved to reconsider the vote by which the House on yesterday passed Assembly bill No 239, an Act to prohibit the erection of Weirs or other Obstructions to the run of Salmon.

Lost.

On motion of Mr. Pugh, the House resolved itself into a Committee of the Whole, for the purpose of considering the following Assembly bills:

No. 235, an Act to incorporate the Sacramento Orphan Asylum Society, in the city of Sacramento.

No. 266, an Act for the relief of Richard Cole.

Also, Senate bill No 123, an Act to provide for the Survey and Construction of an Immigrant Wagon Road across the Sierra Nevada Mountains.

House in Committee of the Whole.

Mr. Pugh in the chair.

The committee having considered the bill referred to them, recommended the passage of Assembly bill No. 266, without amendment.

Also, reported back Senate bill No. 123, and Assembly bill No. 235, without any recommendation.

On motion of Mr. Beatty, Senate bill No. 123 was taken up.

Mr Ricks moved to amend section 2d, by adding,

"Another of said roads shall be located, to commence at some point on Humboldt Bay, in Humboldt County, to be designated by the Wagon Road Com-

missioners of said road, and run easterly to the town of Weaverville, in Trinity county.

The amendment was adopted.

Mr. Gaston moved to strike out the name of "D. B. Scott," wherever it occurs in the bill, and insert the name of "W. T. Ferguson.

Mr. Beatty moved the previous question.

The question being, "Shall the main question now be put?" the ayes and noes were demanded by Messrs. Taliaferro, Upton, and McDonald, with the following result:

AYES.

Messrs. Beatty, Bell, Brush, Pearson, Sellick, Welch—6.

NOES.

Messrs. Andrews, Batchelder, Boring, Bowe, Brunton, Bynum, Cartter, Cone, Coombs, Covarrubias, Davis, Dick, Dustin, Ewalt, Gaston, Gray, Haile, Hawes, Heald, Heiskell, Holland, Hoover, Hunt, Kelly, Kendrick, Lamon, Lewis, Lippincott, Mathews, McDonald, McGehee, Meloney, Oliver, Peck, Pugh, Rathburn, Read, Reynolds, Ricks, Shearer, Stevenson, Sterritt, Stout, Swan, Taliaferro, Turner, Upton, Van Dusen, Wagner, Weir, White, Winsor, Winston, Wohler, Mr Speaker—56.

So it was decided in the negative.

Mr. Lamon moved to strike out the enacting clause of the bill.

Upon which, Messrs. Beatty, Taliaferro, and Turner, demanded the ayes and noes, with the following result:

AYES.

Messrs Andrews, Bell, Boring, Brunton, Bynum, Covarrubias, Davis, Downey, Dustin, Ewalt, Haile, Hawes, Heald, Hoover, Hunt, Kendrick, Lamon, Leahy, Mathews, McFarland, McGehee, Meloney, Mouldrop, Peck, Rathburn, Reynolds, Rhodes, Stout, Wagner, White, and Wohler—30.

NOES.

Messrs. Batchelder, Beatty, Bowe, Brush, Calbreath, Coombs, Dick, Gage, Gaston, Gray, Heiskell, Holland, Kelly, Lippincott, McDonald, Oliver, Pearson, Read, Ricks, Sellick, Shearer, Sherrard, Sterritt, Taliaferro, Taylor, Turner, Upton, Van Dusen, Weir, Welch, Winsor, and Winston—32.

So the motion was lost.

Mr. Kelly moved to recommit the bill to a Select Committee of ten, with instructions to report to-morrow.

Mr. Rhodes moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Beatty, Gage, and Bowe, with the following result:

AYES.

Messrs. Andrews, Bell, Boring, Brunton, Bynum, Covarrubias, Curtis, Davis, Downey, Dustin, Ewalt, Gray, Haile, Hawes, Heald, Hunt, Kendrick, Lamon, Leihy, Mathews, McDonald, McFarland, McGehee, Meloney, Moulthrop, Oxley, Peck, Rathburn, Read, Reynolds, Rhodes, Stout, Wagner, and Wohler—34.

NOES.

Messrs. Batchelder, Beatty, Bowe, Brush, Callbreath, Cone, Coombs, Gage, Gaston, George, Heiskell, Hoover, Kelly, Lippincott, Oliver, Pearson, Ricks, Sellick, Shearer, Sherrard, Sterritt, Swan, Taliaferro, Taylor, Turner, Upton, Van Dusen, Weir, Welch, White, Winsor, Winston, and Mr. Speaker—33.

So the motion was carried, and the bill was laid on the table,

The following report was received from the Engrossing Committee:

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed the following bills:

No. 220, an Act to amend an Act entitled an Act to authorize the Board of Trustees of the City of San Diego to make regulations to prohibit the obstruction or placing of rubbish or filth, or slaughtering of animals, in the streets or alleys of that part of said city known as old San Diego, and for sweeping and cleaning the Plaza thereof, approved May 7, 1855.

Substitute for bill No. 79, an Act amendatory of and supplementary to an Act entitled an Act defining the Legal Distances from the County Seats of each County in the State of California, to the State Capitol at Sacramento, to the State Lunatic Asylum at Stockton, and the State Prison at San Quentin.

Bill No. 212, an Act to fix the compensation of the County Judge of Napa County.

Bill No. 237, an Act to prohibit the erection of Weirs and other obstructions to the Run of Salmon.

Bill No. 274, an Act appropriating money to defray the expenses of transporting Convicts to the State Prison.

Also, bill No. 207, an Act for the relief of the Heirs of John C. Gulick deceased.

Bill No. 256, an Act to amend an Act concerning the Office of Surveyor General.

Bill No 257, an Act to fix the compensation of the County Judge of Yolo County.

LANSING STOUT,
Chairman.

The following report was received from the Enrolling Committee:

Mr. Speaker:

The Committee have this day examined Assembly bill No. 101, an Act to amend an Act entitled an Act to regulate Fees of Office, passed April 10, 1855, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

On motion of Mr. Rhodes, Assembly bill No 240, an Act relative to Funding the Indebtedness of the City of San Francisco, was taken up and made the special order for this evening at half past seven o'clock.

On motion of Mr. Gage, Assembly bill No. 266, an Act for the relief of Richard Cole, was taken up.

Considered as engrossed, read a third time and passed.

Mr. Wohler moved to reconsider the vote by which Assembly bill No. 284, was, on yesterday, indefinitely postponed.

Mr. Gage moved the previous question.

Sustained.

Upon the motion to reconsider the vote, Messrs. Wohler, Reynolds and Coombs demanded the ayes and noes with the following result:

AYES.

Messrs Brunton, Bynum, Carter, Callbreath, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Ewalt, Gray, Hawes, Holland, Hunt, Kelly, Kendrick, Leihy, Lewis, McGehee, Meloney, Reynolds, Sherrard, Taliaferro, Upton, Van Dusen, Weir, Winsor, Wohler—29.

NOES.

Messrs. Beatty, Bowe, Cone, Dustin, Gage, George, Haile, Heald, Heiskell, Lamon, McFarland, Oliver, Oxley, Pearson, Pugh, Rathburn, Read, Rhodes, Sellick, Shearer, Stevenson, Taylor, Turner, Welch, White, Winston and Mr. Speaker—27.

So the motion to reconsider was carried.

On motion of Mr. Lamon, the House adjourned at half past 5 o'clock, P M, until half past 7 o'clock, P. M.

EVENING SESSION.

FRIDAY, April 18, 7½ P. M.

House met pursuant to adjournment

Speaker in the chair.

Roll called, and members all present except those absent on leave.

On motion of Mr Peck, the usual order of business was dispensed with.

The following report was received from the San Francisco Delegation:

Mr. Speaker.

The San Francisco Delegation, to whom was referred Assembly bill No 310, entitled an Act to authorize the Tax Collector of the city of San Francisco, to sell property for unpaid taxes, report the same back to the House, and recommend its passage without amendment.

NATH. HOLLAND,
C. W. MOULTHROP
JNO. EWALT,
THOS GRAY,
HERMAN WOHLER,
Delegation.

The hour having arrived, the special order was taken up.

The substitute reported by the San Francisco Delegation, for Assembly bill No. 240, an Act supplemental to an Act to provide for Funding the Legal and Equitable Debt of the city of San Francisco, and for the Final Redemption of the same, approved May 7, 1855.

Mr. Stout moved to lay the bill on the table.

Lost.

Mr. Ricks moved to recommit the bill to the San Francisco Delegation.

Lost.

Pending discussion, Mr. Sellick moved to lay the bill on the table.

Upon which motion, Messrs. Sellick, Hunter, and Bowe, demanded the ayes and noes, with the following result:

AYES.

Messrs. Borland, Cone, Gage, Hunter, Leiby, Oliver, Pugh, Read, Reynolds, Sellick, Shearer, Stout, Van Dusen, Wagner, Weir, Welch, Winsor, Winston, Mr. Speaker—19.

NOES.

Messrs. Andrews, Batchelder, Beatty, Boring, Brunton, Brush, Bynum, Carter, Callbreath, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, Ewalt, George, Gray, Haile, Hawes, Heald, Holland, Kelly, Kendrick, Lamon, Lewis, Lippincott, Mathews, McDonald, McFarland McGehee, Meloney, Pearson, Peck, Rathburn, Rhodes, Sharp, Sherrard, Stevenson, Sterritt, Swan, Taliaferro, Taylor, Upton, White, Wohler—47.

So the motion was lost.

Mr. Bowe moved to strike out the words "Board of Supervisors," and insert in lieu thereof, "the Governor of the State of California."

Lost.

Mr. Rhodes moved to strike out the name of "J. R. Snyder," wherever it occurs in the bill, and insert the name of "James H. Wade," in lieu thereof.

Carried.

Mr. Weir moved to strike out the name of "Andrew J Moulder," wherever it occurs in the bill, and insert the name of "James King, of William, in lieu thereof.

Mr. Beatty called for a division of the question.

The question being on striking out the name of "A. J. Moulder," the ayes and noes were demanded by Messrs. Beatty, Taliaferro, and Weir, with the following result:

AYES.

Messrs. Andrews, Bowe, Cone, Dustin, Gage, Gaston, Haile, Hunt, Hunter, Leihy, Oliver, Pugh, Rathburn, Read, Reynolds, Sellick, Shearer, Sterritt, Stout, Swan, Taylor, Van Dusen, Wagner, Weir, Welch—25.

NOES.

Messrs Batchelder, Beatty, Blackburn, Boring, Brunton, Brush, Bynum, Callbreath, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Ewalt, George, Gray, Hawes, Heald, Holland, Kendrick, Lamon, Lewis, Lippincott, McDonald, McFarland, McGehee, Meloney, Moulthrop, Pearson, Peck, Rhodes, Sharp, Sherrard, Stevenson, Taliaferro, Upton, White, Winsor, Wohler—41.

So the motion was lost.

Mr Bowe moved to strike out the name of "Gwinn Page," whenever it occurs in the bill, and insert the name of "James King, of William," in lieu thereof.

Mr. Rhodes called for a division of the question.

The question on striking out the name of "Gwinn Page," the ayes and noes were demanded by Messrs. George, Meloney, and Gage, with the following result:

AYES.

Messrs. Andrews, Blackburn, Bowe, Cartter, Cone, Dustin, Gage, Haile, Hunter, Kelly, Leiby, McFarland, Oliver, Peck, Pugh, Rathburn, Read, Reynolds, Selleck, Shearer, Stout, Swan, Upton, Van Dusen, Wagner, Weir, Welch, White, and Winston—30.

NOES.

Messrs Batchelder, Beatty, Boring, Brunton, Brush, Bynum, Callbreath, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Ewalt, George, Gray, Hawes, Holland, Kendrick, Lamon, Lewis, Lippincott, McDonald, McGehee, Meloney, Moulthrop Pearson, Rhodes, Sharp, Sherrard Stevenson, Sterritt, Taliaferro, Taylor, Wilson, Wohler, and Mr. Speaker—36.

So the motion was

Sundry amendments were made to the bill.

Mr. Rhodes moved to consider the bill engrossed, for the purpose of reading it a third time

Mr. Hunter moved that the House do now adjourn.

Lost.

Mr. Downey moved the previous question.

Sustained.

The question recurring on the motion to consider the bill engrossed, the ayes and noes were demanded by Messrs. Wilson, Hunter, and Bowe, with the following result:

AYES.

Messrs Batchelder, Beatty, Blackburn, Boring, Brunton, Bynum, Callbreath, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, Ewalt, George, Gray, Haile, Hawes, Heald, Holland, Hunt, Kendrick, Lippincott, McDonald, Meloney, Moulthrop, Oxley, Pearson, Rathburn, Rhodes, Sharp, Stevenson, Taliaferro, and Wohler—33.

NOES.

Andrews, Bowe, Brush, Cartter, Cone, Gage, Gaston, Heiskell, Hunter, Kelly, Leihy, McFarland, Oliver, Peck, Pugh, Read, Reynolds, Sellick, Shearer, Sterritt, Stout, Swan, Taylor, Upton, Van Dusen, Wagner, Weir, Welch, White, Winsor, Winston, and Mr. Speaker—33.

So the motion was carried

Mr. Oliver moved that the House do now adjourn.

Lost.]

The bill was read a third time, and on its passage, the ayes and noes were demanded by Messrs. Stout, Bowe, and Hunter, with the following result:

AYES.

Messrs Batchelder, Beatty, Boring, Brunton, Bynum, Calbreath, Coombs, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, Ewalt, George, Gray, Haile, Hawes, Holland, Hunt, Kendrick, Lewis, Lippincott, McDonald, McGehee, Meloney, Moulthrop, Oxley, Pearson, Rathburn, Rhodes, Sharp, Stevenson, Taliaferro, Wohler—35.

NOES.

Messrs Andrews, Blackburn, Bowe, Brush, Cartter, Cone, Gage, Gaston, Heiskell Hunter, Kelly, Leihy, McFarland, Oliver, Peck, Pugh, Read, Reynolds, Sellick, Shearer, Sterritt, Stout, Swan, Taylor, Upton, Van Dusen, Wagner, Weir, Welch, White, Winsor, Winston and Mr. Speaker—33.

So the bill passed.

Mr. Oxley gave notice that on to-morrow he would move a reconsideration of the vote just taken.

On motion of Mr. Taliaferro, Assembly bill No. 297 was taken up, and made the special order for to-morrow, at eleven o'clock, A. M.

Mr Beatty offered the following resolution:

Resolved, by the Assembly, That the Chief Clerk and Assistant Clerk, and a Journal Clerk are hereby allowed thirty-five days to journalize, mark, label and arrange the papers belonging to the Archives of the Assembly, for the Session of 1856.

On motion of Mr. Rhodes, the resolution was adopted.

Mr. Oxley offered the following resolution:

Resolved That his Excellency the Governor be requested to return to this House, Assembly bill No —, an Act to re-incorporate the city of Sonora, in

order that it may be further amended, so as to remedy constitutional defects now contained in said bill.

On motion of Mr. Brunton, the resolution was adopted.

Mr. Sellick offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Assembly be and is hereby instructed to draw the scrip for the mileage of the select committee appointed by the House to examine and report a suitable site for the State Prison.

On motion of Mr. Turner, the resolution was adopted.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 18, 1856

To the Assembly of California:

On the 16th instant, I approved an Act originating in the Assembly, entitled an Act for the better protection of the State Treasury. Also, on the 17th instant, an Act to grant to the Sheriffs of Stanislaus, Sonoma, and Mariposa counties, additional time to make their Annual Settlement for the Collection of State and County Taxes, for the year 1855.

J. NEELY JOHNSON.

The following report was received from the San Francisco Delegation:

Mr. Speaker:

The undersigned, the majority of the Delegation of San Francisco, to whom was referred Assembly bill No. 306, entitled an Act to Fund the Debts of the County of San Francisco, have had the same under consideration, and report the bill back to the House, and recommend its passage with the following amendments:

Amend section first—fill up blank with "Samuel H Brodie, O. H. Franks, and Samuel H. Parker."

HERMAN WOHLER,
Chairman.

C. W. MOULTHROP,
N D. HOLLAND,
BEN. LIPPINCOTT,
THOMAS GRAY,
JOHN EWALT,
Of Delegation.

By unanimous leave, Mr. Oxley introduced bill No. 311, an Act to reincorporate the Town of Columbia.

Read a first and second time.

On motion, the rules were suspended, the bill was considered as engrossed, read a third time and passed.

On motion of Mr. Lewis, the House adjourned at half-past 11 o'clock.

IN ASSEMBLY.

SATURDAY, April 19, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called and members all present except those absent on leave.

On motion of Mr. Beatty, the reading of the Journal of yesterday was dispensed with.

Mr Sellick introduced bill No. 312, an Act amendatory of an Act entitled an Act to regulate the Fees of certain County Officers in and for the Counties of Klamath, Placer and Colusi, passed March 15, 1856.

Read first and second times.

Mr. Sellick moved that the rule be suspended, for the purpose of reading the bill a third time.

Mr. Lamon moved the previous question.

Lost.

The motion to suspend the rule was lost, and the bill laid on the table.

Mr. Sherrard introduced bill No 313, an Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851, amended March 31, 1854.

Read a first and second time.

Rules suspended, considered as engrossed, read a third time and passed.

The following reports were received from Committees :

Mr. Speaker :

Your Committee on Federal Relations report back Senate bill No. 19, "an Act to divide the State into Congressional Districts according to an Act of Congress, passed June 25th, 1842," and recommend its reference to the Committee of the Whole.

LAMON,
Chairman.

On motion, Senate bill No. 19 was referred to the Committee of the Whole.

Mr. Speaker :

The Committee on Mines and Mining Interests, to whom was referred Senate bill No. 174, "an Act to amend an Act entitled an Act to protect owners of growing crops, buildings, and other improvements in the mining Districts of this State," approved April 25, 1855, have had the same under consideration, and ask leave to report the same back to the House, without recommmendation.

J. E BOWE,
Chairman.

On motion, Senate bill No. 174 was taken up.

Mr. Heiskell moved that the bill be indefinitely postponed.

Lost.

On motion of Mr Heiskell, the bill was laid on the table.

Mr. Speaker :

The Committee on Education, to whom was referred Senate bill entitled an "Act to amend an Act to establish, support and regulate Common Schools and to repeal former acts concerning the same," have had the same under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage.

W. H. TAYLOR,
Chairman.

Mr. Speaker :

The undersigned, majority of the Committee on Claims, to whom was referred "an Act to provide for the payment of T. F. W. Price and Hiram Morgan," have had the same under consideration, and recommend it to the favorable consideration of the House.

RHODES.
WINSOR
ANDREWS.

Mrt Speaker :

The minority of the Committee on Claims, to whom was referred Senate bill No 185, an Act for the payment of T F W Price and Hiram Morgan, for services rendered and supplies furnished in an Indian expedition, in said Price's command, in the year 1851," have had the same under consideration, and make the following report :

This claim was before the present Legislature, and was favorably reported upon by the Committee on Claims, and was finally passed by the House, but failed to be approved by the Governor. Since the claim was passed upon by this House, your Committee have been placed in possession of such evidence in relation to Capt Price's claim, as to satisfy your Committee that the claimant never performed any service for the State as is alleged, and that the claim is wholly without any foundation, and your Committee therefore recommend that the bill be indefinitely postponed.

CASWELL DAVIS.
J. E BOWE

Mr. Speaker :

The Committee on State Hospitals, to whom was referred Assembly bills No. 176 and No. 191, to regulate the practice of Medicine, Surgery, &c, in this State, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that they be indefinitely postponed.

THOMAS J OXLEY,
Chairman.

Sacramento City, April 19th, 1856

The following message was received from the Senate :

SENATE CHAMBER, April 18, 1856.

Mr. Speaker :

I am directed to inform the Assembly that the Senate have this day recalled from the possession of the Governor, Senate bill No 131, "an Act to provide for the incorporation of towns," and made an amendment thereto, in which the concurrence of the Assembly is respectfully requested.

The Senate have also recalled from the possession of the Governor, Senate bill No 45, "an Act to incorporate the city of Nevada," and made an amendment thereto, in which a like concurrence is desired.

Respectfully submitted,

W. BAUSMAN,
Secretary Senate.

On motion, Senate bills Nos. 45 and 131 were taken up, and the amendments made by the Senate read and concurred in.

The following message was received from the Senate :

SENATE CHAMBER, April 18, 1856.

Mr. Speaker :

I am directed to inform the Assembly that the Senate on Wednesday, the 16th inst., indefinitely postponed Assembly substitute for Assembly bill No. 273, "an Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers," passed May 19, 1853.

Also passed Assembly bill No 76, an Act for securing liens to Mechanics and others

Also, concurred in Assembly concurrent resolution relative to School District, Slate Range township, in Yuba county.

Also, reported all the amendments except the last, to Assembly joint resolution 143, concerning certain amendments to the Constitution, proposed by the Legislature at its sixth session, commencing January 1, 1855, and have adopted the last amendment in a substitute for said resolution by the passage of a bill entitled an Act agreeing to a certain amendment to the Constitution, and providing for its submission to the people.

RASEY BIVEN,
Assistant Secretary of Senate.

Senate bill (being substitute for Assembly joint resolution No 143) "an Act agreeing to a certain amendment to the Constitution, and providing for its submission to the people."

Read a first and second time.

On motion, the rules were temporarily suspended.

The bill was read a third time and passed.

The following communication from the Board of State Prison Commissioners was laid on the table :

HON. J. T. FARLEY, *Speaker of House of Assembly:*

The undersigned, Commissioners appointed by an Act creating a Board of State Prison Commissioners, and defining their duties, approved March 21, 1856, beg leave to submit the following Report:

That on the 26th day of March, 1856, they leased the State Prison grounds, with all the property attached thereto, as also the labor of the State Prison Convicts, to JAMES M ESTELL, for the PERIOD OF FIVE YEARS, FROM THE 26TH DAY OF MARCH, 1856, and that they have made formal delivery of the same to the said Lessee, for the particulars of which, we refer you to a copy of the Lease and Schedule A, herein accompanying, and also a copy of "A Supplemental Agreement," all of which is respectfully submitted

If it is the intention of the Legislature to establish a branch of the State

Prison at some other point than the one now occupied, we would suggest that an appropriation be made to enable the Commissioners, or whoever else may be designated to perform the duty, to procure a site for the erection of the aforementioned Prison, and also to obtain the drawings of the necessary plans to be used in the construction of the Prison buildings.

We would also state, that in order to the proper construction of the buildings and walls, contracted to be erected for the State by the Lessee, it will require frequent visits of one or all of the Commissioners, during the progress of the work, involving an expense much greater than is provided for in the Act creating the Board of State Prison Commissioners. We would, therefore, suggest that an appropriation, equal to the actual expenses necessary to be incurred, be made for that purpose.

After a careful personal examination of the premises, your Commissioners are satisfied that the attention of the present Board of State Prison Directors is not required, at the State Prison, as now conducted, and would therefore recommend that their salaries be ordered paid for one year, and the office abolished. A great public necessity requires this course, and we have no doubt but that the incumbents, will yield a cheerful and hearty concurrence in the above suggestion.

In making the foregoing remarks and suggestions, we may have departed from a strict line of duty, but we indulge the hope that they will be received by your honorable body, and all whom they may concern, in the spirit in which they are intended.

Respectfully, your ob't servants,

R. M. ANDERSON,
G. W. WHITMAN,
HENRY BATES,
Board of State Prison Commissioners.

THIS INDENTURE, made and entered into, this Twenty Sixth day of March, A. D. One Thousand, Eight Hundred and Fifty Six, between the State of California, by Robert M. Anderson, Lieut Governor, G. W. Whitman, Controller of the State of California, and Henry Bates, Treasurer of the State of California, constituting the Board of State Prison Commissioners, created by Act of the Legislature of said State of California, entitled an Act creating a Board of State Prison Commissioners, and defining their duties, approved the Twenty First day of March, A. D 1856, party of the first part, and James M. Estell, party of the second part; witnesseth,

That the said party of the first part, for and in consideration of the covenants and agreements hereinafter mentioned, reserved and contained, on the part and on behalf of the said party of the second part, to be done, kept and performed, hath granted, bargained, demised and to farm-letten to the said party of the second part, his heirs and assigns: All that certain tract or parcel of Land, situate on Point San Quentin, in the County of Marin, and State aforesaid, and known as the State Prison property, consisting of Thirty Six acres of Land, more or less, together with all and singular, the Prison and Houses, and all improvements and Houses thereon situate: also, all the Shipping Vessels, Boats, Fixtures Implements, Tools, Furniture, Stock and other property belonging to the State of California, now on, attached to, or connected with said State Prison, together with the labor of all the Convicts now in said State Prison, or who may hereafter be confined therein, during the continuance of this Lease.

Together, with any and all Real Estate, or other property that may hereafter be purchased or acquired by the State of California for State Prison purposes, or in any manner connected with the same. To have and to hold the premises and property above described and mentioned, and the labor of said State Prison Convicts, unto the said party of the second part, and to his heirs and assigns, from the date of these presents for and during and until the end of the full term of five years thence next ensuing, and to be fully completed and ended

And it is further agreed and stipulated by the said party of the first part, to and with the said party of the second part, that on the last day of each and every calendar month, during the continuance of the said term of five years, mentioned as aforesaid, that the State of California will pay to the said party of the second part the just and full sum of Ten Thousand Dollars, to be paid in conformity with the law creating said Board of Commissioners and defining their powers and duties, and with the limitations hereinafter stipulated.

And the said James M. Estell, party of the second part covenants and agrees to and with the State of California, party of the first part, that, for and in consideration of the use and occupation of the premises property and the labor of the State Prison Convicts above mentioned, and the said several sums of money to be paid to the said party of the second part by the said party of the first part as above mentioned, that he, the said party of the second part, will receive and take charge of all convicts now confined in said State Prison, or any other State Prison, which may be established by authority of law, or who may hereafter be convicted and sentenced, or commuted to imprisonment in the State Prison or State Prisons now established, or which may be, in the State of California, during the said term of five years above mentioned, and that he, the said party of the second part, will safely keep the said Convicts, as required by law, in said Prison or Prisons, for and during said term of five years, at his own proper cost and expense; will provide, under the direction of the State Prison Commissioners, the necessary and proper Overseers, Guards and Employees for said Prison or Prisons, and to furnish to said State Prison Convicts suitable, proper and wholesome food, drink, clothing and medical attendance, and to treat such convicts humanely, and with all due degree of kindness, consistent with their security and safety.

And the said party of the second part further covenants and agrees, that he will, at his own proper cost and expense, establish and erect such buildings, prisons, and walls, and make such other improvements on the premises above mentioned and described, or which may be purchased or acquired for such State Prison uses and purposes by authority of the State, as will conduce to the safety and convenience of properly keeping, securing, working, clothing, feeding, and providing medicines and medical attendance for the State convicts, and treating and using them humanely, and without subjecting the State, in any way or manner, to any payment, charge, expense or demand, for the same, except the salaries of the State Prison Directors, now in office, but, the said party of the second part agrees to furnish the Directors, when necessarily residing at the prison, with fuel and provisions out of the stock supplies for the general use of the prison.

The work and buildings, as before described and referred to, is to be done in accordance with a plan or plans and specifications, which shall be approved by the Board of Commissioners, and at such times, at such place or places, and of such materials, as they may order; and the said party of the second part covenants and agrees, to and with the said party of the first part, acting on behalf of the State, that he will use due diligence for the capture and recovery of all or any convicts that may escape from said State Prison or Prisons, and that he will pay such reasonable rewards for their apprehension and return, during the

continuance of this lease; said rewards to be assessed by the Board of State Prison Commissioners

And the said party of the second part agrees to release, and does hereby release to the State of California, all claims, whether legal or equitable, which he has against the State of California, arising out of his former connexion with the State aforesaid, as the Lessee of the State Prison and convict labor, or for property or materials sold to or used by State officers or employees of said prison for the use of the State. Also, a claim of forty-eight thousand eight hundred dollars, more or less, for property purchased by the State Prison Directors, or other State officers, from Archibald Woods, Esq, and to hold the State of California harmless from such claim, or any part thereof. Also a claim for two million two hundred thousand bricks, more or less, purchased by the State Prison Directors, and used in the construction of the State Prison walls

And it is further covenanted, stipulated, and agreed, by and between the said parties of the first and second parts, during the continuance of the term of this lease, that the said State Prison shall be governed, controlled, and managed, in accordance with the provisions of "An Act entitled an Act creating a Board of State Prison Commissioners, and defining their duties," approved March twenty-first, A D 1856

And it is further covenanted and agreed by the party of the second part, that at the expiration of the five years, that he will quit and surrender the premises and property aforementioned, and all walls, prison or prison buildings, and permanent fixtures of any and every kind, which he may erect on property now owned or occupied by the State, or which may be purchased or acquired by the State, for State Prison purposes, to the party of the first part, or to such parties as the State may by law authorize to receive the same, in as good condition and state, as reasonable use and wear thereof will permit, damages by the elements excepted, the property now owned by the State, as described by schedule A

It is also stipulated and agreed by and between the parties hereto, that simultaneous with the execution of this contract, and prior to the same taking effect, the said party of the second part shall enter into a bond, payable to the People of the State of California, in the penal sum of two hundred thousand dollars, with responsible sureties, to be approved by the said Board of Commissioners, conditioned for the faithful performance of the duties and obligations imposed by the conditions of this contract, and the law authorizing the same, and new, or additional bonds, may be required by said Board of Commissioners, if, from any reason, they shall deem the bond or bonds insufficient

In witness whereof, Robert M Anderson, Lieut Governor of the State of California, George W. Whitman, Controller of the State of California, and Henry Bates, Treasurer of the State of California, constituting the Board of State Prison Commissioners, and the said James M. Estell, party of the second part, have hereunto set their hands and seals, the day and year first above written.

SEAL. R. M ANDERSON,
SEAL. G W WHITMAN,
SEAL. HENRY BATES,
Board of State Prison Commissioners.

SEAL. J. M ESTELL.

Witness: R. A. FISH.

A true copy

WILLIAM WILLIS,
Clerk of Board of State Prison Commissioners.

Supplementary Agreement.

Memorandum of an agreement made and entered into between R M Anderson, Lieut Governor of the State of California, G W. Whitman, Controller of the State of California, and Henry Bates, Treasurer of the State of California, composing a Board of Commissioners, created by an Act of the Legislature of California, creating a Board of State Prison Commissioners, and defining their duties, approved March 21st, 1856, party of the first part, and James M Estell, of the county of San Francisco, State of California, party of the second part, witnesseth,

That whereas, the said party of the first part, did, on the 26th day of March, A. D 1856, lease to the said party of the second part, the State Prison Grounds, at Point San Quentin, in the county of Marin, and State of California, together with all the property attached thereto, and the labor of the State Prison convicts for the term of five years, from the 26th day of March, 1856:

Now, therefore, in explanation of said contract, and to confirm to the said party of the second part, the full benefit of the same, it is hereby agreed by the said party of the first part, that the said party of the second part shall have the privilege, and be at full liberty, to work said State Prison convicts at any and all mechanical branches of business that he may choose, *provided*, that the said convicts shall not be employed at any kind or description of labor that shall greatly endanger their lives, health, limbs, or safe keeping. It is further agreed and understood between the said party of the first part, and the said party of the second part that nothing herein contained shall affect, in any manner, the sureties of the said party of the second part, on the bond given by him at the time of executing the contract referred to herein

In witness whereof, the said R M. Anderson, G W. Whitman, and Henry Bates, constituting the Board of State Prison Commissioners, party of the first part, and James M Estell, party of the second part, have hereunto set their hands and seals, this, the third day of April, A. D. one thousand eight hundred and fifty-six

SEAL R. M. ANDERSON,

SEAL. G. W. WHITMAN,

SEAL. HENRY BATES,
Board of Commissioners.

SEAL. JAMES M. ESTELL.

A true copy.

WILLIAM WILLIS,
Clerk of Board of State Prison Commissioners.

A

Inventory of Articles at State Prison, as taken by the Board of Commissioners, and delivered to James M. Estell.

LIVE STOCK.

Twenty-five Horses,
Fifteen Colts,

Eight Mules,
Seventeen Yoke Oxen,
Three Milch Cows,
One Bull,
One Hundred Hogs and Pigs.

STABLE FIXTURES.

Ten Carts,
Three Wagons,
Two Water Carts,
Three Stone Trucks,
Nine Sets of Cart Harness,
Four Saddles,
Four Bridles.

WORKING TOOLS.

Fifty-two Wheelbarrows,
One Hundred Shovels,
Sixty-five Picks,
Eight Brick Presses.
Twenty Crowbars,
One Plough.

CARPENTERS' DEPARTMENT.

Eight Work Benches,
Fifty Planes,
Nine Trying Squares,
Six Iron do.
One Plough, and set of Irons,
Seven Claw Hammers,
Three Draw Knives,
Two Adzes,
Two Bevels,
Fifteen Guages,
Three Screw Drivers,
Three Hatchets,
Two Hand Axes,
Thirty-two Chisels,
Seventeen Gouges,
Four Rasps,
Eight Augers,
Four Braces,
One set Bitts,
Three Hollow Augers,
Twelve Hand Screws,
Eight Screw Clamps,
One Spoke Shave,
Two pair Cart Wheels,
Two pair Compasses,
One Grind Stone,
Two Oil Stones,
Six Rules.

MACHINE DEPARTMENT.

One Lathe,
Four Chucks,
One Slide Rest,
One doz. Turning Tools,
One Vice,
Three Drivers,
One Axe Saw.
One Brace,
One Smooth Plane,
One Screw Winch,
Three Cold Chisels,
One Oil Stone,
One pair Compasses,
One pair Callipers.

BLACKSMITH DEPARTMENT.

Two pair Bellows,
Two Anvils,
Two Vices,
Two Sledges,
Four Hand Hammers,
Thirty pair Tongs,
One Planing Machine,
One Drilling Machine,
One Fire Bender,
Two setts Screw Plates,
One 25 horse power Boiler and Engine,
One 4 horse power Boiler and Engine,
One Turning Lathe,
Sixteen Double Shackles,
Eighteen Single Shackles,
Fifteen Heading Tools,
Twenty Swedges and Pincers,
One bar 3 inch square Iron,
One hundred lbs Steel,
One hundred lbs Bar Iron,
One ton old Iron,
Two Grindstones.

KITCHEN DEPARTMENT.

One large Cooking Stove,
Three Tin Boilers
Three Iron Boilers,
Four Coffee Boilers,
One Clock,
One Cooking Stove in Trustees' Department.

GUARD ROOM.

Twenty-five pair Blankets.

PRISON KITCHEN DEPARTMENT.

One Range.

WASHING DEPARTMENT.

Boilers, Tubs, &c. &c.

NEW CLOTHING.

One Hundred and Seventy-nine pairs Pants,
One Hundred and Twenty blue flannel Shirts,
Three Hundred and Eighteen red flannel Shirts,
One Hundred and Sixty eight Hickory shirts,
Seventy pairs Blankets.

MISCELLANEOUS.

350,000 Bricks, ready for burning.
100,000 common green Bricks.
Eleven new Mud Mills.
Two sets Shoemaker's Tools.

VESSEL DEPARTMENT.

Sloops Marin, Pike County, and Mariposa, completely fitted.
Tackling, &c.

FURNITURE DEPARTMENT.

Thirty-seven yards Damask.
Three Cornices.
Loops, Pins, Gimp, Ornaments, &c.
Sixty yards Carpeting.
Thirty-one do do
Twenty-four yards Damask.
One mahogany Secretary.
One do Sofa.
Six do Chairs.
One Centre Table.
Two gilt Mirrors.
Three mahogany Mirrors.
Three double Bedsteads.
Four hair Matresses.
Four straw Do
Four pairs Blankets.
Three feather Pillows.
Four Bolsters.
Six Office Chairs.

ARMORY DEPARTMENT.

Seventeen Rifles.
Fourteen Pistols.

PROVISIONS, &c.

9 000 lbs fine Flour.
Five large chests Tea.
Eight small do do
Four half bbls Butter.
One keg Vinegar.
Two kegs White Lead.
One box Borax.
Ten bars Steel.
Two and a half doz Brooms.
Two sides Harness Leather.
One doz Picks.
Four mats Sugar.
Eight bags Coffee
Three bags Potatoes.
Ten bags Salt.
One box Mustard.
One box Pepper.
Two boxes Candles.
Four do Soap.
One bbl. N O. Sugar.
One case, 12 tins, Lard.
One box Tacks, assorted.
Two large tins Matches.
One can Oil, 5 galls.
Screws, butts, shoemakers' tools, knives, curry combs, spices, &c.

On motion of Mr. Beatty, Assembly bill No. 110, "an Act to amend an Act entitled an Act to regulate fees of office," approved April 10th, 1855," was taken up.

The amendments made by the Senate to the bill were read and concurred in.

The following message was received from the Senate :

SENATE CHAMBER, April 19, 1856.

Mr. Speaker :

I am directed to inform the Assembly that the Senate has amended and passed Assembly bill No. 189, an Act to incorporate the town of Martinez.

Also, that they have indefinitely postponed Assembly bill No. 56, an Act to enforce the collection of road tax in the county of Tuolumne.

Also, on this day passed Assembly bill No. 33, an Act relative to escheated estates.

Also, on this day passed Assembly bill No. 311, an Act to incorporate the town of Columbia, with an amendment.

Respectfully submitted,

WM. BAUSMAN,
Secretary.

On motion, Assembly bills Nos. 189 and 311 were temporarily laid on the table.

On motion of Mr. Stout, the Calendar of Bills was taken up, viz.:

Judiciary Committee substitute for Assembly bill No. 230, "an Act to amend an Act entitled an Act concerning fraudulent conveyances and contracts, passed April 19th, 1850."

Adopted.

Considered as engrossed; read a third time and passed.

Senate bill No. 158, "an Act concerning the Records of Yuba county."

Read a third time and passed.

Assembly bill No. 260, "an Act to authorize B. Nordheimer, F. F. Mark, and such others as they may associate with them, to construct a wharf at Trinidad, in the bay of Trinidad."

Considered as engrossed, read a third time and passed.

Assembly bill No. 258, "an Act amending an Act defining the boundaries of Merced county, and to provide for its organization," approved April 19, 1855.

Considered as engrossed, read a third time and passed.

Assembly bill No. 197, "an Act to amend an Act entitled an Act to apportion the Senatorial and Assembly Districts of this State," passed May 18th, 1853.

Laid on the table.

The following report was received from the Committee on Engrossment:

Mr. Speaker:

The Engrossing Committee have examined, and found correctly engrossed bill No. 270, for an Act to authorize the Treasurer of San Bernadino county to retain money belonging to the general fund of the State for the benefit of the San Bernadino Rangers.

Bill No. 264, to fix the compensation of the District Attorney for the county of Napa.

Bill 266, an Act for the relief of Richard Cole.

L. STOUT,
Chairman.

Assembly bill No. 275, "an Act amendatory of and supplementary to an Act concerning Corporations," passed April 22d, 1850.

Considered as engrossed, read a third time and passed.

Assembly bill No. 166, "an Act to regulate mortgages on mining claims."

Mr. Bowe moved that the bill be indefinitely postponed.

Lost.

Mr. Kelly moved that the bill be laid on the table.

Lost.

Mr. George moved that the bill be considered as engrossed.

Pending discussion, Mr. George moved the previous question.

Sustained.

The question recurring on the motion to consider the bill as engrossed, it was carried.

The bill was read a third time, and on its passage, Messrs. Gaston, White and Andrews demanded the ayes and noes, with the following result :

AYES.

Messrs. Batchelder, Bell, Covarrubias, Davis, Downey, Dustin, Ewalt, Heald, Heiskell, Lamon, Leihy, Lewis, Mathews, McDonald, McFarland, Moulthrop, Oliver, Peck, Rathburn, Reed, Reynolds, Ricks, Sharp, Stout, Swan, Taylor, Upton, Wagner, White—29.

NOES.

Messrs. Andrews, Beatty, Bowe, Brunton, Bynum, Callbreath, Cone, Curtis, Dick, Gage, Gaston, Gray, Haile, Hoover, Kelly, McGehee, Oxley, Pearson, Sellick, Stephenson, Sterritt, Taliaferro—21.

So the bill passed.

Mr. Stout moved that the vote just taken be re-considered.

Mr. Beatty moved to lay that motion on the table.

Lost.

Mr. Downey moved that the motion to re-consider be indefinitely postponed.

Carried.

Senate bill No. 48, "an Act amendatory of an Act to provide revenue for the support of the government of this State," passed April 27th, 1855.

Read a third time and passed.

The hour having arrived for the special order of the day, it was taken up, viz. :

Assembly bill No. 297, "an Act to grant the right of way for a railway across the waters of the Bay of San Francisco to certain parties therein named."

On motion of Mr. Winston, the bill was temporarily laid on the table.

Mr. Stevenson introduced the following resolution :

Resolved, That the Sergeant-at-Arms and his Assistant be allowed one week after the adjournment of the Legislature, to collect and return the furniture and property of the State, and to file their vouchers and accounts, and settle their books and accounts with the Controller of State.

Adopted.

Mr. Rhodes introduced the following resolution :

Resolved, That the Chief Clerk of the Assembly may, in his discretion, transmit to the Senate, without engrossment, all bills which have been considered as engrossed and passed this House without amendment.

Adopted.

The following message was received from the Governor:

STATE OF CALIFORNIA,
Executive Department.
SACRAMENTO, April 18, 1856.

To the Assembly of California :

On yesterday I approved an Act originating in the Assembly entitled an Act to submit the question of Removal of the County Seat of El Dorado County to the qualified voters thereof; and on this day I have approved the following Acts:

An Act to provide for the erection of a Jail in the County of Tuolumne.

Also, an Act fixing the time of holding the Court of Sessions, County Court and Probate Court in and for the County of Santa Clara.

Also, an Act relating to the 13th Judicial District, and to define the time of holding the Courts in said District.

Also, an Act concerning County Officers in the County of Nevada.

Also, an Act to create a Board of Commissioners to examine the claims of the citizens of the Counties of Klamath, Siskiyou and Humboldt, and report to the Governor of this State the amount of just claims held by the citizens of these Counties, for services rendered or supplies furnished to the troops and the

volunteers engaged in the suppression of Indian hostilities in the years 1852, 1853, 1854 and 1855.

Also, an Act to authorize the Board of Supervisors of Merced County to audit the account of J W. Fitzhugh, for services as County Judge of said County since its organization.

Also, an Act to re-incorporate the Town of Eureka.

Also, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March 5, 1855.

Also, an Act amendatory of an Act entitled an Act concerning County Judges, passed April 4, 1854

And also an Act passed April 30, 1855, amendatory of the above recited Act.

Also, an Act to amend an Act entitled an Act to regulate Fees of Office, passed April 10, 1855.

APRIL 19, 1856.

I have also approved an Act to alter and define the boundary line of Colusi County.

Also, an Act to amend an Act granting J. R. Beals and others the right to construct a Toll Bridge across the Pajaro River.

Also, an Act to amend an Act concerning the Independent Order of Odd Fellows.

J. NEELY JOHNSON.

The following communication was received from the Controller of State:

CONTROLLER'S OFFICE, April 19, 1856

Hon. J. T FARLEY, *Speaker of Assembly:*

Permit me, through you, to call the attention of the Clerk of the Assembly to the 4th section of an Act concerning the Salaries of Officers, and pay of the Members of the Legislature, passed May 11th, 1852, which requires him, at the close of the session, to certify to the Controller the number of days each member of the Assembly has been absent from the seat of government, during the session, without leave.

Attention to the above will be necessary to enable members to draw their *per diem* for the present week.

Yours, with respect,

G. W. WHITMAN,
Controller of State.

The following communication was received from the Ex-Surveyor General:

To the Hon. the Assembly of the Senate of California :

The undersigned begs leave most respectfully to represent to your honorable body, that a large portion of the deficiency of the Surveyor General's Office, for the past year, is unprovided for by the General Deficiency Bill.

The indebtedness constituting this deficiency has been incurred either under the Act concerning the office of Surveyor General, passed April 17, 1850, or under Acts passed by the last Legislature, a list of which is given on the first page of the Surveyor General's Annual Report; and in every case the Attorney General has given his opinion that there was an appropriation in the Act, and that it was the duty of the Controller to audit—or that the Surveyor General was "bound by law" to comply with the Acts, and that the claim for necessary expenditures would be a legal one against the State.

In accordance with his oath of office, he has performed the duties imposed upon him—employing assistance upon the credit of the State, purchasing instruments and materials necessary for his office, upon the same, or upon his own credit, or paying for them cash from his own funds, (the Controller having refused to audit under every Act,) yet, a greater part of the accounts for these things, certified as correct by the undersigned, are unprovided for.

A communication embodying the above facts was sent to the Senate, and was by that honorable body referred to the Committee on Claims, of which the honorable Senator from Monterey, Mr. Ashley, is chairman, and after a strict examination, that gentleman reported a bill which passed the Senate, and has been before your honorable body for several days. It was referred to the Committee of Ways and Means, and I believe is approved by the same.

The undersigned, in view of the above facts, most respectfully asks your honorable body to take some action upon said bill at their earliest convenience.

Very respectfully,

Your ob't serv't,

S. H. MARLETTE,

SACRAMENTO, April 19, 1856.

On motion of Mr. Stout, Senate bill No. 181, an Act concerning certain expenses pertaining to the office of Surveyor General, and to appropriate money for the payment of the same, was taken up.

On motion, the House resolved itself into a Committee of the Whole for the purpose of considering the bill.

House in Committee of the Whole.

Mr. Lamon in the Chair.

The Committee reported the bill back to the House, with an amendment, and recommended its passage as amended; also, asked to be discharged from further consideration of the bill.

The report was received, and the Committee discharged.

On motion, the amendment made by the Committee was concurred in by the House

The bill, as amended, was then read a third time, and on its passage, the ayes and noes were demanded by Messrs. Hoover, Gage, and Downey, with the following result:

AYES.

Messrs. Andrews, Batchelder, Beatty, Bell, Brunton, Bynum, Cartter, Callbreath, Cone, Coombs, Covarrubias, Dick, Dustin, Gaston, George, Heald, Lamon, Leihy, Lewis, Lippincott, Mathews, McGehee, Meloney, Oxley, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Sellick, Shearer, Sterritt, Stout, Taliaferro, Van Dusen, Weir, White, Williams, Wohler—42.

NOES.

Messrs. Bowe, Davis, Downey, Ewalt, Gage, Gray, Heiskell, Hoover, Hunt, Hunter, Kelly, Kendrick, Moulthrop, Turner, Winston, Mr. Speaker—16.

So the bill passed.

The following message was received from the Senate:

SENATE CHAMBER, April 19, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate this day passed Senate substitute to Assembly bill No 302, an Act to provide for a Final Settlement with S. A. McMeans, late State Treasurer.

Have also passed Senate bill No. 188, an Act to appropriate six thousand dollars for payment of Salaries of Officers and Attaches of the Senate.

All of which is respectfully submitted.

W. BAUSMAN,
Sec'y Senate.

Senate substitute for Assembly bill No 302, was taken up.

Mr. Beatty moved to indefinitely postpone the bill.

Mr. Rhodes moved to strike out the words "N. A H Ball, and one other commissioner," and insert in place thereof, the following:

"The Governor shall appoint two Commissioners."

Carried.

Mr. Reynolds moved to reconsider the vote by which the name of "N A. H Ball, &c," was stricken out:

Mr. Rhodes moved the previous question.

Sustained

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

The question then recurring on the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Gray, Bell, and Pearson, with the following result:

AYES.

Messrs. Andrews, Beatty, Covarrubias, Downey, Dustin, Ewalt, Gray, Hoover, Hunt, Lamon, Lewis, Lippincott, McFarland, Moulthrop, Pearson, Reynolds, White, and Wohler—18.

NOES.

Messrs. Batchelder, Bell, Bowe, Brunton, Cartter, Cone, Coombs, Davis, Dick, Gage, Gaston, George, Haile, Heald, Hunter, Kelly, Leiby, Mathews, McGehee, Oliver, Oxley, Peck, Pugh, Rathbun, Read, Rhodes, Ricks, Selleck, Shearer, Stevenson, Sterritt, Stout, Taylor, Turner, Upton, Van Dusen, Wagner, Weir, Welch, Williams, Winsor, Winston, and Mr. Speaker—43.

So the motion was lost.

The bill was then read a third time and passed.

Senate bill No 188 was taken up, read a first and second times, and referred to the Committee of the Whole.

On motion, the House resolved itself into a Committee of the Whole, for the purpose of considering the following bills, viz:

Senate bill No. 188, an Act to appropriate Six Thousand Dollars for the payment of Salaries of Officers and Attachees of the Senate.

Senate bill No. 121, an Act for the relief of James Kerrick.

Assembly bill No 197, an Act to amend an Act entitled an Act to apportion the Senatorial Assembly Districts of this State, passed May 18, 1853

House in Committee of the Whole, Mr. Rhodes in the Chair.

The Committee recommended the passage of Senate bills No. 188 and No. 121, without amendment, and reported back Assembly bill No 197, without recommendation. Also asked to be discharged from further consideration of the bill.

The report was received, and the Committee discharged.

On motion, the rule was temporarily suspended, and Senate bill No 188 was read a third time and passed.

Senate bill No. 121 was read a third time and passed.

Assembly bill No. 197 was taken up.

Mr. Beatty moved that the enacting clause of the bill be stricken out.

Mr. Coombs moved to amend so that the Counties of San Joaquin and Contra Costa shall be entitled to two Senators, and the Counties of Alameda and Santa Clara each have a Senator.

Mr. Oxley moved the previous question.

Sustained.

The question then recurring on the amendment offered by Mr. Coombs, the ayes and noes were demanded by Messrs. Hunter, Coombs, and Stevenson, with the following result:

AYES.

Messrs. Bell, Coombs, Curtis, Ewalt, Gray, Holland, Kelly, Lewis, Lippincott, Reynolds, and Wohler—11.

NOES.

Messrs. Andrews, Beatty, Bowe, Brush, Bynum, Callbreath, Cone, Covarrubias, Davis, Dick, Downey, Haile, Hawes, Heald, Heiskell, Hoover, Hunt, Hunter, Lamon, Leihy, Mathews, McDonald, McGehee, Oliver, Oxley, Pearson, Pugh, Rathburn, Read, Ricks, Sellick, Sharp, Stevenson, Stout, Taylor, Turner, Van Dusen, Wagner, Weir, White, Williams, Winston, and Mr. Speaker—43.

So the amendment was lost.

The motion to strike out the enacting clause of the bill was lost.

The bill was then ordered engrossed for a third reading.

Mr. Oxley moved that the vote by which the bill was ordered engrossed be reconsidered.

Carried.

Mr. Kelly moved to lay the bill on the table.

Lost.

Mr. Beatty moved to strike out all after the enacting clause.

Lost.

Mr. Oxley moved to consider the bill as engrossed.

Pending discussion, Mr. Upton moved the previous question.

Sustained.

The bill was then considered as engrossed, read a third time, and on its passage the ayes and noes were demanded by Messrs. Hunter, Hoover and Meloney, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Bowe, Brunton, Cone, Curtis, Davis, Dustin, Gaston, Haile, Heiskell. Hoover, Hunter, Kelly, Leihy, Mathews, Mc Donald, McGehee, Oliver, Peck, Rathburn, Read, Reynolds, Rhodes, Ricks, Shearer, Stevenson, Sterritt, Turner, Upton, Van Dusen, Wagner, Weir, Winsor, Mr. Speaker—36.

NOES.

Messrs Beatty, Bynum, Callbreath, Coombs, Covarrubias, Downey, Ewalt, Gage, George, Gray, Heald, Holland, Hunt, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Taylor, White—20.

So the bill passed.

The following report was received from the Enrolling Committee:

Mr. Speaker:

The undersigned, members of the Committee on Enrollment, to whom was referred the examination of Assembly bill No. 2, (better known as the San Francisco Consolidation bill, (respectfully submit the same as correctly enrolled.

SILAS SELLICK,
Chairman.
L. S. WELCH,
A. R MELONEY,
Of Committee.

The following message was received from the Senate:

SENATE CHAMBER, April 19, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate have passed Assembly bill No 160, an Act to submit the question of the removal and location of he County Seat of Sutter County to the voters of said county.

Also, have refused to concur in Assembly amendments to Senate substitute bill No. 302, an Act to provide for the Settlement of certain Accounts, and appointed Senators Ashley, Waite and McCoun, a Committee of Conference on the disagreeing vote to the same.

Respectfully submitted,

W. BAUSMAN,
Sec'y Senate.

The Speaker appointed Messrs. Oxley, Winston and Williams, Committee of Conference on the part of the Assembly, relative to the disagreeing vote of the two Houses, on Senate substitute bill No. 302.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 19, 1856.

To the Assembly of California:

In accordance with a resolution passed by your honorable body, I herewith transmit back to the Assembly, an Act to reincorporate the city of Sonora.

J. NEELY JOHNSON.

On motion of Mr. Wohler, Assembly bill No. 310, an Act to authorize the Tax Collector of the City of San Francisco to sell property for unpaid Taxes, was taken from the table.

Pending discussion, Mr. Upton moved the previous question.

Sustained.

The bill was then ordered engrossed for a third reading.

Mr Wohler moved that the vote by which the bill was ordered engrossed be reconsidered.

Carried.

Mr. Wohler moved that the bill be considered as engrossed.

Pending discussion, Mr. Wohler moved the previous question.

Sustained.

The question then recurring on the motion to consider the bill as engrossed, the ayes and noes were demanded by Messrs. George, Hawes and Moulthrop, with the following result:

AYES.

Messrs. Batchelder, Bowe, Brunton, Brush, Cartter, Cone, Covarrubias, Dustin, Gage, Gaston, Haile, Heiskell, Holland, Hoover, Hunter, Kelly, Lewis, Peck, Reynolds, Rhodes, Sellick, Shearer, Stevenson, Sterritt, Turner, Van Dusen, Weir, Welch, White, Winsor, Wohler and Mr. Speaker—32.

NOES.

Messrs. Callbreath, Davis, George, Gray, Hawes, Kendrick, Lamon, McDonald, McGehee, Moulthrop, Read, Stout, Swan—13.

So the motion was carried.

The bill was then read a third time and passed.

Mr. George gave notice, that he would enter his protest on the Journal relative to the action of the House concerning the bill just passed.

On motion of Mr. Andrews, Senate bill No 116, an Act to amend an Act entitled, an Act concerning Roads and Highways, passed April 28, 1855, was taken up, read a third time and passed.

The following report was received from the Committee on Enrollment

Mr. Speaker:

The Enrolling Committee have carefully examined substitute for Assembly bill No. 6, an Act entitled an Act concerning the War Debt of this State, and providing for the redemption thereof, and find the same correctly enrolled.

L. S. WELCH,
Of Committee.

The following message was received from the Senate:

SENATE CHAMBER, April 19, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate have amended and passed Assembly bill No 299, an Act amendatory of, and supplementary to an Act, passed April 30, 1855, entitled an Act to provide for Funding the Outstanding Debt of the City of Oakland, and to prevent the creation of new debt by that city.

Also, refused to concur in the Assembly amendment to Senate bill No 181, an Act concerning certain Expenses pertaining to the Office of Surveyor General, and to appropriate money for the payment of the same, and have appointed Senators Mandeville, Ashley and French, a Committee of Conference on the disagreeing vote of the same.

Respectfully submitted,

W. BAUSMAN,
Sec'ry Senate.

On motion of Mr. Coombs, Senate amendments to Assembly bill No. 299, were concurred in by the House.

The Speaker appointed Messrs. Cartter, McFarland and Sterritt, as Committee of Conference on the part of the Assembly, relative to the disagreeing vote of the two Houses on Senate bill No. 181.

Mr. Kelly offered the following resolution:

Resolved, That a committee be appointed to inquire and report to the Assembly, on this day, if any bills which have passed the Assembly have been given out for enrollment, without authority from the Enrolling Clerk of the Assembly.

On motion of Mr. Lamon the resolution was laid on the table.

Mr Meloney moved to reconsider the vote by which the House on yesterday inserted "Enrolling Committee" in the resolution authorizing additional assistance to be employed in enrolling bills.

Carried.

On motion of Mr. Meloney, the words "Enrolling Clerk" were substituted in place of Enrolling Committee.

On motion of Mr Holland, Assembly bill No. 308, an Act for the relief of Xavier Van de Casteele, Trustee for Henriette Delie, was taken up, considered as engrossed, read a third time, and passed.

SENATE CHAMBER, April 19, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Conference Committee on the disagreeing vote to Senate bill No. 181, an Act concerning certain Expenses pertaining to the Office of Surveyor General, and to appropriate Money for the payment of the same, have been discharged, and that the Senate has refused to concur in the Assembly amendment to the same.

Respectfully submitted,

W. BAUSMAN,
Secretary Senate.

On motion of Mr. Cartter, Senate bill No. 184 was temporarily laid on the table

On motion of Mr Lamon, Senate bill No 24, an Act to provide for the Publication of the Laws of this State, was taken from the table.

Mr. Downey moved that the bill be indefinitely postponed.

Mr. Gage moved the previous question.

Sustained.

The question recurring on the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Downey, Beatty, and Winsor, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Covarrubias, Davis, Dick, Downey, Gage, Haile, Hunt, Kelly, Kendrick, Lewis, McFarland, Peck, Rathburn, Read, Shearer, Swan, Taylor, and Turner—21.

NOES.

Messrs Beatty, Bowe, Brush, Bynum, Cartter, Callbreath, Cone, Coombs, Curtis, Dustin, Ewalt, Gaston. Gray, Hawes, Heiskell, Hoover, Hunter, Lamon, Leihy, Lippincott, McDonald, Meloney, Moulthrop, Pugh, Reynolds, Ricks, Stevenson, Sterritt, Stout, Taliaferro, Van Dusen, Wagner, Weir, White, Williams, Winsor, Winston, and Wohler—38.

So the motion was lost.

The bill was read a third time, and on its passage the ayes and noes were demanded by Messrs. Dick, Downey, and Weir, with the following result:

AYES.

Messrs. Beatty, Brush, Bynum, Callbreath, Cone, Coombs, Curtis, Dustin, Gray, Heiskell, Hunter, Kelly, Lamon, Leihy, Lippincott, McDonald, Meloney, Pearson, Pugh, Ricks, Sterritt, Taliaferro, Weir, White, Winsor, and Winston —26.

NOES.

Messrs. Andrews, Batchelder, Bell, Bowe, Covarrubias, Davis, Dick, Downey. Ewalt, Gage, George, Haile, Hawes, Hoover, Hunt, Kendrick, Lewis, McFarland, Moulthrop, Oliver, Peck, Rathburn, Read, Reynolds, Rhodes, Shearer, Stout, Swan, Turner, Van Dusen, Wagner, and Welch—34.

Mr. Swan gave notice that, some time during the day, he would move a reconsideration of the vote just taken.

On motion, the House resolved itself into a Committee of the Whole, for the purpose of considering the following bills, viz:

Senate bill No 185, an Act to provide for the payment of Thomas F. W. Price and Hiram Morgan.

Senate bill No. 165, an Act for the relief of Robert G Crozier.

Assembly bill No. 215, an Act making appropriations for the payment of rents of State offices, and of a State Armory, from the first day of February, 1856, to the first day of February, 1857.

House in Committee of the Whole.

Mr. Lamon in the Chair.

The Committee reported the bills back, and recommended their passage without amendment; also, asked to be discharged from further consideration of the same.

Report received, and Committee discharged.

Senate bill No. 185 was read a third time.

Pending discussion, Mr. Oxley moved the previous question.

Sustained.

On the passage of the bill, the ayes and noes were demanded by Messrs. Wohler, Turner, and McFarland, with the following result:

AYES.

Messrs. Beatty, Brunton, Brush, Bynum, Cartter, Cone, Coombs, Covarrubias, Curtis, Ewalt, George, Gray, Haile, Holland, Hunt, Kelly, Kendrick, Leihy, Lippincott, Mathews, Meloney, Moulthrop, Pearson, Pugh, Rhodes, Ricks, Sterritt, Swan, Tahaferro, Williams, Winston—31.

NOES.

Messrs. Batchelder, Bell, Bowe, Callbreath, Davis, Dick, Downey, Dustin, Gage, Gaston, Hawes, Heiskell, Hoover, McFarland, McGehee, Oliver, Oxley, Read, Reynolds, Sellick, Shearer, Taylor, Turner, Wagner, White, Wohler, Mr. Speaker—28.

So the bill passed.

On motion, Senate bill No. 165, was laid on the table.

On motion, Assembly bill No. 215 was laid on the table.

On motion of Mr. Oxley, Assembly bill No, 311, an Act to incorporate the Town of Columbia, was taken from the table.

The amendment made by the Senate to the bill, was concurred in.

On motion of Mr. Meloney, Assembly bill No. 189, an Act to incorporate the town of Martinez, was taken from the table.

The amendments made by the Senate were concurred in.

On motion of Mr Upton, Assembly bill No 225 an Act to provide for assessing an additional Tax in the County of Trinity, was taken from the table.

The amendments made by the Senate were concurred in.

The following message was received from the Senate:

SENATE CHAMBER, April 19, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day passed Senate bill No. 189, an Act to pay the Lieut. Governor for services as member of the Board of State Prison Commissioners.

Also passed Assembly bill No. 313, an Act to amend an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851, amended March 31, 1854.

Respectfully submitted,

W. BAUSMAN,
Sec'y Senate.

Senate bill No. 189 was read a first and second time.

On motion the rules were temporarily suspended, and the bill was read a third time.

On its passage, the ayes and noes were demanded by Messrs. Stout, Hawes, and Moulthrop, with the following result:

AYES.

Messrs. Beatty, Bell, Bowe, Bynum, Cartter, Cone, Covarrubias, Curtis, Dustin, Gage, Gaston, Haile, Heiskell, Kelly, Leihy, Lewis, Oxley, Peck, Pugh, Reynolds, Rhodes, Ricks, Sellick, Shearer, Stevenson, Sterritt, Swan, Taliaferro, Taylor, Turner, Van Dusen, Weir, White, Winsor, Winston, and Mr. Speaker —36.

NOES.

Messrs. Davis, Dick, Downey, Ewalt, Gray, Hawes, Hunt, Lippincott, Meloney, Moulthrop, Pearson, Sharp, and Stout—13.

So the bill passed.

The following report was received from the Committee on Enrollment:

Mr. Speaker:

The Committee on Enrollment, have very carefully examined the following bills:

Assembly bill No. 21, an Act to amend an Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads, passed May 12, 1853.

Subititute for bill No 27, an Act concerning Estray Animals.

Bill No 152, an Act granting the privilege to Robert Haley, and others, to erect and build a wharf on the ranch of San Pablo, in Contra Costa county.

Bill No. 185, an Act to appropriate forty thousand dollars for the completion of the State Insane Asylum.

Bill No. 221, an Act to authorize the Board of Supervisors of Sonoma county to levy a special tax for the redemption of certain Warrants.

Bill No. 234, an Act supplementary to an Act entitled an Act concerning the escape of convicts of the State Prison, approved April 30, 1855.

Substitute for bill No 279, an Act fixing the time of holding the several Courts authorized to be held by the County Judges in the counties of Shasta, Monterey, and Humboldt.

Bill No 303, an Act supplementary to and amendatory of an Act entitled, an Act to create the county of Tehama, to define its boundaries, and to provide for its organization.

Bill No. 304, an Act concerning County Officers in the county of Klamath, and find the same correctly enrolled.

SILAS SELLICK,
Chairman

On motion of Mr. Rhodes, Assembly bill No. 300, an Act appropriating monies to provide for the payment of Outstanding Claims against the State, heretofore unprovided for, was taken up.

Mr. Stout moved to strike out the enacting clause of the bill

Lost.

Mr. Downey moved that the House do now adjourn, until half past seven o'clock this evening.

Lost.

Pending discussion, Mr. Bowe moved the previous question.

Sustained.

The bill was then ordered engrossed for a third reading.

Mr. Wohler moved to reconsider the vote by which the bill was ordered engrossed.

Carried.

Mr. Winsor moved to make the bill the special order for this evening, at eight o'clock.

Lost.

Mr. Winsor moved to reconsider the vote, by which the section of the bill appropriating Thirty-five thousand dollars for the transportation of Prisoners was struck out.

Lost.

Mr. George moved to strike out the words "Twenty thousand dollars," and insert "Fourteen thousand dollars"

Carried.

Mr. McFarland moved to consider the bill as engrossed.

Mr. Beatty moved the previous question.

Sustained.

The bill was then read a third time and passed

The following message was received from the Senate:

SENATE CHAMBER, April 19, 1855.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate this day amended and passed Assembly bill No. 223, an Act for the relief of the Heirs of Estates in which funds were lost through a robbery, committed in June last upon Thos. C. Brunton, at that time Public Administrator of Tuolumne county.

Respectfully submitted,

W. BAUSMAN,
Sec'ry Senate.

On motion of Mr. Van Dusen, the House concurred in Senate amendments to Assembly bill No. 223.

On motion, Senate bill No. 181, an Act concerning certain Expenses pertaining to the Office of Surveyor General, and to appropriate Moneys for the payment of the same, was taken up.

Mr. Cartter moved that the House recede from their amendment to the bill.

Carried.

The following message was received from the Senate:

SENATE CHAMBER, April 19, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day amended and

passed Assembly substitute bill No 138, for an Act to authorize the Board of Supervisors of Sacramento county to employ the County Prisoners, and establish a Work House in said county.

Respectfully submitted,

W. BAUSMAN,
Secretary Senate.

The House refused to concur in the amendments made by the Senate to Assembly bill No. 138, and the Speaker appointed Messrs. Cartter, Dustin, and Batchelder, as Committee of Conference relative to the disagreeing vote of the two Houses on the same.

On motion of Mr. Kelly, the House adjourned at six o'clock, P. M., until half past seven o'clock this evening.

EVENING SESSION.

SATURDAY, April 19—7½ o'clock, P. M.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called and members all present except those absent on leave.

On motion of Mr. Stevenson, Senate bill No. 165, an Act for the relief of Robert G. Crozier, was taken up and read a third time.

On its passage, the ayes and noes were demanded by Messrs. Gage, Rathburn, and Turner, with the following result:

AYES.

Messrs. Batchelder, Brunton, Brush, Cone, Coombs, Covarrubias, Curtis, Downey, Ewalt, Gray, Holland, Kendrick, Lamon, Leihy, Lippincott, Pearson, Peck, Pugh, Rhodes, Ricks, Stevenson, Winston, Wohler—23.

NOES.

Messrs. Bell, Bowe, Bynum, Davis, Dustin, Gage, Hawes, Heald, Heiskell, McFarland, Oliver, Rathburn, Read, Reynolds, Shearer, Stout, Taylor, Turner, White, and Mr. Speaker—20.

So the bill passed.

On motion of Mr. Oxley, Assembly bill No. 235, an Act to incorporate the Sacramento Orphan Asylum Society, in the City of Sacramento, was taken up.

Mr. McFarland moved to strike out the enacting clause.

Lost.

On motion of Mr. Lamon, the bill was considered as engrossed, and read a third time.

Mr Oxley moved the previous question.

Sustained.

On the passage of the bill, the ayes and noes were demanded by Messrs. Oxley, Stout and Upton, with the following result:

AYES.

Messrs. Beatty, Brunton, Brush, Bynum, Cartter, Cone, Coombs, Curtis, Dick, Downey, Ewalt, Gray, Kendrick, Lamon, Leihy, Oxley, Pearson, Pugh, Read, Ricks, Sterritt, Stout, Swan, Turner, Weir, Welch, Winston, Wohler, Mr. Speaker—29.

NOES.

Messrs Bell, Davis, Dustin, Gage, Hawes, Heald, Heiskell, Holland, Kelly, Lippincott, McFarland, Meloney, Peck, Rathburn, Reynolds, Sharp, Shearer, Wagner, White—19.

So the bill passed.

On motion of Mr. Downey, Assembly bill No 215, an Act making appropriations for the payment of Rents of State Officers and of a State Armory, from the first day of February, 1856, to the first day of February, 1857, was taken up.

On motion, the amendments reported by the Committee of the Whole, were concurred in.

On motion of Mr. Rhodes, the bill was considered as engrossed, read a third time, and passed.

On motion of Mr. Beatty, Senate bill No. 142, an Act to exempt Mining Claims from Forced Sale, in certain cases, was taken up.

Mr. Gage moved that the bill be indefinitely postponed.

Mr. Lamon moved the previous question.

Sustained.

The question recurring on the motion to indefinitely postpone, Messrs. Beatty, Bowe and Kelly demanded the ayes and noes, with the following result:

AYES.

Messrs Bell, Bowe, Bynum, Cone, Davis, Dick, Gage, Gaston, Gray, Hawes, Leihy, Mathews, McFarland, Peck, Read, Reynolds, Shearer, Sterritt, Swan, Turner, White—21.

NOES.

Messrs. Beatty, Brunton, Brush, Coombs, Covarrubias, Curtis, Downey, George, Heald, Heiskell, Holland, Kelly, Kendrick, Lamon, Lippincott, Meloney, Oxley, Pearson, Sharp, Stevenson, Stout, Weir, Wohler and Mr. Speaker—24.

So the motion was lost.

On the passage of the bill, the ayes and noes were demanded by Messrs. White, Bowe and Beatty, with the following result:

AYES.

Messrs. Beatty, Brunton, Brush, Covarrubias, Downey, Heald, Heiskell, Holland, Kelly, Kendrick, Lamon, Leihy, Meloney, Pearson, Sharp, Stout, Weir, Winston, Wohler, Mr. Speaker—20.

NOES.

Messrs. Batchelder, Bell, Bynum, Cone, Coombs, Davis, Dick, Dustin, Ewalt, Gage, Mathews, McFarland, Oxley, Peck, Rathburn, Read, Reynolds, Rhodes, Shearer, Stevenson, Sterritt, Swan, Turner, Upton, Wagner, Welch, White—27.

So the bill did not pass.

The following report was received from the Committee on Enrollment:

Mr. Speaker:

The Committee on Enrollment have examined the following bills and find them correctly enrolled:

Assembly bill No. 33, an Act relative to Escheated Estates.

Bill No. 313, an Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein.

Bill No. 223, an Act for the relief of the Heirs of Estates in which funds were lost through a robbery committed in June last upon Thomas C. Brunton, at that time Public Administrator of Tuolumne County.

Bill No. 160, an Act to submit the question of the removal and location of the County Seat of Sutter County to the voters of said County.

Bill No. 288, an Act amendatory of and supplementary to an Act, approved

April 20, 1852, entitled an Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and for the liquidation of the debt.

L. S. WELCH,
Chairman.

On motion of Mr. Upton, Senate bill No. 107, an Act to amend an Act entitled an Act concerning the office of Treasurer of State, approved March 16, 1855, was taken up.

Read a third time and passed.

Mr. Stevenson moved that the House do now adjourn.

Upon which motion, Messrs. Stout, Rathburn and Sharp demanded the ayes and noes, with the following result:

AYES.

Messrs. Downey, Kelly, Lamon, Stevenson, Taylor, White, Mr. Speaker—7.

NOES.

Messrs. Batchelder, Beatty, Bell, Bowe, Brunton, Brush, Bynum, Cartter, Cone, Covarrubias, Curtis, Davis, Dick, Dustin, Ewalt, Gage, Gaston, George, Gray, Hawes, Heald, Heiskell, Holland, Hunt, Leihy, Lippincott, Mathews, McFarland, McGehee, Oxley, Pearson, Peck, Read, Reynolds, Rhodes, Ricks, Sharp, Shearer, Sterritt, Stout, Swan, Taliaferro, Turner, Wagner, Weir, Welch, Winston—47.

So the motion was lost.

The following message was received from the Senate:

SENATE CHAMBER, April 19, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate on this day amended and passed Assembly substitute for bill No. 151, an Act to regulate the Fire Department of the City of San Francisco.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec. Senate.

On motion of Mr. Sharp, the House concurred in the amendments made by the Senate to Assembly bill No. 151, an Act to regulate the Fire Department of the City of San Francisco.

The following report was received from the Committee on Enrollment:

Mr. Speaker:

The Committee on Enrollment have this day examined substitute for Assembly bill No 69, an Act to amend an Act entitled, an Act to create a Board of Supervisors in the counties of this State, and define their duties and powers.

Bill No 76, an Act for securing Liens to Mechanics and others.

Bill No. 251, an Act to legalize and confirm the Election of certain Officers, and find the same correctly enrolled.

SILAS SELLICK,
Chairman.

The following report was received from the Committee on Engrossment:

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed, substitute for bill No 240, an Act supplemental to an Act to provide for Funding the legal and equitable Debt of the City of San Francisco, and for the final redemption of the same, approved May 7, 1855.

N. HOLLAND,
Chairman *pro tem.*

Mr. Oxley moved that the House do now reconsider the vote by which the Assembly on yesterday passed Assembly substitute bill No. 240, an Act supplemental to an Act to provide for Funding the legal and equitable Debt of the City of San Francisco, and for the final redemption of the same, approved May 7, 1855.

Mr Beatty moved that the House do now adjourn.

Lost.

Mr. Rhodes moved, that the motion to reconsider the vote be indefinitely postponed.

Upon which motion, the ayes and noes were demanded by Messrs Turner, Ewalt and Wohler, with the following result:

AYES.

Messrs. Beatty, Bynum, Covarrubias, Davis, Downey, Dustin, George, Holland, Kendrick, Lamon, Pearson, Peck, Rathburn, Rhodes, Sharp, Stevenson, Tahaferro, Taylor, and Wohler—19.

NOES.

Messrs. Batchelder, Bell, Bowe, Brunton, Brush, Cartter, Cone, Ewalt, Gage, Gaston, Gray, Heald, Heiskell, Hunt, Kelly, Leihy, Mathews, McFarland,

Oxley, Pugh, Read, Reynolds, Ricks, Shearer, Sterritt, Stout, Swan, Turner, Upton, Wagner, Weir, Welch, White, Winston, Mr. Speaker—36.

So the motion was lost.

Mr. Beatty moved that the House do now adjourn.

Lost.

The question then recurring on the motion to reconsider the vote by which the bill passed, the ayes and noes were demanded by Messrs. Batchelder, Shearer, and Read, with the following result:

AYES.

Messrs. Batchelder, Bell, Bowe, Brush, Cartter, Cone, Davis, Downey, Ewalt, Gage, Gaston, George, Hawes, Heiskell, Leihy, Mathews, McFarland, McGehee, Oxley, Pugh, Read, Reynolds, Ricks, Sharp, Shearer, Sterritt, Stout, Swan, Turner, Upton, Wagner, Weir, White, Winston, Wohler, and Mr. Speaker—36.

NOES.

Messrs. Beatty, Brunton, Bynum, Covarrubias, Dustin, Gray, Holland, Kelly, Kendrick, Lamon, Lippincott, Meloney, Pearson, Peck, Rathburn, Rhodes, Stevenson, Taliaferro, and Taylor—19.

So the motion was carried.

On motion of Mr. Stout, the bill was laid on the table.

On motion of Mr. Stout, Senate bill No. 15, an Act to reduce and establish the Salaries of Officers and Pay of Members of the Legislature, was taken up.

Mr. George moved that the bill be indefinitely postponed.

Lost.

Mr. Gage moved the previous question.

Sustained.

Mr. Taliaferro moved that the House do now adjourn.

Lost

. The bill was read a third time. and on its passage, the ayes and noes were demanded by Messrs. Stout, Read, and Rathburn, with the following result:

AYES.

Messrs Batchelder, Beatty, Bell, Bowe, Brunton, Brush, Bynum, Cartter, Cone, Covarrubias, Curtis, Davis, Dick, Downey, Dustin, Gage, Gaston, Gray,

Hawes, Heald, Heiskell, Kelly, Kendrick, Lamon, Leihy, Mathews, McFarland, McGehee, Meloney, Oxley, Peck, Pugh, Rathburn, Read, Reynolds, Ricks, Sherrard, Stevenson, Sterritt, Stout, Swan, Tahaferro, Taylor, Turner, Upton, Wagner, Weir, Welch, White, Winston, Wohler, and Mr. Speaker—52.

NOES.

Messrs. Coombs, Ewalt, Hunt, Pearson, and Sharp—5-

So the bill passed.

On motion of Mr Heiskell, Assembly bill No. 98, an Act to aid the officers of the Indian Department, appointed by the General Government, for the State of California, in the discharge of their duties, was taken from the table.

On motion of Mr. Heiskell, the amendments made by the Senate to the bill were concurred in.

The following message was received from the Senate:

SENATE CHAMBER, April 19, 1856.

Mr. Speaker.

I am directed to inform the Assembly that the Senate have this day passed substitute for Senate bill No 122, an Act entitled an Act to create an Inspector of Pork, Beef, and Salt Provisions, in this State.

Respectfully submitted,

W. BAUSMAN,
Sec'y Senate.

Senate bill No 122 was read a first and second time.

On motion of Mr. Upton, the rule was temporarily suspended, the bill read a third time and passed.

Mr. Rhodes introduced the following resolution:

Resolved. That J. M. Anderson be and is hereby allowed the sum of twelve hundred and eighty dollars for copying, punctuating, and arranging the Journals for the session of 1855, and that the proper officers are hereby authorized to audit his account for the same—the amount to be paid out of the Contingent Fund of the Assembly.

Adopted.

The following message was received from the Senate:

SENATE CHAMBER, April 19, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate has concurred in the report of the Committee of Conference making certain amendments (as therein shown,) to Assembly bill No. 117, an Act concerning Hogs running at large in the Counties of Marin and Santa Clara.

Respectfully submitted,

W. BAUSMAN,
Sec'y Senate.

On motion, the House concurred in the amendments made by the Conference Committee to Assembly bill No. 117.

The following message was received from the Senate:

SENATE CHAMBER, April 19, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day passed Senate bill No. 151, an Act to create the County of Aromas, and provide for the organization thereof.

Respectfully submitted,

W. BAUSMAN,
Sec'y Senate.

Senate bill No. 151 was read a first and second time.

Mr. Peck moved that the bill be referred to the delegations from Santa Clara, Monterey and Alameda Counties.

Lost.

Mr. Shearer moved that the bill be laid on the table.

Lost.

On motion of Mr. McFarland, the rules were temporarily suspended for the purpose of considering the bill now.

Pending discussion, Mr. Hunter moved the previous question.

Sustained.

The bill was then read a third time and passed.

The following report was received from the Committee on Enrollment:

Mr. Speakor :

The Committee on Enrollment have this day examined Assembly bill No. 299, an Act to fund the Debt of the City of Oakland.

And No 311, an Act to corporate the Town of Columbia, and find the same correctly enrolled.

A. R MELONEY,
Chairman.

The following message was received from the Senate:

SENATE CHAMBER, April 19, 1856.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate this day appointed a Committee of free Conference, consisting of Messrs Ferguson, Gove, and Burnett, to act in conjunction with a like committee of the House, on the disagreeing vote of the two Houses, on Assembly bill No 138, relative to establishment of Work-house by Supervisors of the county of Sacramento.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec Senate

Mr Swan moved, that the House do now reconsider the vote by which Senate bill No. 24, an Act to provide for the Publication of the Laws of this State.

Lost.

Pending discussion, Mr. Lamon moved the previous question.

Sustained.

The question recurring on the motion to reconsider, Messrs Downey, Dick and Batchelder, demanded the ayes and noes, with the following result:

AYES.

Messrs Beatty, Bell, Bowe, Brush, Bynum, Coombs, Curtis, Dustin, Gray, Heiskell, Hunter, Lamon, Leihy, Lippincott, McGehee, Meloney, Oxley, Pearson, Reynolds, Rhodes, Sterritt, Swan, Tahaferro, Weir, Welch, White, Winsor, Winston—28.

NOES.

Messrs. Batchelder, Cone, Covarrubias, Dick, Downey, Ewalt, Gage, Gaston, George, Holland, Hunt, Kelly, Kendrick, McFarland, Rathburn, Shearer, Stout, Upton, Wagner, Mr. Speaker—20.

So the motion was carried.

The bill was read a third time, and on its passage, Messrs. Downey, Dick, and Batchelder, demanded the ayes and noes, with the following result:

AYES.

Messrs. Beatty, Brush, Bynum, Coombs, Curtis, Dustin, Gray, Heiskell, Hunter, Lamon, Leihy, Lippincott, Meloney, Oxley, Pearson, Rhodes, Sterritt, Swan, Taliaferro, Weir, Welch, White, Winsor, and Winston—24

NOES.

Messrs Batchelder, Bell, Cone, Covarrubias, Davis, Dick, Downey, Ewalt, Gage, Gaston, George, Hawes, Hunt, Kelly, McFarland, Rathburn, Shearer, Stout, Upton, Wagner, and Mr. Speaker—21.

So the bill was passed.

The following report was received from the Committee on Enrollment:

Mr. Speaker:

The Committee on Enrollment have examined, and found correctly enrolled, bill No. 189, an Act to incorporate the Town of Martinez.

L. S. WELCH,
Of Committee.

Mr Hunt offered the following resolution:

Whereas, the isolated, exposed, and unprotected condition of California, renders it the imperative duty of this Legislature, to take immediate and earnest action in relation to the procurement from the General Government of arms and munitions of war, for the protection of our citizens and the defence of our State; therefore,

Resolved, by the Assembly, the Senate concurring, That our Senator in Congress be instructed, and our Representatives be requested, to take prompt and energetic action to secure the passage of a special law by Congress during the present session, appropriating an advance issue of thirty thousand stand of arms, with ammunition, for the immediate use and protection of this State; and the Quartermaster and Adjutant General of this State is hereby requested to lay such facts before our members in regard to the number of arms heretofore received from the General Government, the number now due the State, and the number and kind now required.

On motion of Mr. McDonald, the rule was temporarily suspended, and the resolution passed.

Mr Ricks moved that the vote by which the House passed Senate bill No. 151, an Act to create Aromas County, and to provide for the Organization thereof, be now reconsidered.

Mr. Lewis moved to indefinitely postpone the motion to reconsider.

Mr. Reynolds moved the previous question.

Sustained.

The question recurring on the motion to indefinitely postpone the motion to reconsider, it was lost.

The question recurring on the motion to reconsider the vote by which the bill passed, the ayes and noes were demanded by Messrs. Lewis, Wohler, and Gray, with the following result:

AYES.

Messrs. Batchelder, Bowe, Bynum, Cartter, Covarrubias, Davis, Dick, Dustin, Gage, Gaston, Hawes, Heiskell, Lamon, McGehee, Pearson, Peck, Rathburn, Reynolds, Ricks, Shearer, Sterritt, Swan, Taliaferro, Taylor, Upton, White, Winsor, Winston, and Mr. Speaker—29.

NOES.

Messrs. Bell, Brush, Coombs, Downey, Ewalt, George, Gray, Holland, Hunt, Hunter, Kelly, Mathews, McFarland, Meloney, Oxley, Pugh, Rhodes, Stout, Weir, and Wohler—20.

So the motion was carried.

Mr. Lamon moved that the House do now adjourn.

Lost.

The bill was then put on its passage, and lost.

On motion of Mr. Rhodes, Senate bill No. 136, an Act concerning the transportation of Prisoners to the State Prison, and to appropriate money for the same, was taken from the table.

The House refused to concur in the amendments made by the Committee of the Whole.

The bill was read a third time and passed.

Mr. Beatty moved that the House do now adjourn.

Lost.

On motion of Mr. Oxley, the resolution introduced by Mr. Hunter for both Houses to convene in Joint Convention to elect a resident Physician, and other officers for the State Lunatic Asylum, was taken from the the table.

Mr. Oxley offered the following as a substitute.

Resolved, (by the Assembly, the Senate concurring,) That both of said

bodies go into Joint Convention, on Monday, the 21st April, 1856, at 4 o'clock, P M. of that day, to elect a Superintendent, Physician, and Assistant Physician, together with the Trustees for the Stockton State Insane Asylum, and for no other purpose.

Adopted.

Pending discussion, Mr. Hunter moved the previous question.

Sustained.

The question recurring on the passage of the resolution, the ayes and noes were demanded by Messrs. Beatty, Meloney and Pearson, with the following result:

AYES

Messrs Batchelder, Bell, Bowe, Brunton, Cartter, Cone, Curtis, Dick, Gage, Gaston, Hunter, Kelly, Lamon, Leihy, McFarland, McGehee, Oxley, Pugh, Rathburn, Read, Reynolds, Rhodes, Ricks, Shearer, Stout, Taylor, Upton, Wagner, Weir, Welch, White, Winsor, Winston, and Mr. Speaker—34.

NOES.

Messrs Beatty, Brush, Bynum, Coombs, Covarrubias, Downey, Ewalt, George, Gray, Holland, Hunt, Lippincott, Meloney, Pearson, Taliaferro, and Wohler—16

So the resolution passed.

On motion of Mr Cartter, Senate bill No. 152, an Act to amend an Act to incorporate the City of Monterey, was taken up.

The amendment made by the Committee on Corporations was concurred in.

The bill, as amended, was read a third time, and passed

Mr. Downey introduced the following resolution.

Resolved, That the Committee on Public Printing be instructed to report back to this House Senate bill No. —, an Act to amend an Act concerning the office of State Printer.

Adopted.

On motion of Mr Lamon, the House adjourned at half past 12 o'clock, P M.

IN ASSEMBLY.

MONDAY, April 21, 1856.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called, and members all present except those absent on leave.

On motion of Mr. Rhodes, the reading of the Journal of Saturday was dispensed with.

On motion of Mr. Stout, Senate bill No. 5, an Act to establish the pay of the Officers and Employees of the Senate and of the Assembly, and to repeal the existing laws relating thereto, was taken from the table.

Mr. Lamon raised a point of order, that one of the Joint Standing Rules precluded the presentation of any bill to the Governor, on the last day of the session.

The Speaker decided the point of order well taken.

Mr. McFarland introduced the following concurrent resolution:

Resolved, by the Assembly, the Senate concurring, That the Joint Rules of the two Houses be suspended, so far as is necessary to allow Senate bill No. 5 to be sent to the Governor to-day.

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

Lost.

Mr. Gaston moved, that the rule be temporarily suspended, for the purpose of considering the resolution now.

Upon which motion, Messrs. George, Ewalt and Wohler, demanded the ayes and noes, with the following result:

AYES.

Messrs. Andrews, Batchelder, Bell, Bowe, Cartter, Cone, Davis, Dustin, Gage, Gaston, Haile, Heiskell, Hoover, Kelly, Lamon, Leihy, Mathews, McDonald, McFarland, Oliver, Oxley, Peck, Pugh, Rathburn, Reed, Reynolds, Ricks, Sel-

lick, Stout, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, White, Williams, Winston, Mr. Speaker—39.

NOES.

Messrs. Beatty, Boring, Brunton, Brush, Bynum, Callbreath, Coombs, Dick, Downey, Ewalt, George, Gray, Hunter, Kendrick, Lewis, Lippincott, Meloney, Moulthrop, Pearson, Shearer, Sherrard, Sterritt, Swan, Taliaferro, Upton, Winsor, Wohler—27.

So the motion was lost, it requiring a two-third vote to suspend the rule.

Mr. McFarland moved, that Senate bill No. 5 be placed on its final passage.

Mr. Sellick moved the previous question.

The question being, "Shall the main question now be put?" it was decided in the negative.

Mr. Taliaferro moved, that the usual number of copies of the bill be ordered printed.

Lost.

Mr. George moved that the bill be indefinitely postponed.

Mr. Heiskell moved the previous question.

The question being, "Shall the main question be now put?" it was decided in the affirmative.

The question recurring on the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Hoover, Ewalt and Sellick, with the following result:

AYES.

Messrs. Meloney, Pearson and Wohler—3.

NOES.

Messrs. Andrews, Batchelder, Bell, Boring, Bowe, Brunton, Brush, Bynum, Callbreath, Cone, Coombs, Curtis, Davis, Dick, Dustin, Ewalt, Gage, Gaston, George, Haile, Heald, Heiskell, Holland, Hoover, Hunt, Kelly, Kendrick, Lamon, Leihy, Lewis, Lippincott, Mathews, McDonald, McFarland, McGehee, Moulthrop, Oliver, Oxley, Peck, Pugh, Rathburn, Read, Reynolds, Ricks, Sellick, Shearer, Stevenson, Sterritt, Stout, Swan, Taliaferro, Taylor, Turner, Van Dusen, Wagner, Weir, Welch, White, Williams, Winston, Mr. Speaker—62.

So the motion was lost.

The bill was then read a third time, and passed.

The following report was received from the Committee on Enrollment:

Mr. Speaker:

The Enrolling Committee have examined the following named bills, and find the same enrolled correctly:

An Act to regulate the Fire Department of the City of San Francisco.

An Act to aid the Officers of the Indian Department, appointed by the General Government for the State of California, in the discharge of their duties.

Also, an Act concerning Hogs found running at large, in the Counties of Marin and Santa Clara.

L. S. WELCH,
Chairman.

Mr. Rhodes moved that the House take a recess until 3 o'clock, P. M.

Lost.

On motion of Mr. Hunt, the House adjourned at twelve o'clock, M., until seven o'clock, this evening.

EVENING SESSION.

MONDAY, April 21, 1856.—7 o'clock, P. M.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called and members all present except those absent on leave.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 21, 1856.

To the Hon. the Assembly of California:

I have this day appointed and commissioned Wm. Bausman, Esq., to the place heretofore occupied by Wm. H. Rhodes, as my private Secretary.

Very respectfully,

J. NEELY JOHNSON.

The following message was received from the Senate:

SENATE CHAMBER, April 21, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate have passed a Concurrent Resolution (herewith submitted,) and appointed Messrs. Heintzelman, Burnett and Scellen, a committee to carry out its provisions.

Also, passed a Concurrent Resolution for the payment of John C. Cabaness, herewith submitted.

Also, concurred in Assembly Concurrent Resolution relative to the procurement of arms for this State.

Respectfully submitted,

W. BAUSMAN,
Sec'y Senate.

On motion of Mr. Beatty, the following Senate resolution was taken up:

Resolved, (by the Senate, the Assembly concurring,) That a Committee of three from each House be appointed to wait upon his Excellency, the Governor, and ascertain whether he has any further communication to make to the Legislature prior to its adjournment, *sine die.*

Concurred in.

The Speaker appointed Messrs. Beatty, McFarland, and Cartter, as committee on the part of the Assembly to carry out the provisions of the resolution.

On motion of Mr. Lamon, the following Senate resolution was taken up:

Resolved, (by the Senate, the Assembly concurring,) That the Secretary of State be directed to pay out of the Contingent Fund of that office, the sum of $4,769 75 to John C. Cabaness, for fuel furnished for the State offices, and the Senate and Assembly, during the session of 1856.

Concurred in.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, SACRAMENTO,
April 21, 1856.

To the Assembly of California:

I have this day given approval to an Act entitled an Act appropriating money for translating certain documents.

The sum it appropriates ($8,200), with the amount contained in the general appropriation bill for translating the laws, aggregates an expenditure for the single item of translating, unexampled in former legislation of the State, and

betokens, at least to my mind, evidence conclusive that due inquiry was never had into the merits of those claims the bill proposes liquidating. With this belief, I could never give my approval to the Act, and had resolved to return it without such approval: but having this day received to the State of California, from the party chiefly to be compensated by the appropriation, a release of his claim to such a degree, as, I believe, will reduce the amount which can be lawfully paid under it to a sum not exceeding $4,000, I have given the Act my approval.

J. NEELY JOHNSON.

Mr. Dustin introduced the following resolution:

Resolved, That the Sergeant-at-Arms of the Assembly be requested to obtain from the State Printer, the Journals of the House not yet distributed, and forward a copy of the same to each of the members, within one week from the time of adjournment.

Adopted.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 21, 1856.

To the Assembly of California:

An Act appropriating Money for the benefit of the Orphan Asylums of San Francisco and San Rafael, is herewith returned without approval, and I would beg leave respectfully to present the reasons which impel me to make such disposition of the Act.

At the time I subscribed the oath of office as the Executive of this State, I gave expression to certain opinions in relation to the objects for which indebtedness might be constitutionally created, and appropriations made, and entertaining, as I now do, these same opinions, I will recal them to your recollection.

After referring to Article VIII of the State Constitution, I proceeded to remark, that "in my view, no constitutional objection can arise, in making all needful appropriations for supporting the various departments of the State Government. But here the authority ceases; and each and every appropriation for purposes not absolutely and necessarily embraced within the class of expenditures required to support the State Government, or such as fall within the exception—"in case of war, to repel invasion, or suppress insurrection,"—the Constitution utterly forbids and prohibits, unless previously submitted to the people for their sanction and ratification in the prescribed manner."

The opinions enunciated on that occasion were given without regard to any especial object, were general in their application, and as such, can recognise no exception, which is not brought within the rule therein prescribed.

The Act under consideration proposes an appropriation to each of the Orphan Asylums of San Francisco of Five thousand dollars, and to that of San Rafael twenty-five hundred dollars.

These Institutions, although charitable in their character, and as such, necessarily commend themselves to the benevolent consideration of every person, are yet, not "State Institutions;" neither are their charities so extensive, nor their resources so abundant, as would enable them, even with the aid of the gratuity

now asked, to become the homes of the unfortunate orphans from all parts of the State.

They are, I believe, incorporated, yet are, in all essential particulars, private institutions, and in no wise under the authority, direction or control of the State authorities, as are the public charities, established and supported by the State, and therefore the appropriation now made, would, as a precedent, authorize money of the State to be appropriated for any private object.

It is a matter of unfeigned regret that I am compelled to return the Act without approval, but the conscientious discharge of my duty, however reluctant it may be, forbids me doing otherwise.

J. NEELY JOHNSON.

The question was then put: Shall the bill notwithstanding the objections of the Governor?

Those who voted in the affirmative were:

AYES.

Messrs. Andrews, Brunton, Brush, Callbreath, Coombs, Covarrubias, Curtis, Dick, Downey, Ewalt, Gray, Holland, Hunt, Kelly, Kendrick, Lamon, Lippincott, McDonald, Oxley, Pearson, Rhodes, Swan, Taliaferro, Upton, Weir, Wohler, Mr. Speaker—27.

Those who voted in the negative were:

NOES.

Messrs. Batchelder, Bowe, Bynum, Cone, Davis, Dustin, Gage, Gaston, Haile, Heald, Heiskell, Hunter, Leihy, Lewis, McGehee, Oliver, Peck, Pugh, Rathburn, Read, Reynolds, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Taylor, Turner, Van Dusen, Wagner, White, Williams, Winston—34.

So the bill did not pass.

The following message was received from the Senate:

SENATE CHAMBER, April 21, 1856.

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day adopted the following resolution:

Resolved, (the Assembly concurring,) That the Secretary of State is hereby required to certify the account of the Sacramento Gas Company, for $662 50 for gas service, pipe, fixtures, &c., as per account rendered, and that the Controller is hereby authorized to draw his warrant for the same, payable out of an appropriation for fuel, lights, &c.

Respectfully submitted,

RASEY BIVEN,
Ass't Sec'y Senate.

On motion of Mr. Rhodes, the foregoing Senate resolution, relative to payment of Sacramento Gas Co., etc., was concurred in,

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, April 21, 1856.

To the Assembly of California:

An Act for the relief of Heirs of Estates, in which Funds were lost through a robbery committed in June last, upon Thomas C. Brunton, at that time Public Administrator of Tuolumne county, is herewith returned to your honorable body, without approval.

This bill proposes the payment out of the State Treasury, of such amounts as judgment may be recovered against Judge Brunton, for monies which were entrusted to him as Public Administrator, and which he may be able to establish were stolen from him at the time indicated.

I hold that it is incompetent for the Legislature to make appropriations out of the public Treasury, unless for purposes necessary in the support of the State Government in its various departments. This view of the Constitution I enunciated, upon being inaugurated the Executive of State. To the correctness of these views I yet adhere; and as this Act does not propose an appropriation for any object or purpose connected with the administration of any department of the Government, I am compelled to withhold my approval of it, and return the same for your further consideration.

J. NEELY JOHNSON.

The question was then put, "Shall the bill pass notwithstanding the objections of the Governor?"

Those who voted in the affirmative were:

AYES.

Messrs. Andrews, Batchelder, Brush, Coombs, Covarrubias, Curtis, Dick, Ewalt, Gray, Heiskell, Holland, Hunt, Hunter, Kendrick, Leihy, Lewis, Lippincott, McDonald, McGehee, Oxley, Reynolds, Sherrard, Upton, Van Dusen, Wagner, Weir, White, Williams, Winsor, Winston—30.

NOES.

Messrs. Bynum, Davis, Downey, Dustin, Gage, Gaston, Haile, Hawes, Heald, Oliver, Pearson, Pugh, Rathburn, Read, Rhodes, Sellick, Sterritt, Stout, Swan, Taliaferro, Taylor, Turner, Wohler, Mr. Speaker—24.

So the bill did not pass.

Mr. Oliver from the Committee on Printing, made the following report:

Mr. Speaker:

The chairman of your Committee on Public Printing, to whom was submitted Senate bill No. 87, amendatory of an Act to create the office of State Printer and define the Duties and Compensation thereof, &c., begs leave to report, that he has endeavored to call the above committee together, on various different occasions, but failed in securing a quorum of the committee. Being desirous of attaching an amendment to the bill, provided that nothing therein contained should interfere with the rights and privileges of the present incumbent, the report was unavoidably delayed to the present time.

Your chairman not wishing to take upon himself the responsibility of instruction, most respectfully asks leave to submit the bill back to the House without recommendation.

J. WING OLIVER,
Chairman.

On motion, Senate bill No. 87, was laid on the table.

The following message was received from the Governor:

EXECUEIVE DEPARTMENT,
Sacramento, April 21, 1856.

To the Assembly of California:

I have this day approved an Act for the relief of Cyrus Rowe, and his sureties.

Since the Act passed the Legislative Department, two of the sureties of Rowe, (and the only responsible parties of the principal and sureties,) have paid into the hands of the proper officers, nineteen hundred dollars, ($1,900,) it being their relative portion of the balance existing against them, on account of the judgment, which is one third of the remaining sum due. This having been done, I assented to the approval of the Act, otherwise I should have withheld said approval.

J. NEELY JOHNSON.

Mr. Oxley introduced the following resolution:

Whereas, The quiet, unpretending, and unostentatious deportment, together with the ceaseless industry and unremitting attention of Benjamin Chapman, one of the porters of the Assembly, entitles him to our sincere thanks: and,

Whereas, His silvery locks give unmistakable evidence that the hoar frost of Time bids defiance to the rays of hope, and must, ere long, congeal the warm current which though it leaped wildly forth in youth's bright spring-time, and rushed gladly down the sunshine slope of early manhood, is now slowly and noiselessly wending its way to commingle with the deep, dark, and mysterious ocean which hides alike the vestiges of Potentates and Porters; therefore, be it

Resolved, That in the opinion of the members of this House, the services of Benjamin Chapman entitle him to a greater remuneration than he has been receiving, and as proof of our satisfaction with the manner in which he has per-

formed his duty to the State, and attended to the interest of the members of the Assembly, it is hereby further resolved that said Benjamin Chapman be and is hereby allowed $— per day, in addition to the *per diem*, each day, from the commencement to the close of the session, and the Controller of State is hereby authorized to audit his account accordingly.

On motion. laid on the table.

The following message was received from the Governor.

EXECUTIVE DEPARTMENT,
Sacramento, April 21, 1856.

To the Assembly of California :

To your honorable body in which the same originated, I return without approval, an Act to incorporate the town of Martinez.

This Act in nowise restricts or limits the corporate authorities, as to the amount of Indebtedness they may contract or incur. In this regard, it violates section 37, article four, of the Constitution of the State.

For similar reasons, on a previous occasion, I returned an Act without approval, which I believe received the unanimous sanction of your body, and doubtless, this objection to the present Act, was unobserved at the time of its passage, else I would have been relieved of this unpleasant duty of re-snbmitting it for your further consideration.

J. NEELY JOHNSON.

The question was then put, "Shall the bill pass, notwithstanding the objections of the Governor?"

Those who voted in the affirmative were:

AYES.

Messrs. Covarrubias, Ewalt, Gray, Hunt, Lippincott, Weir—6.

Those who voted in the negative were:

NOES.

Messrs. Andrews, Batchelder, Beatty, Bell, Boring, Bowe, Brunton, Bynum, Cartter, Callbreath, Cone, Coombs, Davis, Dick, Downey, Dustin, Gage, Gaston, Haile, Hawes, Heald, Heiskell, Hunter, Kelly, Kendrick, Lamon, Leihy, Lewis, McDonald, McFarland, McGehee, Meloney, Oliver, Oxley, Pearson, Peck, Pugh, Rathburn, Read, Reynolds, Sellick, Shearer, Sherrard, Stevenson, Sterritt, Stout, Swan, Taliaferro, Taylor, Turner, Upton, Van Dusen, Wagner, Welch, White, Winsor, Winston, Wohler, and Mr. Speaker—59.

So the bill did not pass.

Mr. Oxley introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to certify to the *per diem*

allowance of James W. Purdy, as one of the Copying Clerks of the Assembly, from the 3d day of March to the 21st day of April, 1856.

Adopted.

Mr. Sellick introduced the following resolution:

Resolved, That the Enrolling Clerk of the Assembly, and his assistants, be, and they are hereby allowed, two day's extra pay for their services.
Adopted.

The following message was received from the Governor:

EXECUTIVE EEPARTMENT,
Sacramento, April 19, 1856.

To the Assembly of California:

I have this day approved an Act concerning the War Debt of this State, and providing for the redemption thereof.

Also, an Act granting the privilege to Robert Haley and others, to erect and build a Wharf on the Rancho of San Pablo, in Contra Costa County.

Also, an Act for securing Liens to Mechanics and others.

Also, an Act to legalize and confirm certain Officers.

Also, an Act concerning the Debt and current expenses of the County of Monterey, and to provide for the funding and payment of the same.

Also, an Act to authorize the Board of Supervisors of Sonoma County to levy a special tax for the redemption of certain outstanding Warrants.

Also, an Act concerning the Courts authorized to be held by the County Judge in the County of Humboldt.

Also, an Act concerning County officers in the County of Klamath.

Also, an Act to appropriate Forty thousand dollars for the completion of the State Insane Asylum.

Also, an Act concerning Estray Animals.

Also, an Act amendatory of and supplementary to an Act, approved April 20, 1852, 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, an Act to submit the question of the location of the County Seat of Sutter County to a vote of the people of said County.

Also, an Act to repeal the several charters of the City of San Francisco, to

establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof.

Also, an Act supplemental to and amendatory of an Act entitled an Act to create the County of Tehama, to define its boundaries and to provide for its organization.

Also, an Act to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their duties, passed May 3, 1852.

Also, an Act appropriating Moneys for translating certain Documents.

J. NEELY JOHNSON.

Mr. Beatty, on behalf of the Joint Committee appointed to wait upon the Governor, reported that His Excellency had no further communication to make to the Legislature prior to its adjournment *sine die*.

Mr. Oxley introduced the following resolution:

Resolved, That the thanks of the members of this House be unanimously extended to the Hon. James T. Farley, for the impartiality, courtesy, and firmness, which have characterized his course as Speaker during the present session.

Adopted.

By leave of the House, Mr. Dick presented the following protest:

Mr. Speaker:

I beg leave to hereby protest that I do not concur in the action of this House in the adoption of the resolution approving the conduct of the Hon. James T. Farley as presiding officer of this House, as I deem his action in relation to myself, in seldom recognising me when I have risen to make a motion, or to address the House, which I conceive has resulted in serious damage to the constituency which I represent; and for myself, and those whom I represent, I respectfully ask that this, my protest, be entered on the Journal of this House.

JOHN DICK.

Mr. Oxley introduced the following resolution:

Resolved, That the thanks of this House be tendered to Major Anderson, our worthy and much esteemed Chief Clerk—"may his shadow never be less,"—and to his excellent assistants, Hayden and Waterman; also, to our ever attentive Sergeant-at-Arms, E. Gates, and his assistant, Mr. Gridley: to all of which named gentlemen, this House are under profound obligations.

On motion of Mr. Holland, the resolution was amended, so as, also, to award the thanks of the House to the Enrolling and Engrossing Clerks, their Assistants, and all the Clerks and Attachees of the Assembly.

The resolution, as amended, passed.

The following message was received from the Senate :

SENATE CHAMBER, April 21, 1856.

Mr. Speaker :

I am directed to inform the Assembly, that the Senate this day passed the following Concurrent Resolution:

Resolved, by the Senate, the Assembly concurring, That our Senators and Representatives in Washington be requested to obtain from Congress an appropriation of twelve thousand dollars, to liquidate the amount claimed by Thomas F. W. Price, for supplies, &c., furnished by him to aid the expedition for the suppression of Indian hostilities, ordered out by the Governor in the year 1851, and that Hon. S. B. Smith and J. W. Denver, in their capacity as Commissioners to settle the War Debt of this State, are hereby requested to use their efforts for the allowance by Congress of the foregoing amount.

Respectfully,

WM. BAUSMAN,
Secretary.

On motion of Mr. Rhodes, the foregoing Senate resolution was taken up and concurred in.

Mr. Oxley offered the following resolution:

Resolved, That the thanks of the members of this House are due to the Rev. B. T. Crouch, for the able and courteous manner in which he has discharged his duty as Chaplain of the Assembly.

Adopted.

On motion, a committee was appointed to invite the Rev. B. T. Crouch within the Bar of the Assembly, which having been done, the reverend gentleman ascended the Speaker's rostrum, and in an appropriate and eloquent address, returned his thanks to the House for their courtesy.

The following message was received from the Senate:

SENATE CHAMBER, April 21, 1856.

Mr. Speaker :

I am directed to inform the Assembly that the Senate has adopted the following resolution:

Resolved, That the Secretary of the Senate inform the Assembly that they are now ready to adjourn *sine die*.

Respectfully submitted,

W. BAUSMAN,
Sec'y of the Senate.

On motion, a Committee of Three was appointed to inform the Senate that the Assembly are ready to adjourn *sine die.*

The Speaker appointed Messrs. Lamon, Peck, and Lippincott as committee.

Mr. Lamon on the part of the select Committee appointed to wait upon the Senate, reported that the duty had been performed.

Speaker Farley then addressed the House as follows .

Gentlemen of the Assembly;

A few months ago, in compliance with an established custom, I addressed you on assuming the office of Speaker of this House. On that occasion I appealed to you for your aid and support in the discharge of the responsible duties devolving upon me as your presiding officer: and here permit me to say that my most sanguine expectations have been fully realized. I have received at your hands all the aid and support that a presiding officer ought to expect at the hands of any legislative body over whom it might be his fortune to preside, and for which you have my sincere and heart-felt gratitude.

It is now my privilege, before adjourning this body, to ask you how many of us have faithfully acquitted ourselves as legislators and appreciated the sacred relationship we have borne to those we represent; how many of us have remembered that the office of enacting laws to govern our own countrymen is the most sacred we can hold on earth? And how many of us have remembered that before we were permitted to enter upon our duties we solmnly pledged our honor and recorded our oaths to the effect that in all our official conduct we would act only for those whom we represent, and not for ourselves?—Have we all fulfilled those obligations, or have some of us been willing to sink our honor, our oaths and our most sacred office to increase our own transitory fortunes? What indeed, is the fortune, the fame, or even the life of any individual, when compared with the fortune, the welfare and honor of a whole people? But, gentlemen, we are not responsible to each other for our official conduct; how well each has remembered and performed his duty is not for us here to determine.

There is a higher and holier tribunal before which we must all appear and each answer for himself, and upon our own individual heads will rest the honor or odium of our public and private conduct; but at a moment like this, when we are about to separate most of us, perhaps forever, we should possess no feelings but those of friendship, and no wish but that of having faithfully discharged our duty to our constituents, to ourselves, and to our God. Whatever may have occurred in the heat and excitement of debate, I feel that at such a moment as this any resentment in me would be thoughtless and unmanly, and I trust the same feeling actuate every member of this body. And gentlemen, for your generous forbearance with me in all my faults, your uniform kindness and courtesy towards me during the session which is now about to close, will hereafter, for the brief period which, by the blessings of Him in whose hands our breath is, I may be permitted to live, be cherished among the happiest of the bright memories of the past, and will ever be fondly and sacredly treasured in my heart of hearts. as the dearest and most grateful reccollection in the brief history of my existence: but gentlemen, when we come to reflect that the greatest office, the proudest hope, the noblest ambition, the most gorgeous display of public favor—all are but grains of sand dropped by time into the ocean of ages; we see them daily sparkling and sinking around us. as we glide down the current of time and fulfil the incomprehensible purposes of our existence.

For the many errors and indiscretions which, from my inexperience and imperfect qualifications, I am painfully conscious I must have committed, I humbly crave, at this parting hour, the kind charity of your forgiveness, and pray you to remember that "to err is human, to forgive divine."

Gentlrmen, the curtain is about to fall upon the closing scene of our labors: we are about to interchange the friendly but sad farewell salutations which to many, very many of us, may be our last on earth; our last kind word and "wild farewell," until we meet each other in the great general assembly of the just made perfect. Our work as Legislators is done, our trust as the representatives and guardians of the people is discharged, and we shall in a few short hours be among our constituents, to render an account of the stewardship which they intrusted to our care. We shall soon bid adieu to each other, to the brilliant array of beauty and intelligence with which, during our present session, we have so often been surrounded, and to the delightful associations and generous hospitalities which have rendered our sojourn in this city so attractive and agreeable.

And now, gentiemen, may you return in safety and honor to those endearing and sacred circles, which, as you reach your homes, will gather around you in your own peaceful dwellings. May health and happiness, love, purity, and fidelity forever preside; and when our labor of love, and life, and duty, shall have drawn to a close—when the slow but sure gathering films of age shall have well nigh obscured from our mortal vision, the last scenes of earth, may the consciousness of a life well spent, enable us to close our eyes upon it without remorse and without regret; and when life's blessings are all enjoyed, life's labors done, we may approach the grave

> "Like one who wraps the drapery of his couch
> About him, and lies down to pleasant dreams."

Gentlemen, our session is now closed, another phase comes over our lives, and I pronounce this House adfourned *sine die.*

So the House adjourned *sine die.*

J. M. ANDERSON,
Clerk of Assembly.