JOURNAL

OF

THE NINTH SESSION

OF THE

Assembly of the State of California,

BEGUN ON

THE FOURTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT, AND ENDED ON THE TWENTY-SIXTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT, AT THE CITY OF SACRAMENTO.

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JOURNAL

OF THE

PROCEEDINGS OF THE ASSEMBLY.

CALIFORNIA LEGISLATURE---ASSEMBLY.

NINTH SESSION.

HOUSE OF ASSEMBLY,
Monday, January 4, 1858.

Pursuant to the requirements of law, the House was called to order at 12 o'clock, M., by Will. Campbell, Clerk of the last session, and on motion of Mr. Lewis of Tehama, Mr. Lee of El Dorado was called to the chair.

The clerk called the roll of counties, when the following gentlemen appeared, were duly qualified—the oath having been administered by Hon. Judge Botts of Sacramento—and took their seats as members of the Assembly:

Alameda county—J. A. Hobart.

Amador county—Homer King and R. M. Briggs.

Butte county—James Hitchens.

Calaveras county—B. F. Marshall, Eustace Parker, and Thomas O'Brien.

Colusa and Tehama counties—E. J. Lewis.

Contra Costa county—F. M. Warmcastle.

El Dorado county—H. Lee, B. F. Loofbourrow, H. A. Moses, D. E. Buel, J. D. Galbraith, J. S. Tipton, A. J. Graham and C. W. Pearis.

Humboldt county—H. W. Havens.

Los Angeles county—Henry Hancock and Andres Pico.

Marin county—J. T. Stocker.

Mariposa and Merced counties—J. N. Ward and John H. Talmann.

Monterey county—Geoorge W. Crane.

Napa county—T. H. Anderson.

Nevada county—J. B. Warfield, Geo. A. Young, Wm. Hill, John Caldwell and Jas. K. Smith.

Placer county—D. B. Curtis, W. C. Stratton, Nich. Kabler and A. P. K. Safford.

Plumas county—S. A. Ballou and J. L. C. Sherwin.

Sacramento county—Chas. S. Howell, J. E. Sheridan, R. D. Ferguson and Moses Stout.

San Bernardino county—Isaac W. Smith.

San Diego county—R. W. Groom.

San Francisco county—Thomas Gray, Caleb Burbank, Jas. A. Banks and W. W. Shepard.
San Mateo county—S. B. Gordon.
San Joaquin county—A. G. Stakes and G. C. Holman.
San Luis Obispo county—Henry M. Osgood.
Santa Barbara county—Russel Heath.
Santa Clara county—W. W. McCoy and Solon S. Simons.
Santa Cruz county—J. C. Willson.
Shasta county—Chas. R. Street
Sierra county—J. A. Clark and R. D. Hill.
Siskiyou county—A. B. Walker.
Sonoma and Mendocino counties—Uriah Edwards and J. S. Ormsby.
Solano county—N. H. Davis.
Sutter county—Jas. O. Harris.
Trinity county—E. Neblett.
Tulare, Fresno and Buena Vista counties—A. H. Mitchell.
Tuolumne county—A. A. H. Tuttle, P. M. Haldeman, Wm. J. Markley and Thomas T. Hamlin
Yuba county—Francis L. Aud, B. R. Spilman, Ben E. S. Ely, C. E. De Long and N. E Whitesides.

When the county of Sutter was called, Mr. Ferguson presented a protest on behalf of Z. Montgomery against the qualification of Mr. James O. Harris, who presented the certificate of election.

On motion, the protest was laid on the table, to be referred, with the other papers in the case, after the appointment of the appropriate committee.

On motion of Mr. King of Amador, G. W. Montgomery was appointed door-keeper *pro tem*

The House then, on motion of Mr. Lewis, adjourned until 10 o'clock, A. M., to-morrow

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IN ASSEMBLY.

TUESDAY, January 5th, 1858.

House met pursuant to adjournment.
The speaker *pro tem.* in the chair.
A quorum being present, the journal of yesterday was read and approved.
The following gentlemen presented their credentials, and were duly qualified as members of the Assembly, viz:
Messrs. Cyrus Palmer and John W. Cherry, of San Francisco county, and Geo. W. Thomas, of Stanislaus county.
The House then proceeded to elect a speaker.
Mr. Lewis nominated N. E. Whitesides, of Yuba.
Mr. Burbank put in nomination W W Shepard, of San Francisco
The vote for speaker was then taken with the following result:

FOR N. E. WHITESIDES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Caldwell, Clark, Crane, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Howell, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pico, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warncastle, Willson and Young—66.

FOR W. W. SHEPARD—Messrs. Banks, Burbank, Cherry, Gray, Hobart and Palmer—6.

Mr. Whitesides, having received a majority of the votes, on motion of Mr. Safford, a committee, consisting of Messrs. Safford and Lewis, was appointed to inform Mr. Whitesides of his election as speaker.

After a short interval the committee returned, and having conducted Mr. Whitesides to the chair, the oath of office was administered by the Hon Judge Barbour of Yuba, and the speaker addressed the Assembly as follows:

GENTLEMEN OF THE ASSEMBLY:—Having just been officially advised by your committee of the result of your choice in the election of speaker, I most respectfully beg leave, before entering upon the discharge of the duties that must necessarily devolve upon me on taking the position you have assigned me in the permanent organization of this Assembly, to return to you my most sincere and devout acknowledgments for the unanimity of sentiment with which you have been pleased to confer upon me this distinguished honor.

One desire alone remains to heighten in future the recollection of the present moment, and that desire is, that I may be enabled to discharge the duties devolving upon me as presiding officer of this Assembly in such a manner as to merit through our more intimate acquaintance and down to the close of our labors here, a continuance and an increase of that confidence which you, as strangers, have, in the beginning, so generously reposed in me.

For the guidance, direction, and government of our deliberative action, there are certain well-settled, time-honored rules and usages, from which, under no circumstances, would it be wise or prudent to depart. These rules should be strictly adhered to, no less from a desire to promote the business of legislation than to protect minorities of the House in the enjoyment of their rights, to prevent them from being trampled upon by the too hasty and inconsiderate action of the majorities, which not unfrequently springs from party prejudices, exciting topics, or animated debates. It will not only be my pleasure, therefore, but my determination to square my conduct as your presiding officer according to my understanding of these rules; to show partiality or favor to none, but to mete out even-handed justice to all, to the best of my feeble judgment and ability.

In our assembled capacity, great responsibilities await us; to be satisfied of this, I need only admonish you of the fact that you are legislators of the state of California, a state which, having just emerged from the incipient stages of governmental organization and before reaching the years of her puberty, has been constrained by a system of improvident and speculative legislation, to peril her political integrity before the people over the humiliating question of repudiation.

May I not, therefore, indulge the hope that we have here assembled as brothers, commissioned by the people for the accomplishment of a single purpose, and that purpose the dispatch of whatever business shall claim our consideration without delay, and with an eye single to the public weal.

Should such a spirit as this, and I trust it may, characterize our deliberations, the time of our session will be shortened to a span, the burthen of taxation made lighter on the people, the name and nature of California legislation be redeemed, and at the close of our labors, we shall be enabled to depart this capital in peace, loving and respecting each other, and on returning to our respective homes, shall no less merit the respect and esteem of our fellow-citizens

And now, in conclusion, once more allow me to renew the assurance of my devout thanks for the distinction you have honored me with, and believe me, that the feelings of my heart in this, far outweigh the expression that falls from my lips.

The House then proceeded to the election of chief clerk.
Mr. Safford nominated J. W. Scobey of Placer.
Mr. Hobart nominated Frank F. Fargo of San Francisco.
The nominations having closed, the Assembly voted, with the following result:

FOR SCOBEY—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Caldwell, Clark, Crane, Curtis, Davis, DeLong, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Howell, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pico, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young and Mr. Speaker—68.
FOR FARGO—Messrs. Banks, Burbank, Cherry, Gray, Hobart, Palmer and Shepard—7.

Mr. Scobey was declared elected and was duly qualified.
For assistant clerk, Mr. Parker nominated J. W. Bingay of Calaveras.
Mr. Gray nominated R. L. Robertson of San Francisco.
The vote was taken with the following result:

FOR BINGAY—Messrs. Anderson, Aud, Ballou, Buel, Caldwell, Clark, Crane, Curtis, Davis, DeLong, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Howell, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pearis, Pico, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young and Mr. Speaker—68.
FOR ROBERTSON—Messrs. Banks, Burbank, Cherry, Gray, Hobart and Shepard—6.

The speaker declared Mr. Bingay elected, and administered to him the oath of office.
Mr. Lewis nominated for the position of sergeant-at-arms, James F. Quin, of San Francisco.
Mr. ———— nominated Wm. Campbell.
The result of the vote was as follows:

FOR QUIN—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Caldwell, Clark, Crane, Curtis, Davis, DeLong, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Howell, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pearis, Pico, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young and Mr Speaker—69.
FOR CAMPBELL—Messrs. Banks, Burbank, Cherry, Gray, Hobart, Palmer and Shepard—7.

Mr. Quin was declared elected, and was duly qualified.
The following message was received from the Senate:

SENATE CHAMBER,
January 5th, 1858

MR. SPEAKER:—I am directed to inform the Assembly the Senate are now fully organized and ready to proceed to business.

GEORGE S. EVANS,
Secretary of Senate.

The House then proceeded to the election of an enrolling clerk
Mr. Buel nominated T. J. Mitchell of Sacramento.
Mr. Shepard nominated John Ollinger.
The result was announced, and Mr Mitchell's election declared by the following vote:

FOR MITCHELL—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Caldwell, Clark, Crane, Curtis, Davis, DeLong, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Howell, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moore, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pearis, Pico, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young and Mr. Speaker—71.
FOR OLLINGER—Messrs. Banks, Burbank, Cherry, Gray, Hobart, Palmer and Shepard—7.

After the oath had been administered to Mr. Mitchell, the Assembly proceeded to elect an engrossing clerk.
Mr. Buel nominated W. McConnell, of Sacramento.
Mr. Cherry nominated A. A. Hill, of San Francisco
The nominations here closed, and the vote was taken, with the following result:

For MCCONNELL—Messrs. Anderson, Aud, Ballou, Buel, Caldwell, Clark, Crane, Curtis, Davis, DeLong, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Howell, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pearis, Pico, Safford, Sheridan, Sherwin, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young, Mr. Speaker—68.
For HILL—Messrs. Banks, Burbank, Cherry, Gray, Hobart, Palmer, Shepard—7.

Mr. McConnell having received a majority of the votes cast, was declared elected, and was duly qualified.
For door-keeper, Mr. Young nominated A. F. Wagner, of Nevada.
Mr. Banks nominated John Cook, of Santa Clara.
Mr. Wagner was elected by the following vote, took the oath of office, and entered on the discharge of his duties as door-keeper:

For WAGNER—Messrs Anderson, Aud, Ballou, Briggs, Buel, Caldwell, Clark, Crane, Curtis, Davis, DeLong, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Howell, Kabler, King, Lee, Lewis, Loof-

bourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pearis, Pico. Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warncastle, Willson, Young, Mr. Speaker—70.

For Cook—Messrs. Banks, Burbank, Cherry, Gray, Hobart, Palmer, Shepard —7.

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

Resolved, That the clerk be directed to inform the Senate that the Assembly has organized, by the election of the following officers:

N. E. Whitesides,	Speaker.
J. W. Scobey,	Chief Clerk.
J. N. Bingay,	Assistant Clerk.
James F. Quin,	Sergeant-at-Arms.
E. J. Mitchell,	Enrolling Clerk.
William McConnell,	Engrossing Clerk.
A. F. Wagner,	Door-keeper.

And that the Assembly is now ready to proceed with the business of the session.

The following resolution, offered by Mr. Safford, was adopted:

Resolved, That the standing rules adopted at the last session be, and they are hereby, declared the rules by which the present House will be governed, until otherwise ordered; and that a select committee of five be appointed, by the chair, to draft and report a code of rules for the government of the House, and that such committee act with the committee of the Senate upon the joint rules.

In conformity with the above resolution, the Chair appointed, to compose the committee—

Messrs. Safford, Anderson, Lee, Havens and Stakes

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

Resolved, By the Assembly (the Senate concurring,) that a committee of three from each house be appointed, to wait upon the Governor and inform him of the organization of the two Houses, and that they are ready to receive any communications he may be pleased to make.

Messrs. Crane, Briggs and Curtis were appointed said committee, on the part of the House.

Mr. O'Brien offered the following resolution:

Resolved, That the speaker be, and he is hereby, authorized to appoint the necessary number of pages and porters for the Assembly.

Mr Smith of Nevada moved to strike out "necessary number of," and insert "three pages and two porters."

Lost

Mr. Ballou moved to add to resolution, "and to dismiss them at pleasure."

Agreed to.

The resolution was then adopted.

The following resolution, offered by Mr. Ferguson, was lost:

Resolved, That the speaker be authorized to appoint one paper folder for this House.

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

Resolved, That twenty dollars be appropriated to G. W. Montgomery, for services as door-keeper *pro tem.*

On motion of Mr. Lee, at 12½ o'clock, the House adjourned till 11 o'clock, A. M., to-morrow.

IN ASSEMBLY.

WEDNESDAY, January 6th, 1858.

House met at 11 o'clock A. M.
The speaker in the chair.
Roll called.
The journal of yesterday was read and approved.
Hon. Mr. Minis, of Yolo, appeared and took the oath of office administered by the speaker.
Mr. Lewis offered the following resolution, which was adopted:

"*Resolved*, That the sergeant-at-arms of the House be and he is hereby authorized and empowered to receive and receipt to the Comptroller of State for the mileage and *per diem* warrants of members, from time to time, as they are issued."

Mr. Lee offered the following resolution:

"*Resolved*, That each member of this Assembly be allowed four daily newspapers, or their equivalent in weeklies, and that each member furnish the sergeant-at arms with the list of the papers he desires, and the same be furnished."

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Hill of Nevada, Caldwell and Sherwin, with the following result:

AYES—Anderson, Aud, Ballou, Briggs, Buel, Burbank, Caldwell, Cherry, Clark, Crane, Davis, De Long, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Holman, Howell, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moses, Neblett, O'Brien, Osgood, Palmer, Parker, Pearis, Safford, Shepard, Sheridan, Sherwood, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmeastle, Wilson, Young, Mr Speaker—66.
NOES—Banks, Curtis, Gray, Hill of Nevada, Hobart, Kabler, Ormsby, Stout, Stratton—9.

So the resolution was adopted.
Mr. Buel offered the following resolution:

"*Resolved*, That a committee of two be appointed to make arrangements with the postmaster of Sacramento, and with Wells, Fargo & Co and the Alta Express Company, for the transmission of mail matter for the members of the Assembly, and report to this House as soon as practicable."

Mr. Safford offered as a substitute:

"*Resolved*, That a committee of three be appointed to inquire into and report upon the amount of postage which should be allowed to each member during the present session of the Legislature."

Mr. O'Brien moved to amend by adding, "and that the sum allowed be governed according to the distance of each member's constituents from the Capital."

On motion of Mr. Warmcastle, the subject matter was laid on the table.

The following message was received from the Senate:

SENATE CHAMBER,
January 6, 1858

Mr. SPEAKER:—I am directed to inform the Assembly that the Senate this day adopted the following concurrent resolution, and respectfully ask the concurrence of the Assembly:

"*Resolved*, By the Senate, the Assembly concurring, that the Senate and Assembly will meet in joint convention on Wednesday, January 6, A. D. 1858, at one o'clock P. M., for the purpose of opening and publishing the vote had for Governor and Lieutenant Governor at the September election, 1857."

T. N. CAZNEAU,
Sec. Senate.

The resolution above referred to was concurred in by the House.

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

"*Resolved*, That the sergeant-at-arms be instructed to procure, from the state library, a copy of the journals of the Senate and Assembly of 1857, and Wood's Digest, for each member of the Assembly already unprovided for."

Mr. Clark offered the following:

"*Resolved*, That the Comptroller of State be and he is hereby authorized to draw his warrant on the State Treasurer in favor of William Campbell, for one week's services as clerk of the Assembly, payable out of the fund for the pay of officers and clerks of the Assembly."

On motion, the resolution was laid on the table.

Mr. Gray offered the following resolution, which, on motion of Mr. Crane, was laid on the table:

"*Resolved*, That the clerk of the House is hereby directed and instructed to write and record in the journal the proceedings of each day, and to read from the recorded journal for approval of the House, and not from strips of paper purporting to be the minutes of the House"

On motion, the resolutions relative to postage were taken from the table.

Mr. Safford's substitute was, on leave, withdrawn, and the following concurrent resolution was offered by him as a substitute for the whole subject matter:

"*Resolved* by the Assembly, the Senate concurring, that a committee of three from each House be appointed to ascertain and report the necessary amount to be allowed each member for postage during the present session of the Legislature."

Mr. Lewis moved to strike out "committee of three," and insert "sergeant-at-arms."

Pending the motion, on motion of Mr. Shepard, the whole matter was laid on the table.

Mr. Sheridan offered the following preamble and resolution:

"*Whereas*, All our institutions have their foundation in the Christian system, and

"*Whereas*, We believe that just in proportion as the principles of that system are brought to bear upon the minds of men, just in that proportion are men prepared to act an honorable and useful part in life, and

"*Whereas*, Our fathers, in the most trying times of our history, were not ashamed to bow their heads and supplicate the blessings of Heaven upon their deliberations, therefore,

"*Resolved*, That we, desiring to honor and perpetuate the patriotic and pious practice of our fathers, and having a high regard for the character of the clerical order, would hereby respectfully invite all Christian ministers in the city of Sacramento, according to such arrangements as they may make among themselves, to open the deliberations of this honorable body with prayer."

On motion of Mr. Safford, the resolution was laid on the table.

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

"*Resolved*, That it be referred to a committee of three, to be appointed by the chair, to devise and report to this House, at an early day, the best mode of providing for the payment of postage and express charges of the members during the session."

Notices of bills and joint resolutions to be introduced were given, as follows, by—

Mr. Ely, in behalf of a committee appointed by the democratic Assembly caucus, held in the city of Sacramento, January 4th, A. D. 1858, of a memorial and joint resolution urging upon Congress the passage of a bill for the construction of a Pacific railroad;

By Mr. Ballou, of a bill for an act to repeal an act concerning the county judge of Plumas county; also of a bill for an act to provide for definitely establishing the boundary lines between Butte, Plumas and Sierra counties;

By Mr Safford, of a bill for an act extending the time for commencing civil actions in certain cases, also, of a bill for an act to reduce the salaries of officers and pay of members of the Legislature;

By Mr. Shepard, of a bill for an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco;

By Mr. Stakes, of joint resolutions instructing our senators, and requesting our representatives in Congress, to oppose by all lawful means the extension of the contract with the Pacific Mail Steamship Company for the transmission of the United States mails to and from the state of California; also, to use their best exertions to procure the passage of a law donating to actual settlers within this state, at least one hundred and sixty acres of the public domain;

By Mr. Parker, of bills for an act to fix the rates of passage and freight of the California Steam Navigation Company; and for an act to extend the term of office of the board of supervisors of Calaveras county; and for an act creating a capitation tax upon all Chinamen immigrating to the state of California, and upon all persons constitutionally ineligible of becoming citizens of the United States;

By Mr. Palmer, of a bill for an act concerning the offices of county clerk and county recorder of San Francisco county;

By Mr. Galbraith, of bills for an act to extend the term of office of justices of the peace, in the counties of this state, to two years; and for an act to extend the term of office of the supervisors in the county of El Dorado;

By Mr. Hobart, of a bill for an act revising the several acts relative to public roads and highways;

By Mr. Smith of Nevada, of a bill for an act to change the manner of electing supervisors of Nevada county;

By Mr. Banks, of a bill for an act amendatory and explanatory of "an act for securing liens to mechanics and others," approved April 19, 1856;

By Mr. Holman, of a bill for an act to provide for the reduction of official bonds required of justices of the peace and constables of the state of California;

By Mr. Caldwell, of a bill for an act to provide for the appraisement of property seized under execution;

By Mr. Ferguson, of bills for an act to amend the mechanics' lien law; and for an act to repeal the present attachment law;

By Mr. Hill of Nevada, of a bill for an act to make county orders payable for county taxes;

By Mr. Sherwin, of bills for an act to repeal an act entitled an act to amend an act entitled "an act to authorize the formations of corporations for the construction of plank or turnpike roads," passed May 12, 1853, approved April 28, 1857; and for an act authorizing the board of supervisors of Plumas county to levy a special tax for the purpose of creating a fund to build a wagon road from Quincy to Honey Lake, by the route adopted by the board of commissioners, (in their report,) who were chosen by a road convention held at the city of Marysville in May, 1857, and requiring them to let the contract for its construction;

By Mr. Lee, of a joint resolution instructing our senators, and requesting our representatives in Congress, to endeavor to procure the passage of a law, by Congress, relinquishing to this state the right and title of the government of the United States to the mineral lands in this state

The speaker announced the following appointments:

PAGES—William Hopkins, of San Francisco; George L. Taylor, of Calaveras; Henry V. Berry, of Yuba; and E. Torrey, of Sacramento.

PORTERS—John O'Neil, of Yuba, and William Riley, of El Dorado

On motion of Mr. Safford, at half past twelve o'clock, the House took a recess till one o'clock, P. M.

ONE O'CLOCK, P. M.

House re-assembled, and the clerk was instructed to inform the Senate that the Assembly was ready to meet in joint convention to canvass the votes for Governor and Lieutenant Governor

IN JOINT CONVENTION.

The convention was called to order by the president *pro tem.* of the Senate. Hon. S. A Merritt and Mr. Burton were appointed tellers on the part of the Senate, and Mr. Lewis on the part of the Assembly.

The returns were opened by the speaker, and announced to be as follows:—

(See succeeding page.)

FOR GOVERNOR.

Counties.	Weller.	Stanly.	Bowie.
Yolo,	521	173	419
Napa,	765	224	18
Colusa,	321	37	178
Tuolumne,	3,133	1,307	1,064
Yuba,	2,135	717	1,012
Fresno,	276	1	.....
Tulare,	404	23	4
Calaveras,	2,603	505	688
Solano,	923	329	257
San Francisco,	4,430	5,535	361
Plumas,	1,460	199	236
Santa Barbara,	469	3	2
Trinity,	901	118	709
San Luis Obispo,	225	55	.....
Mariposa,	1,217	152	441
Monterey,	509	91	20
Stanislaus,	419	8	130
Merced,	259	9	13
Tehama,	563	41	225
Santa Clara,	1,298	891	37
Del Norte,	310	67	62
Siskiyou,	2,425	331	1,212
Nevada,	2,956	967	1,606
Santa Cruz,	450	265	67
Placer,	1,978	715	1,424
San Diego,	207	1	.....
Contra Costa,	532	207	73
Sacramento,	2,518	1,844	2,092
San Joaquin,	1,549	394	602
Butte,	2,341	1,043	853
Sierra,	2,555	473	1,810
Amador,	1,619	492	997
Marin,	444	188	2
Los Angeles,	1,304	82	15
Humboldt,	366	178	.....
San Mateo,	229	190	1
Sonoma,	1,742	521	262
Sutter,	550	181	97
Shasta	1,406	119	720
Alameda	784	945	14
	49,096	19,621	17,723

Whole number of votes counted for Governor, 86,440.

FOR LIEUTENANT GOVERNOR.

Counties.	Walkup.	Cheeseman.	Raymond.
Yolo,	605	124	387
Napa,	814	160	21
Colusa,	336	22	179
Tuolumne,	3,213	1,132	1,156
Yuba,	2,325	516	1,056
Fresno,	274	1	.....

Counties.	Walkup.	Cheeseman.	Raymond.
Tulare,	414	2	.....
Calaveras,	2,801	332	692
Solano,	994	259	256
San Francisco,	4,890	5,105	335
Plumas,	1,495	158	212
Santa Barbara,	470	.....	.....
Trinity,	965	82	708
San Luis Obispo,	227	55	.....
Mariposa,	1,243	113	452
Monterey,	524	79	20
Stanislaus,	428	2	127
Merced,	272	.....	.....
Tehama,	577	34	216
Santa Clara,	1,414	787	29
Del Norte,	315	63	63
Siskiyou,	2,346	301	1,263
Nevada,	3,146	856	1,590
Santa Cruz,	472	224	84
Placer,	2,051	654	1,405
San Diego,	207	1	.....
Contra Costa,	638	151	81
Sacramento,	3,657	698	2,147
San Joaquin,	1,636	287	614
Butte,	2,643	766	900
Sierra,	2,584	435	1,833
Amador	1,667	443	1,004
Marin,	486	143	1
Los Angeles,	1,334	70	.....
Humboldt,	425	117	.....
San Mateo,	241	178	.....
Sonoma,	1,903	416	262
Sutter,	600	160	72
Shasta,	1,399	65	767
Alameda,	1,088	653	1
	53,119	15,644	17,933

No returns were received from the counties of El Dorado, Klamath and San Bernardino.

Whole number of votes counted were: For Lieutenant Governor, 86,696.

John B. Weller having received a plurality of all the votes cast, was declared by the president elected Governor of the state, for the term of two years.

Joseph Walkup having received a plurality of all the votes cast, was declared elected Lieutenant Governor of the state, for the term of two years.

Its object having been accomplished, the president declared the convention adjourned, and the senators withdrew to their chamber.

IN ASSEMBLY.

Mr. Crane made the following report:

Mr Speaker:—The joint committee appointed to wait upon the Governor

and inform him of the organization of the two Houses of the Legislature, beg leave to report that they have done so, and were informed by the Governor that he had no special communication to make at this time, but that, on Thursday, (to-morrow,) at 2 o'clock, P. M., he would communicate his annual message to the Legislature.

CRANE,
Chairman Assembly Committee.

Mr. Caldwell offered the following resolution, which was made the special order for to-morrow, at 12 o'clock, M.:

Resolved, That to-morrow, at 12 o'clock, noon, we will proceed to the election of chaplain for this House.

Mr. Parker offered the following resolution:

Resolved, That the House now go into an election of speaker *pro tem.* of this House.

Mr. Warmcastle moved that the resolution be laid on the table.

Agreed to.

The following message was received from the Senate:

SENATE CHAMBER, January 6, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate has this day passed the following concurrent resolution:

Resolved, By the Senate, the Assembly concurring, that a joint committee of three from each House be appointed, to wait upon the Governor and Lieutenant Governor elect, and inform them of their election, and ascertain at what time they desire the ceremonies of inauguration to be performed:

And have appointed as such committee, on the part of the Senate, Messrs. Rogers, Carpenter and Burch.

THOS. N. CAZNEAU,
Secretary of the Senate.

Senate concurrent resolution, referred to in the above message, was concurred in.

Messrs. Lee, Stakes and Davis were appointed a committee on the part of the House.

At 4 o'clock, P. M., the House adjourned, till 11 o'clock, A. M., to-morrow.

IN ASSEMBLY.

THURSDAY, January 7, 1858.

House met at 11 o'clock, A. M., the speaker presiding.

Roll called.

Journal of yesterday read and approved.

Hon. Messrs. Holladay, Hirst and Moore, appeared, and were by the speaker qualified as members of the Assembly.

The chair appointed Messrs. Havens, Smith of San Bernardino, and Street, to compose, on part of the House, Committee on Postage, agreeably to a resolution adopted yesterday.

The following message was received from the Senate:

SENATE CHAMBER,
January 6, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day concurred in Assembly concurrent resolution to appoint a committee of three to wait upon the Governor, etc., and have appointed on the part of the Senate, as said committee, Messrs. Ferguson of Sacramento, Dickinson, and Allen.

Also, that they have appointed Messrs. Taliaferro, Burton, Rogers, Griffith and Thom, as a committee on the part of the Senate to act with like committee appointed on the part of the Assembly, on joint rules.

THOS. N. CAZNEAU,
Secretary of the Senate.

Notices of bills to be introduced were given as follows, by:

Mr. Anderson, of a bill for an act amendatory of an act concerning county judges, passed April 27, 1855.

Mr. Lee, of a bill for an act for the suppression of mobs, insurrections, and other unlawful assemblages and organizations against the government of this state, and to fix the punishments of offences therein defined.

Mr. Neblett, of a bill for an act to alter and amend the statute concerning toll bridges and ferries, with regard to the notice of applications for license and renewal of license.

Mr Young, of a bill for an act to amend an act passed April 25, 1857, entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in suppression of Indian hostilities in certain counties in this state

Mr. Clark, of 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, passed March 20, 1855.

Mr. Holman, of a bill for an act for the reduction of the price of school lands donated to the State of California and remaining unsold.

Mr. McCoy, of a bill for an act in reference to the salary of the district attorney of Santa Clara county.

Mr. Gray, of a bill for an act to provide for the equitable adjustment and final settlement of all outstanding unfunded claims against the city or the county of San Francisco which accrued prior to the first day of July, 1856, and for the final payment and redemption of the funded debts

Mr. Safford, from Committee on Rules, reported as follows:

The Committee on Rules have had the same under consideration, and report the accompanying standing rules for the government of the House, and recommend their adoption

Your committee have also had the joint rules of the Senate and Assembly under consideration, in connection with the committee of the Senate, and report the accompanying joint rules and recommend their adoption by the House.

N. P. K. SAFFORD, Chairman.

On motion of Mr. Safford, the House went into Committee of the Whole, Mr. Stakes in the chair, to consider the rules reported by the committee.

On motion of Mr. Lee, the committee rose to receive a message from the Governor.

The following message was received from His Excellency:

STATE OF CALIFORNIA,
Executive Department, January 7, 1858.

To the Honorable the Assembly of California:

The only communication which, before retiring from office, I regard as necessary to be laid before you, will be the annual message and accompanying documents I deem it advisable to have printed copies of the same laid upon your desks at the time of its presentation. The non-receipt of such reports as should emanate from other branches of the executive department, has delayed me in the preparation of the message beyond my expectations and wishes.

In reply to the joint committee of the two branches of the Legislature, I signified my intention to present to their respective Houses such communication as I might desire to make, this day, at two o'clock, P. M., but I now find it impossible to do so; and, therefore, advise you of this necessary postponement, and that I will be prepared to-morrow morning at eleven o'clock to transmit such message.

J. NEELY JOHNSON.

On motion, the House again went into Committee of the Whole to continue the consideration of the report of Committee on Rules.

Committee rose, and having recommended the adoption of the report as amended, were discharged.

Mr. Ballou offered as amendments to rule seventeenth to strike out the words in the fourth line, "city of Sacramento," and insert in lieu thereof, "capitol grounds."

Agreed to.

Mr. Safford moved a reconsideration of the vote by which Mr. Ballou's amendment was adopted.

The motion prevailed.

Mr. Lee moved to amend the amendment by striking out "capitol grounds" and inserting "within three hundred yards of the capitol."

Lost

On the motion to adopt Mr. Ballou's amendment, the ayes and noes were demanded by Messrs. Crane, Sherwin and Warmcastle, with the following result:

AYES—Anderson, Ballou, Banks, Briggs, Clark, Crane, De Long, Ferguson, Groom, Haldeman, Hamlin, Hancock, Harris, Heath, Hitchens, Hirst, King Lee, Lewis, Marshall, Mitchell, Moses, Neblett, O'Brien, Osgood, Palmer, Parker' Pearis, Pico, Shepard, Sherwin, Smith of Nevada, Smith of San Bernardino' Stakes, Stocker, Tatman, Tuttle, Walker, Ward, Willson, Young—41.

NOES—Aud, Buel, Burbank, Caldwell, Cherry, Curtis, Davis, Edwards, Ely, Galbraith, Gordon, Gray, Graham, Havens, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Howell, Kabler, Loofbourrow, Markley, McCoy, Minis, Ormsby, Safford, Sheridan, Simons, Spilman, Stout, Stratton, Street, Thomas, Tipton, Warfield, Warmcastle, Mr. Speaker—38.

So the amendment was adopted.

On motion, the house then went into Committee of the Whole, Mr. Lewis in the chair, to consider the report on rules.

After amending, the committee rose, reported back, recommended the adoption of the rules as amended and were discharged

The report of the committee was adopted, as follows:

STANDING RULES AND ORDERS.

I.

MEETING.

The House shall meet each day of sitting at eleven 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. Reports of standing committees.
3. Reports of select committees.
4. Messages from the Governor.
5. Messages from the Senate.
6. Notices.
7. Second reading and reference of bills.
8. Introduction and first reading of bills.
9. Business on general file, and third reading of bills.
10. Unfinished business of the preceding day.
11. Special orders of the day.
12. Motions and resolutions.

III.

It shall be in order for the Committee on Enrolled and Engrossed 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 reading, which reading 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 first be 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 DOOR-KEEPER.

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 sergeant-at-arms shall receive for every arrest the sum of one dollar; for each day's custody and releasement, one dollar; and for traveling expenses for himself or a special messenger, going and coming, twenty-five cents per mile. But no compensation shall be allowed for the arrest, custody, or releasement of members, under a call of the House, within the limits of the Capitol grounds. All fees accruing to the sergeant-at-arms for arrests, custody and release of members shall be paid by the members so arrested, held in custody and released, unless excused by a vote of the House. And when a member shall be excused by the House, the sergeant-at-arms shall not be allowed any fees for the arrest.

XVIII.

The door-keeper shall be sworn to keep the secrets of the House.

XIX.

The standing committees of the House shall be as follows:

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

25. A Committee on Swamp and Overflowed Lands, to consist of 7 members.
26. A Committee on Roads and Highways, to consist of 5 members.

XX.

All committees shall be appointed by the speaker, unless otherwise specially directed by the House.

XXI.

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.

XXII.

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.

XXIII.

It shall be the duty of the Committee on Claims, to take into consideration all such petitions, and matters or things touching claims and demands on the state, as shall be presented, or shall or may come in question, and be referred to them by the House, and to report their opinion thereupon.

XXIV.

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.

XXV.

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

XXVI.

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

XXVII.

It shall be the duty of the Committee on Military Affairs, to take into consid-

eration all subjects relating to the military establishment and public defence, which may be referred to them by the House, and to report their opinion there upon, and also, to report from time to time such measures as may contribute to economy and accountability in said establishments.

XXVIII.

It shall be the duty of the Committee on Internal Improvements 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 into question and be referred to them by the House, and to report thereupon.

XXIX.

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.

XXX.

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

XXXI.

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.

XXXII.

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.

XXXIII.

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.

XXXIV.

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.

XXXV.

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

XXXVI.

DECORUM AND DEBATE.

If any member, in speaking or otherwise, transgress the rule 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.

XXXVII.

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

XXXVIII.

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 twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave; and members who have once spoken shall not again be entitled to the floor, (except for explanation,) to the exclusion of others who have not spoken.

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.

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 two-thirds of the House.

XLII.

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.

XLIII.

A motion to adjourn, or 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.

XLIV.

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 the proceedings. A motion to strike out the enacting clause of a bill or resolution, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

XLV.

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.

XLVI.

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.

XLVII.

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

XLVIII.

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

XLIX.

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.

L.

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 therein any other bill or resolution pending before the House.

LI.

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.

LII.

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.

LIII.

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

LIV.

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

LV.

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

LVI.

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.

LVII.

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 reconsideration thereof, by giving notice on the day of its passage or rejection, of his intention to move for such reconsideration on the succeeding day, and it shall not be in order for any member to move a reconsideration 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.

LVIII.

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

LIX.

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 and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the clerk shall enter on the journal the names of those demanding the ayes and noes.

LX.

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.

LXI.

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

LXII.

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

LXIII.

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.

LXIV.

CALL OF THE 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.

LXV.

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.

LXVI.

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.

LXVII

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.

LXVIII.

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

LXIX.

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.

LXX.

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

LXXI.

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.

LXXII.

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.

LXXIII.

All bills reported to the House by either standing or special committees, after receiving their second readings, shall be placed upon a general file to be kept by the clerk, and no bill shall be considered by the House until the regular order of business shall have been gone through, and then bills shall be taken from the general file and acted upon in the order in which they were reported unless otherwise specially ordered by the House. The clerk shall 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.

JOINT RULES AND ORDERS OF SENATE AND ASSEMBLY.

The following are the joint rules and orders for the government of the Senate and Assembly, adopted by both Houses:

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 to confer, such committee shall, at a convenient hour to be agreed on by their chairman, meet in their conference chamber and state to each, 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 door-keeper, 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 of 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 the secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the state.

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, 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 approval on the last day of the session.

XVI.

No appropriations of money, for any purpose whatever, shall be made, except by bill.

XVII.

Each House may order the printing of bills introduced, and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

XVIII.

There shall be a joint standing committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

XIX.

No spirituous liquors shall be offered for sale or introduced within the Capitol or public grounds adjacent thereto.

Mr. Lee made the following report, and the committee was discharged :

MR. SPEAKER :—The joint committee appointed to wait on the Governor and Lieutenant Governor elect, and inform them of their election and ascertain at what time they desired the ceremonies of inauguration to take place, report that they have performed their duties, and that Friday the eighth day of January, present, was designated by them for their inauguration.

GEO. H. ROGERS,
JNO. C. BURCH, } Senate.
G. J. CARPENTER,

H. LEE,
A. G. STAKES, } House.
N. H. DAVIS.

The following message was received from the Senate:

SENATE CHAMBER, January 7th, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 1:

An act to appropriate money for postage and express purposes during the present session of the legislature. T. N. CAZNEAU, Secretary Senate.

Senate bill No. 1, above referred to, was read first and second time, and the rules being suspended, the House went into Committee of the Whole to consider the same, Mr. Lee in the chair.

The committee rose, reported the bill back, recommended its passage, and were discharged.

On motion of Mr. Safford, the rules were suspended, the bill was read a third time and passed.

The following message was received from the Senate:

SENATE CHAMBER, January 7th, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have passed rules and orders for the government of the Senate and Assembly, as reported by the joint committee of both Houses, without amendment, and respectfully ask the concurrence of the Assembly.

T. N. CAZNEAU, Secretary Senate.

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

Resolved, That two hundred and forty copies of the joint rules and the rules of the Assembly be printed, under the direction of the clerk, for the use of the Assembly.

On motion the Committee on Postage, appointed to-day, were discharged.

On motion of Mr. Buel, the House took up the following resolution, introduced yesterday by Mr. Caldwell, and made the special order of business for to-day.

Resolved, That to-morrow, at 12 o'clock, we will proceed to the election of a chaplain for this House.

The House went into committee of the whole, Mr. McCoy in the chair, to consider the resolution.

Committee rose, reported back, recommended the indefinite postponement of the matter, and were discharged.

Mr. Safford called for the previous question. Sustained.

On the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Lewis, Caldwell and DeLong, with the following result:

AYES.—Messrs. Aud, Ballou, Buel, Clark, Crane, Curtis, Edwards, Ferguson, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hamlin, Harris, Havens, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, Kahler, King, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moses, Neblett, Ormsby, Palmer, Parker, Pico, Safford, Shepard, Sherwin, Simons, Stakes, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Warfield, Warmcastle and Young—56.

NOES.—Messrs Anderson, Banks, Briggs, Caldwell, Cherry, Davis, DeLong, Ely, Hancock, Heath, Lee, Lewis, Moore, O'Brien, Osgood, Pearis, Sheridan, Smith of Nevada, Smith of San Bernardino, Spilman, Ward, Willson and Mr. Speaker—23.

So the motion prevailed.

Mr. Lewis gave notice that, to-morrow, he would move a reconsideration of the vote just taken.

Leave of absence was granted to Mr Graham, for two days.

Mr. Cherry offered the following resolution:

Resolved, That a special committee of five be appointed to inquire into the manner in which the contract for supplies of stationery for the use of the present Legislature, was awarded, and report to this House the result of their investigations at as early a day as may be found practicable.

Pending its consideration, at half past two o'clock, on motion of Mr. Buel, the House adjourned till ten o'clock A. M., to-morrow.

IN ASSEMBLY.

FRIDAY, January 8th, 1858.

House met at 10 o'clock, A. M. The speaker in the chair.

Roll called.

The journal of yesterday was read and approved.

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

Resolved, the Senate concurring, that a committee of three from each House be appointed to wait upon the Governor and Lieutenant Governor elect, and make arrangements as to the time of performing the ceremonies of inauguration, and to act as a committee of ceremonies upon that occasion.

The chair appointed to act as said committee on the part of the House, Messrs. Lewis, Tuttle and Hill of Nevada.

On motion, Mr. Lewis had leave to change his vote given yesterday on the chaplain resolution.

Notice of bills to be introduced were given as follows:

By Mr. Moore, of a bill for an act to amend an act 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."

By Mr. Young, of a bill for an act to amend an act entitled "an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes," approved April 22d, 1857.

By Mr. Tatman, of a bill for an act for the better observance of the Sabbath.

By Mr Heath, of a bill for an act to amend an act to regulate *rodeos*, passed April 30th, 1851.

Mr. Curtis offered a concurrent resolution relative to a mail route in Placer and Nevada counties.

Laid over.

Mr. Cherry's resolution appointing a committee to inquire into stationery contracts was taken up.

Mr. Crane moved to lay the resolution on the table. Agreed to.

The vote was reconsidered, the motion to lay on the table lost, and the resolution adopted.

The chair appointed to compose said committee, Messrs. Cherry, Ferguson, Street, Smith of San Bernardino, and Galbraith.

On motion of Mr. Safford, the House took a recess till eleven o'clock.

House re-assembled at eleven o'clock.

The following message was received from the Senate:

SENATE CHAMBER, January 8th, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day concurred in Assembly amendment to the joint rules.

Also, that they have concurred in Assembly concurrent resolution, appointing a committee of three from each House to wait upon the Governor elect, and make arrangements for the ceremonies of inauguration, etc., and have appointed on the part of the Senate, Messrs. Merritt, Bell and Pacheco.

THOS. N. CAZNEAU, Secretary Senate.

The following annual message, with accompanying documents was received from the Governor:

ANNUAL MESSAGE OF THE GOVERNOR.

Fellow-Citizens of the Senate and Assembly:

It is with unaffected pleasure that I welcome to the scene of their official duties the chosen representatives of the people. The auspicious circumstances under which you have assembled, are well calculated to awaken the most devout gratitude to Him who holds in His hands the destinies of states and nations.

Within the past few months, a commercial and financial revulsion has visited our sister states of the Union—prostrating in its course the hopes of thousands, and suddenly reducing a large portion of their population from affluence and comfort to the extremes of poverty and want. From this dread calamity our people have been comparatively exempt, and with their willing contributions have served to aid and succor the distresses of their kindred and country. But a brief period has elapsed since, when, with the embarrassments that surrounded us, and the apparently hopeless condition of the affairs of state, even to the most sanguine and confident there appeared but slight hope of relief, or the ability to rescue our State from the necessity of repudiation, and consequent disgrace. At the present time, however, when the last opportunity is afforded me, as the Executive of the State, to communicate with you, it is indeed a source of gratification to announce that no such despondent thoughts can mar the pleasure of your meeting or embarrass your deliberations.

A large indebtedness, for which no legal responsibility could attach, has been endorsed by an overwhelming majority of the popular voice. The highest judicial tribunal of the state has declared that the vote of the people on this question is rendered *binding and obligatory*.

A new era is dawning upon us, and the present and future welfare of the state is in a great measure dependent upon the wisdom of your deliberations and the sagacity of your counsels.

FINANCE.

It will be shown by the tabular statements accompanying this, that at no period since the formation of our government has the affairs of the state treasury exhibited such flattering evidence of ability to pay the demands which are constantly being made against it as at the present time; and, indeed, only during the past year has the state ever been able to liquidate at the treasury, the necessary expenses of the government as soon as they accrued. In fact, in all respects, relative to our financial condition, a most cheering state of affairs is now exhibited. The effort which had so long been unsuccessfully made, has at length been attained; that is,

our ability, as a state, to "pay as we go;" and, in addition to this, we have ample means to discharge all obligations which are now due, and abundant resources provided for future expenditures, with a large surplus remaining in the state treasury. The expenditures of the government have been reduced to a sum within the receipts provided for its support, independent of ample provision having been made for the payment of the interest, and likewise a sinking fund created, which will ultimately liquidate the public debt. The condition of our financial affairs is such, that you are fully authorized, at the present session of the Legislature, to make a material reduction in the taxation on real and personal property. That you may be advised of the financial transactions regarding state affairs, for the past three years, embracing the last year of my predecessor's term of office, and the two succeeding years of my official term, I have appended to this communication an authentic and reliable exhibit, which has been compiled from the records contained in the offices of the Treasurer and Comptroller of State, not including any payments on interest account for either of the years mentioned

From that exhibit it will be seen that the expenditures for 1855, were, ...	$1,427,517 07
The receipts for the same period, were	990,848 87
The excess of expenditures for that year, were	$436,668 20
The expenditures for 1856, were	$1,030,912 19
Receipts for the same year, were	886,023 48
Excess of expenditures for 1856, ...	$144,888 71
And during the past year, ending the 31st December, 1857, the receipts were	$1,152,234 09
The expenditures for the same period, were	699,803 94
Excess of receipts for 1857, ...	$452,430 15

From the foregoing it will be perceived that the expenditures of the year 1857, ending with the thirty-first day of December last, were *less than one-half* of the expenditures for the corresponding time in the last year of the preceding administration; and the *excess of receipts* during the year 1857, were greater than the *deficiency* for the year 1855, and for the two past years the *receipts* have *exceeded* the expenditures $307,541 44, and without resort being had to an additional tax upon the property of our citizens.

On the first day of January, 1858, the amount in the treasury was $351,222 71, and at a later time—the sixth of the same month—this balance had reached the sum of $418,521 48; and the receipts from the county treasurers who are required to make payments within the present month, together with the additional payments to be made by the county treasurers during the present fiscal year; also the revenue to be derived from miscellaneous sources, if the sum expended by the present session of the Legislature do not exceed the amount expended by the preceding one, (and they should be much less,) there will be in the state treasury at the expiration of the present fiscal year—the 30th of June next—a surplus of at least four hundred thousand dollars. The presumption is, that it will exceed this estimate.

The question, therefore, now arises, what disposition shall be made of this surplus? My advice is, appropriate it to the payment of our state indebtedness, after retaining in the treasury such amount as, with the ordinary receipts, will

be sufficient to defray the current expenses of the government. Then authorize the Treasurer of State to advertise in the same manner, and upon like terms, as provided in the "State Debt Bill" of the last session, for the redemption of state bonds.

The adoption of this suggestion, whilst serving to relieve, in some degree, the burthen of taxation, by the reduction of state indebtedness, will also inspire a great degree of confidence among the creditors of the state, and the employment of the surplus fund in the manner proposed, will remove the inducements to excessive expenditures which are always offered by a plethoric treasury.

From the evidences afforded of the amount to be derived from the various sources of revenue, it is rendered quite certain that there will be collected, under the laws as they now exist, a sum much exceeding the necessary wants of the government; and if convinced of this fact, the duty will necessarily devolve upon you to reduce the rate of taxation within those wants.

The real and personal property of the state subject to taxation in 1857, amounted to $131,806,268 92, and which, for the preceding year, only reached the sum of $113,458,000—indicating an increase of $18,348,268 92—within this lapse of time, as will be found detailed in an accompanying appendix. From these indications, making a most liberal allowance, we can safely estimate the taxable property of the state, for the present year, at $140,000,000.

Under the "State Debt Bill," the rate of taxation therein provided, will produce an amount not only sufficient for the payment of the interest on such indebtedness, but it will also yield a considerable surplus as a sinking fund for the redemption of the outstanding bonds. Wherefore, from the general fund no transfer will be needed on the 1st January, 1859, when the first payment of interest on these bonds is required to be made.

The ordinary expenses of the government can be properly estimated, for the next fiscal year, as not exceeding the sum of $650,000; and, with the exercise of due economy, can be readily brought within the sum of $600,000. From licenses, of various kinds, the stamp act, poll taxes, and miscellaneous sources, there has been received, during the past year, $463,863; and it is not unreasonable to anticipate, for the succeeding year—the collection from the same sources—a revenue fully equaling these receipts. It will be seen that there would then only remain $186,137 of state expenditures to be provided for by the imposition of a tax on real and personal property. Of the estimate before made of the taxable property of the next fiscal year, amounting to $140,000,000, by the result of past observation and experience, it will be proper to estimate the delinquents, and the expenses of collection as amounting to twenty-five per cent., or one-fourth of the entire amount assessed upon the taxable property within this State. Upon this basis of calculation, there will then be needed only the gross sum produced by the taxation of $105,000,000 of property, to meet the necessary requirements of the state. The amount to be derived from this source has been shown to be $186,137 00, and to produce which, would require a collection within a fraction of seventeen and three-quarter cents on each hundred dollars of taxable property. But to insure, without any doubt, the collection of a sum fully sufficient for this purpose, I recommend that twenty cents on the hundred dollars be established as the rate of taxation, to be appropriated for the ordinary expenses of the state for the ensuing year, and which will be ample for all necessary purposes. Unless it should be determined to erect a capitol, and if the mode I have herein suggested is adopted, even then the addition of five cents on the hundred dollars in 1859, with an appropriation the present year from the treasury, would be sufficient. In the event that you should determine to erect such a building—including the thirty cents to be levied as an interest and sinking fund, the total amount of taxation will be but fifty-five cents on the one hundred dollars—a very material reduction from the taxes which for years have been imposed. The revenue act

should distinctly specify the amount to be collected for the expenses of the government. The reduction I have here suggested, can be made, and yet leave the state with ample means to pay all needful expenses. Wherefore, I most urgently ask that, in this particular, you amend the present revenue law, conformable with these views.

At the last general election, the bill passed by the preceding Legislature, with the object of legalizing the state debt, was submitted to a vote of the people, and received their endorsement with a vote which, in its numbers, is well calculated to convey the most elevated opinion of the honor and integrity of the people; and the officers whose duties it was by the law to issue the bonds provided for, having been enjoined from proceeding with their duties, on the alleged ground that such action of the Legislature and people gave no validity or legal sanction to that indebtedness, the case was appealed to the Supreme Court, and a few days since, by that tribunal, a decision was given, in which they affirm the constitutionality of the debt. Therefore, it but remains to cancel the former evidences of indebtedness, by the issuance of new bonds, in accordance with the act referred to. The blank bonds have been prepared by the late treasurer, and only await the incoming of the succeeding administration to enable those entitled to receive the benefits of this act to receive these new issues.

The amount of bonds authorized to be issued prior to May 1st, 1859, is		$3,900,000 00
Amount of civil bonds and interest, due January 1st, 1858,	$3,454,816 00	
Audited accounts to be funded,	48,283 26	
Warrants outstanding, issued from January 1st, 1856, to January 1st, 1857,	120,546 89	
Warrants outstanding, issued prior to January 1st, 1856,	78,719 44	
Total amount which is now authorized to be funded,		$3,702,365 59
Leaving a surplus of		$197,634 41

There are, however, other claims which are equitable, and the justice of them fully demands that you should, at your present session, audit them, so that they may also be embraced within the funding act. They are of the same character, and, in most instances, quite as just as those which were, by act of the last Legislature, authorized to be funded. So far as the amount to which they should be allowed, that is a matter which will solely depend on your judgment and discretion; but that you may be advised of the probable amount, I herewith append a statement of them:

Surplus as above		$197,634 41
Claims audited by committee on accounts and expenditures, eighth session	$13,003 52	
Amount of claims now on file in Comptroller's office which have neither been allowed nor audited	32,925 08	
Amount of state prison warrants, $175,406 26, estimated at	145,000 00	
		$190,928 60
		$6,705 81

Which, if allowed according to the foregoing estimates, will not quite absorb

the sum which is mentioned in the act, leaving a balance of $6,705 81. As the bonds outstanding, however, will not be presented until after the date up to which the interest is calculated, the entire amount will be exhausted;—so that in the calculation to be made of the total of our state indebtedness, it may be estimated at $3,900,000 00 of a bonded debt, for the payment of which a tax is directed to be levied of thirty cents on each one hundred dollars of taxable property within the state. The first interest to be paid on this indebtedness will occur on the first day of January, 1859, and, as will be shown hereafter, the tax imposed for this purpose is ample; and increasing, as it will from year to year, the entire amount can be liquidated within the time (twenty years) required by the act, by the application of the means provided in the act—indeed, if we shall soon realize the recognition of our claim to the "civil fund" from the general government, the liquidation of the entire sum may be accomplished in a few years.

By the non-payment of interest on the old funded debt, and alleged defalcations in the state treasury under the administration of a former incumbent—Henry Bates—I have caused suits to be instituted, and in two cases judgment—which, with the interest on the first of this month, amounted to $181,044 30—has been obtained, and another suit is now pending for the recovery of $124,000 00 given on behalf of the Pacific Express Company. Recently the late District Attorney of Sacramento county, Frank Hereford, Esq., in conjunction with the then Attorney General, the State Treasurer and myself, endeavored to effect a compromise of all the matters involved in the civil suits, such compromises, however, to be subject to the action of the Legislature, but failed in its accomplishment.

REVENUE LAWS.

The practical operation of the present revenue law, so far as it relates to the collection of taxes, is found to meet the most favorable expectations. It needs but few amendments, and only such as are absolutely necessary should be made. If possible, more stringent provisions ought to be introduced so as to compel the payment of poll-tax. The sum derived from this source is meagre, indeed, compared with the amount which should be raised.

The settlements now required to be made by county treasurers, in January and July, should be changed to the third Mondays in June and December, so that the reports of the proper officers will exhibit the financial operations for the current year, which now cannot be done till the reports of the succeeding year are presented to the Legislature. County auditors and assessors should be required, by the enactment of stringent measures, to make such reports in each year as the law provides. From some counties in the state, no reports have been received of this character for two years; and the officers in other counties were impelled to do so at a late period only at the urgent solicitation of the state authorities. These reports are not only important, but absolutely necessary in affording the only reliable *data* upon which can be predicated an estimate of the proper taxation.

There seems to be some doubt as to the correct interpretation to be given to that portion of the law affixing the per centage to be paid county treasurers. I am confident that the rule now adopted of allowing the *maximum* specified in the law on each separate payment, if not exceeding $50,000, was not the design of the Legislature, although it may be warranted by the language of the act. It should be amended so as to allow commissions in the proportion which is paid upon the collections of each year.

The evidence furnished by a table found in the appendix, will present a singular contrast in the expenses of the assessment and collection of revenue in the different counties. On the amounts paid into the state treasury since the first of July last, the expenses of collection so widely differ, that it is seen that whilst the least per centage on such assessments and collections is but 2 9-10, the great-

est amounts to the enormous sum of 57 per cent., and the average is but 8 37-100 per cent. Such gross inequality as this should not longer exist, and which can alone be obviated by imposing a limitation on the amount of expenses to be allowed for such services, by which the boards of supervisors of the different counties may be restrained from making such liberal allowances, resulting, as they do, so disastrously to the revenues of the state.

In the estimates made on the foregoing, no mention is made of the "war debt," the greater portion of which has been paid by the general government, and the remainder will be assumed without doubt. The condition of it will be found by reference to the reports of the commissioners accompanying this.

The certificates of indebtedness which have been issued during the past year by the board created for this purpose, as they constitute no claim against the state, are to be paid out of such appropriation as the general government may hereafter make for such purpose. The proceedings of that board, and the recommendations contained therein I respectfully call your attention to.

STAMP ACT.

Among the useful measures adopted by the last Legislature, is that which is familiarly known as the "stamp act." An exhibit of the receipts, and expenses incurred under it, is herewith appended. The net receipts, for the six months ending December 31st, 1857, are $53,003 21, and the expenses $4,332 58. This involved the cost of the stamps, paper, printing, and the increased expense consequent on getting into operation the provisions of the law—including an additional clerk in both the offices of Comptroller and Secretary of State. Now, however, the business has become systematized, so that only one clerk is necessary in the performance of this labor, and that one, in the Comptroller's office. Additional clerical assistance in the Secretary of State's office, for this purpose, is needless. The expense should only be the pay of the clerk, and the necessary printing, from the stamps now in use; and the total of which will not exceed $3,500 per annum. It will be seen, therefore, that this is a species of taxation far less expensive in its collection than any other of the various sources from whence our state derives revenue, and should be retained on the statute book, with the addition of such amendments as observation and experience have demonstrated are requisite and proper.

This law does not embrace all of that kind of cases which it was designed to reach. Those who purchase from the banker bills of exchange, are subjected to the payment of stamp duties; but no expense of this kind is incurred by the person who, in his own behalf, makes a shipment of gold dust or bullion. Since the financial revulsion in the eastern states, inducing a want of confidence in the stability of all banks, much of the semi-monthly shipments of treasure are made directly by the individuals, without the intervention of the banker; and of a consequence, all such amounts evade the payment of the tax. The receipts, on this account, have materially diminished within the last two months.

I suggest that the law be amended so as to impose this tax on the bills of lading, instead of exchange. Such provision will reach all classes of shipments made, and consequently in its operation, will be equal and uniform, and furnish a larger proportion of revenue. The law should be further amended so as to classify insurance policies. As it is, this act requires a payment of the same rate of taxation on a policy of insurance, if but for a single month, as though it were for an entire year; and the most numerous class of cases wherein policies of insurance are applied for, are for short periods of time. For the purpose of evading the imposition of this tax, means have been successfully employed by which the law, in this particular, has been rendered almost wholly inoperative. From this source, therefore, but an inconsiderable amount of revenue has been derived. To obviate this,

amendment should be made of the character before suggested. This difficulty will be obviated by a classification for single months at rates in the same proportion as are now fixed, with the addition of amendment to the license law, so as to impose a license tax upon those who act as agents within the state for the negotiation or sale of policies of insurance which have been executed out of the state.

CIVIL FUND.

I have hitherto called the attention of the Legislature to the necessity of adopting such enactments as would enable the state to secure the payment of the "civil fund" from the general government. That you may readily understand the character of that fund, I will quote from my annual message of 1857:

"Between the period of the occupancy of California by the United States military forces and that of our admission as a state into the Union, a large sum of money was collected from the people, in the form of military exactions and duties on imports, which, with the exception of a small amount expended in the civil administration of the government, including the expenses of the convention that formed the constitution, found its way into the treasury of the United States. This is what has usually been denominated the "civil fund," to the possession of which this state has a most unquestionable right. The attention of our Legislatures has been repeatedly called to it by my predecessors, and those bodies have addressed resolutions of instruction to our senators and representatives urging its repayment by the general government. Thus far, no advance has been made towards its procurement, although earnest efforts have been employed to accomplish it in both houses of Congress. In the reports which have come under my observation having relation to this matter, the amount of this fund is greatly underrated. A careful examination of the books of the treasury department at Washington presents the following as a correct exhibit:

From the 6th of August, 1848, when Col. Mason received notice of the treaty with Mexico, up to the 12th of November, 1849, when Col. Collier took office as collector of customs at San Francisco, there was received as military exactions, - - -		$1,365,187 32
And from the 12th of November, 1849, to the 9th of September, 1850, when California was admitted into the Union, there was collected the further sum of, - - - - - - - -		1,603,561 08
Making a total amount of, - - - - - - - -		$2,968,748 40
From this there should be deducted the following:		
On account of the civil government, including the expenses of the constitutional convention, -	$162,236 27	
Expended for relief of immigrants, in 1849, -	100,000 00	—$262,236 27
Balance remaining, and paid into the United States treasury -		$2,706,512 13

This entire amount, it will be observed, was collected prior to the admission of California into the Union, by the incongruous elements of the civil and mility government then exercising authority in the newly acquired Pacific possessions, and when that government was superseded by the organization of the state, and it was recognized as a member of the confederacy, the present government became the legitimate successor of the former, and the moneys which had been collected from the people, and were unexpended in the administration of civil affairs, should have been transferred to it. That large sum is now withheld from us in utter disregard of propriety and justice.

The right of California to this fund was always recognized by the United States officers charged with its collection and disbursement, by the civil and military governor of the territory, and I may add, by the action of the general government itself, in allowing a portion of the amount to be expended in the civil administration of the territory. To the numerous applications which have been made for the repayment of this fund, the reply has ever been, 'an act of Congress is necessory to authorize it.' "

The action which I deemed necessary to be taken last year to secure the refunding of this indebtedness, was only so far adopted as to incorporate in the state debt bill, (which was ratified by a vote of the people at the last election,) a clause providing that all amounts allowed by the general government, on account of that "fund," should be appropriated towards the payment of the state debt embraced within the provisions of that act. This may not be an auspicious occasion, in consequence of the reduced receipts of the national treasury, to press this claim to a successful issue; yet a recognition of our rights should be urged upon the attention of Congress, with a view to the future payment of the debt

CONSTITUTIONAL CONVENTION.

By an act of the last Legislature, it was recommended to the electors of this State to vote, at the succeeding general election, upon the question of holding a convention for the revision of the state constitution. This act was passed in pursuance of section 2, article x of the constitution, which provides that, upon such recommendation of the Legislature, "it shall be submitted 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." The aggregate number of those who voted at that election is not specified in the returns which were received at the state department, and consequently should be determined by the most authentic data we can obtain. These are furnished by the vote which was cast for the office of Lieutenant Governor, being the largest vote cast for any single officer, and numbered 93,881. Of those who voted on the convention question, only 30,226 were in favor thereof, while 17,680 opposed it; from which it appears that not less than 45,995 of the electors neglected altogether to vote upon that subject. It devolves upon you, therefore, to decide a proposition of unusual importance, which is thus submitted for your consideration. Does the result of this vote impose on the Legislature the obligation, or confer upon them the authority, to summon a convention? While I confess it was my earnest desire to witness the triumphant success of this measure, in the sanction by the people of an act whereby a constitution, in all respects adapted to our condition, present and prospective, might be wisely framed, and believing, as I do, that a convention is the only practicable method by which reforms, not only needful, but absolutely essential to the prosperity of this commonwealth, can be obtained; yet despite my wishes, I am constrained to believe the result of that vote does not invest you with the requisite authority. With due consideration and respect for the intelligent understanding of those who entertain a different opinion, I am compelled to regard the section of the constitution heretofore referred to, from the expressiveness of its language and the clearness of its meaning, susceptible of no construction which tolerates the exercise of such power or authority. This view is further strengthened by the context and the connection in which certain words are employed: "If a majority of those voting at *such election* shall vote in *favor* of the convention, the Legislature shall, at its next session, provide by law for calling a convention." It will be perceived that the only *election* specified in the entire section is that for

members of the Legislature, from which we must conclude that the words, "A majority of those voting at *such* election," signify "a majority of those voting at the legislative election," and can mean nothing else. At the late election, the vote *in favor of* a convention was not that of a *majority*, but *less than one-third* of the electors who then cast their votes. If, however, the true construction of the section we are now considering should admit of further question, we may refer to other legitimate sources of information, to ascertain thereby the intention of those who framed the constitution. I call your attention to the first section of the same article, where provision is made for amendments by legislative action. After prescribing the mode of procedure, the section concludes as follows: "And if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature, VOTING THEREON, such amendment or amendments shall become part of the constitution."

Here, it is the obvious intention, that if such amendments shall receive a majority of the votes of electors who vote upon *them*—not of those who vote upon any or all of the other questions which may be involved in the same election—they are thereby made a portion of the constitution. Hence it follows, that even though the whole number of those who vote upon the question of amendments should constitute a minority, no matter how small, of all those who voted at such election, yet the amendments would be adopted if those who voted in favor thereof constituted a majority of those voting on that question. Such was the case when the only amendment which has ever been applied to the constitution was incorporated therein by a vote of the people, at the general election in the year 1856. Such is the conclusion which inevitably results from the express language of section 1, which only requires a majority of those voting thereon; *i. e.*, voting on the question of amendment; and we may justly infer—indeed it is a plain rule of construction—that if the framers of the constitution had intended to give a similar effect to the succeeding section relative to the same matter, they would have used similar language, or at least have employed such words as would convey a similar meaning. It is a cardinal doctrine in the construction of statutes and *a fortiori* of constitutions, that the express mention of one thing implies the exclusion of another not mentioned, or as it is expressed in the earlier maxims of the law, "*expressio unius est, exclusio alterius*." If you expressly name some one of certain requisites, the inference is stronger that those omitted are intended to be excluded, than if none at all had been mentioned. This rule has been declared to be one of the first principles applicable to the construction of statutes. And again, it is a further rule of construction that if any section be intricate, obscure, or doubtful, the proper mode of discerning its true meaning is by comparison with other sections, and finding out the meaning of one clause by the words or obvious intent of another. This is pronounced by that eminent jurist, Sir Edward Coke, to be the most natural and genuine method of expounding a statute. If, however, further evidence is wanting of the construction designed to be given to this important feature of the constitution, the published debates of the body which framed that compact must remove all remaining doubt on the subject. By the original report of the committee in convention, amendments to the constitution required a two-third vote for their adoption. It was proposed, however, to substitute the word "majority" for the words "two-thirds," wherever they occured in both sections of article x. The proposition elicited a general expression of the views of members on this point. During the course of a protracted discussion, maintained on either side with vigor and ability, the supporters of the "majority" rule contended that the true basis of political supremacy in a government consisted in the recognition of that *right* which a *majority* of the people should possess, of altering or amending the constitution and laws in accordance with their ascertained will; that no such limitation as a two-third vote, whereby the *minority*

would be empowered to defeat the will of a *majority*, should impair that right or be imposed upon its exercise. To this it was responded, by the advocates of the opposing doctrine, "that the fundamental law of a state, unlike the enactments of its legislation, should be protected from the influence of those radical and frequent changes which might result from local issues or intense political excitement; that no changes should be allowed in the fundamental law unless demanded by a manifest and decided expression of the wishes of the people; and that a proper guarantee of this principle would be afforded by the adoption of the two-third vote." For a time, the proposed amendment was successfully resisted, but finally, upon a reconsideration of the vote in convention, it was adopted, and the majority principle, as we now find it in the constitution, permanently established. But amidst the diversity of views which prevailed in the convention, none, even among those advocating the most extreme opinions, ever ventured to suggest the dangerous proposition that a *minority* of the people might *destroy* the constitution. Yet such would be the practical result, if the vote we are considering could authorize you to call a convention to change the organic law of our state. It would sanction a principle alike incongruous with precedent and reason;—a principle pregnant with revolutionary tendencies, and dangerous in its enforcement, involving the utter insecurity and inefficiency of the government reared upon such basis. Inasmuch as, under the recent vote of the people, you have no power to summon a convention, it becomes important that you should again submit the question to the electors of the state.

During the past year the general election of state officers so occupied, and indeed, absorbed the public mind, that attention was, in a great degree, diverted from the consideration of the convention act. At a future time, with less political excitement, this subject will be more thoroughly scrutinized, and the necessity more fully appreciated. It is almost universally conceded that the constitution requires amendment in many particulars of material importance to the welfare of the state. Of the many changes which have been proposed, I would especially call your attention to the necessity of re-organizing the judicial system, whereby the number of judges of the Supreme Court shall be increased, and associate justices of the courts of sessions abolished. The extensive and increasing business of the former, exacts from the judges an amount of labor which prevents them from giving to cases, submitted for their consideration, such attention as their importance oftentimes demands; whilst the associate justices of the latter are usually but needless appendages to the court, and a useless expense to the several counties: A reduction of the number of county officers and their emoluments of office; a rigid constitutional restriction upon the creation of debts by counties, cities and towns; the adoption of a system of single representative and senatorial districts, whereby each voter in the state shall alike be represented; a limitation of legislative sessions and their expenditures. These are some of the needed reforms so indispensable to the public welfare—and they cannot be obtained by mere enactments of the Legislature. To such as reflect on this subject, involving as it would, amendments in so many varied particulars, it will appear that nothing but a constitutional convention can relieve the state from many of the evils with which it is afflicted.

In canvassing the merits of this question, one of the most potent arguments hitherto advanced against a convention, and probably the chief objection which now exists in the minds of the people, is the expense in which it would involve the state. This objection, I apprehend, is more imaginary than real. Indeed, the time consumed by the members of the Legislature, in the discussion of the convention question, and the adoption of legislative amendments, together with other attendant expenditures, have even thus far, I am confident, greatly exceeded in their cost, the actual expense of holding a convention. Such a body would not necessarily exceed one hundred and fifteen members—equaling the number of

members in both branches of the Legislature. It would be but a single body, and therefore its incidental expenses would be much less than if separate organizations existed. Its entire session need not, and I am persuaded would not, exceed sixty days in duration. The most commanding talent of the state—and from such should a convention be selected—would be invoked for this purpose, and constitute a council having a more elevated regard for its dignities and duties, than the pecuniary compensation of its labor. A per diem allowance of five dollars, with mileage equivalent to actual traveling expenses, would be a satisfactory recompense for the services of such men as should be selected to discharge so important and responsible a trust. Including all necessary expenses attendant on the session of such a body, the total cost thereof should not exceed the sum of seventy-five thousand dollars, and by their judicious action, the tax-payers in the various counties of the state, would be reimbursed for that entire amount, within a single month. I therefore sincerely hope you may find it consistent with the sense of duty you owe your constituency, and the enlightened conviction of your own understanding, to pass an act during the present session, whereby this question shall be resubmitted at the next general election to the consideration of the electors of this state.

STATE CAPITOL.

After the frequent changes we have witnessed of the seat of government, at length a degree of permanency has been given to it which fully justifies speedy action being taken for the erection of public buildings suitable for the various departments of government. Independent of that laudable pride which, in the present condition of public affairs, should impel such action—in a pecuniary sense it would be serviceable to the public good. The amount of rents now paid by the state government fully equals the interest on $300,000, at 7 per cent per annum—the same rate which is to be paid on our public debt That sum, or even less, will suffice to erect a suitable building for the necessary purposes of the state, and I recommend the passage of a law at this session, making provision for the erection of such a building. Having a higher regard for those qualities which combine convenience and durability, than the mere saving of a few thousand dollars, the erection of such an edifice should occupy at least two or three years; and I regard it of doubtful expediency to adopt the popular idea, that the entire contract should be let to the "lowest bidder;" because, in such case, the inevitable result would be that such contracts would ultimately prove more expensive than if performed by laborers and artisans distinctively employed for such work. With an appropriation of $100,000 for the present year, and a like sum in each of the succeeding two years, to be expended under the direction of a board composed of state officers, with authority to employ an architect and superintendent, we would witness, within three years, the completion of an edifice combining all the requirements for which it is intended.

At the last session of the Legislature an act was passed, authorizing a contract to be made for this purpose, but soon afterwards the Supreme Court decided the appropriation to be unauthorized; in consequence of which, the contractor was compelled to relinquish the further prosecution of the work; and therefore, such contract may be regarded as a nullity, and should be treated as such However, the equitable claim of the contractor, for the work performed by him prior to the decision of the Supreme Court, should be recognized by the state, and provision made for its payment. The plan of the structure, as originally adopted under the law of 1856, may be deemed of sufficient capacity, and if constructed of brick, instead of granite, will materially reduce the cost of its erection. These subjects, however, are necessarily embraced within the scope of your legislative action.

STATE PRISON.

The direction of the state prison, ever since its establishment, has been a source of complaint on the part of the people, and for various causes. First, the lessee system was adopted, whereby the labor of the convicts was received as an equivalent for their keeping. The charges of ill-treatment of the prisoners, and the frequency of escapes, became so notorious that the Legislature in 1855, changed the policy of the law, by creating a board of directors, consisting of three persons, the first of which were appointed by my predecessor in May, 1855. These officers were succeeded by those who were elected by the people at the general election of that year, and those elected entered upon their duties about the 1st day of January, 1856.

During the incumbency of the first board of directors the expenditures, including the amount allowed by them for the erection of the prison wall, was $382,226 84, in the space of seven months, being a monthly average of $54,603 83; and during the time it was under the management of their successors, from the 1st of January to the 26th of April, 1856, the expenses incurred by them was $93,186 39; being an average per month of $24,100; or within the space of less than eleven months, costing $475,413 23.

A disclosure of these startling facts induced the passage of the act of April, 1856; which law authorized a contract to be made for the care and safe keeping of the prisoners, and the erection of such buildings as should be required for state prison purposes, at a cost to the state not exceeding $15,000 per month. The state prison commissioners, consisting of the Lieutenant-Governor, State Comptroller and Treasurer, under the law, made a contract at the rate of $10,000 per month for the period of five years, with Gen. Estell as lessee. The contract was well guarded in its provisions, and enjoined upon the lessee the duty of erecting such buildings, either at the present site of the prison, or elsewhere, as he might be directed to do by the commissioners. In this arrangement there was also procured a release to the state of a large amount which the lessee claimed as due him for certain property taken for the use of the state.

There have been frequent, and indeed complaints are constantly made, regarding the management of the prison and the treatment of the prisoners. To what extent these complaints are well founded or untrue, you possess the authority of ascertaining. There is one fact, however, which should outweigh mere pecuniary considerations, and which should govern the policy of a great state in such matters; that is, although these people are felons, and may be deserving their sad fate, yet the dictates of humanity demand the treatment of them as human beings. It is, however, questionable whether, under the "lessee system," this will ever be done, as the interest of the lessee is generally more regarded than the proper care and comfort of the prisoners. After the experience of the past in the different plans adopted by the state, I believe it would be much better, if it can be done so as not to invalidate the sentence of those now in prison, to make an arrangement with the lessee on such terms as might be agreed upon, and abolish the institution entirely, and hereafter let each county assume the expense and management of those convicted in their courts. Whilst such a plea would relieve the state of the expense of keeping them, and their transportation—nearly $160,000 in each year—and about one-fourth of the entire expenses of our government, at the same time they would be better provided for; and with the labor which they could perform, would fully reimburse the expense to which they would subject the county. This might be done by adopting each county jail as a branch of the state prison, and thereby remove any doubt as to the validity of their imprisonment, if transferred These suggestions are made for your consideration, with the expectation that you will at least adopt some plan at the present session as will effectually remove the complaints which are now being made on this account.

I do not deem it advisable to have any more expense incurred in the erection of improvements at the present location of the prison, as it is in every respect unadapted to the purposes contemplated; and if a more eligible site was selected, and improvements there made from time to time, by the labors of the convicts, with prudent management, they might be made to pay the expenses; but it is quite certain this cannot be accomplished by their employment where the prison is now situated.

INSANE ASYLUM.

The law creating the insane asylum provides that the resident physician and board of trustees shall, during the first week of the legislative session, transmit to that body a report of their official acts for the preceding year. This provision of the law should be so changed as to direct such reports to be made to the Governor by the 20th of December in each year, as other state officers are required to do; by him to be presented to the Legislature. This will enable the Executive, in his annual message, to speak advisedly of the condition of the asylum, and make such needful recommendations relating to the same, as may seem to him proper. At the present time, in the absence of any official information, I can know but little of its management or wants By a personal inspection of the institution during the last autumn, I was favorably impressed with the appearance of the buildings and grounds, and the attention bestowed upon its unfortunate inmates. The building for the use of the resident physician, authorized by an act of the last Legislature, has, I believe, been fully completed, but does not afford the accommodations designed by the law, in consequence of no provision having been made for the purchase of the necessary furniture To supply this deficiency, I would recommend an appropriation to be made In consequence of the improved condition of our state treasury, by which the trustees have been enabled latterly to obtain cash for the use of the asylum, instead of being compelled to submit to a large discount on the scrip issued to them, as was the case previously, I presume their financial report will exhibit a considerable diminution in the expenditures; and for the coming fiscal year, a material reduction unquestionably can be made in the appropriation for its support, without detracting from the comfort and necessary wants of the inmates.

HOUSE OF REFUGE.

Under the present criminal code, however young an offender may be who is convicted of felony, he must be consigned to the state prison. There, by constant intercourse with the vicious and depraved, he soon becomes as degraded and irreclaimable as his associates. The necessity must be conceded of a law authorizing the establishment of a house of refuge, separate and distinct from the state prison, for the punishment and correction of all offenders under the age of sixteen years. A law of this character will also require an amendment of the criminal code, which will readily suggest itself to your attention.

If those of youthful years who have propensities for crime were placed under proper training, and kept separate from more hardened offenders, in many instances they could be reclaimed from the paths of vice, and rendered worthy and respectable citizens.

APPRENTICES.

I would also call your attention to the necessity for some well digested act relating to apprentices. The number of wayward boys who now infest the community—especially in the larger cities and towns—with no employment or the means of education, and who are rapidly growing up to manhood without the promise of adding either to the common wealth or common respectability, is very large, and

should be provided for by such salutary legislation as may tend to improve and elevate their present and future condition in society. No better plan for this purpose could be devised, than to secure for them the means of acquiring some useful trade or occupation, where the separate relations of master and apprentice are properly defined

CONCEALED WEAPONS.

The practice of carrying deadly weapons concealed about the person, has become so universal, and is productive of such lamentable consequences, that it would seem to demand the correcting power of legislation. I am led to believe, from a careful investigation of the facts in numerous cases to which my attention has been called, that a large proportion of the homicides which have occurred, and the personal injuries inflicted in this state, may be immediately traced to this cause. Controversies and disputes which have for this reason resulted with fatal consequences, in a majority of cases would be adjusted without resort to bloodshed, if it were not for the temptation which, in the moment of ungovernable passion, is offered these convenient instruments of death to take immediate and sanguinary vengeance.

It cannot be denied that the practice of carrying concealed weapons engenders in the human mind a feeling of reckless desperation, dangerous to the peace and well-being of society There are few, if any, of the criminal codes of our sister states, which do not contain a clause prohibiting this pernicious custom; and I earnestly recommend to your honorable body the enactment of such a law as may in future effectually prevent and eradicate so great an evil.

PHYSICIANS AND DRUGGISTS.

An act defining the necessary qualifications of physicians and druggists, before they are permitted to enter upon the practice of their respective callings, I regard as of essential importance. The successful pursuit of no profession requires more thorough training and experience than the art of healing diseases and preserving the health of mankind, and none is more useful and necessary. But in proportion to the necessity and value of the science of medicine, when properly understood and applied, are its dangerous and destructive consequences, when it is perverted from its legitimate uses, and is attempted to be put in practice by those unacquainted with its precepts and principles. Instances are frequently occurring in which individuals, representing themselves to the public as skilled in medical science, have, by their ignorance or carelessness, caused either the protracted suffering or untimely death of their too credulous but unsuspecting victims. There is perhaps no country where empiricism is so rife as in this state; and the lives and health of our people are too valuable to be placed at the indiscriminate mercy of arrogant pretenders.

The lawyer, who deals to the greatest extent, with our property and pecuniary interests, is compelled to undergo a strict examination as to his qualifications for that profession; but the physician, into whose hands are intrusted the higher and dearer interests of life and death, and the vendor of drugs, whose proper office should be to alleviate instead of to protract the maladies of the body, are permitted to pursue their separate callings, regardless of legal restraint or ascertained qualifications.

AMENDMENTS OF LAWS.

In my last annual message to the Legislature numerous recommendations were made, embracing needful amendments to many of the existing laws of the state, which did not receive their favorable consideration, or were permitted to be passed over without any action being taken upon them; and regarding many of them

now, as I then did, of sufficient importance to the people for whom you are constituted the law-making authority, I desire to call your earnest attention to them, and reiterate some of the reasons which I urged in behalf of their adoption, when addressing your predecessors. Of these may be mentioned the attachment act, the insolvent act, the homestead act, the law regulating sole traders, law of divorce, evidence in chancery proceedings, a registry act, the several acts regulating elections, and various amendments of the criminal code.

ATTACHMENT ACT.

The several acts regulating the issuance of attachments, as they now appear on statute books, have long been a matter of almost universal complaint; and in view of the well known wishes of the people, it is indeed a cause of great surprise that the requisite changes have not heretofore been made. As the law now exists, it is frequently made the instrument of oppression, and even ruin, to honest but unfortunate debtors, and is quite as often used as the means of vile collusion between the debtor and preferred creditors, to the exclusion of other indebtedness. It certainly is not only a probable, but a demonstrable fact, that the benefits conferred by this law are more than counterbalanced by the injuries it inflicts, and the evils engendered under its operation and influence. Now, the over anxious creditor—if the indebtedness is due—can sue out his attachment upon "any express or implied contract for the payment of money, if made or payable in this state," and attach an amount of property without reference to the extent of the indebtedness, thus encumbering the property and hopelessly embarrassing the debtor. In its general usefulness as a means of aiding the collection of debts from those who really should be made subjects of the more stringent requirements of the law, an effectual remedy would be afforded by the adoption, substantially, of the provisions of the act of 1850, with this material alteration: permit an attachment to issue for any of the specified causes mentioned in that act, whether the debt *is*, or *is not* due. This will afford a most effectual remedy against fraudulent or absconding debtors, from which cause the principal sufferers are found among the mercantile and trading community The changes in this law, as I have proposed, may not fully meet your views, and to your judgment I therefore submit these considerations, with the expectation that, if they do not receive your sanction, some better system may be devised which will effectually obviate the objectionable features of the act now in force.

INSOLVENT LAWS.

I am confident that the present act regulating proceedings in cases of insolvency has failed to meet the expectations of those who favored its adoption. The history of those proceedings had in insolvent cases in the various courts of this state, furnish, in numerous instances, abundant evidence of the necessity existing for its repeal or essential modification The policy of different states, and of the general government, relating to this matter has at different periods varied materially; more especially in reference to permitting the insolvent personally to make application for a discharge from his indebtedness. In many states—and such is the English policy—the insolvent, or bankrupt, has not the right to make application for the benefits of the law, but his creditors may enforce its provisions against him. The change of our law, in this particular, would at once remove all inducement for attempting the perpetration of frauds so easily effected under the present act. If, however, this suggestion does not meet your approbation, I am induced to believe you will at least make such amendments as will, to a considerable degree, arrest the evils complained of. The applicant should accompany the petition for a discharge from his indebtedness with the written consent of those representing at least one-half of the amount of debts em-

braced within such proceedings; and notification to creditors required to be made by newspaper publication in the county of which the applicant is a citizen, for the space of three months before the hearing of such application.

HOMESTEAD.

Experience has amply demonstrated the necessity of some amendments to the act of 1851, "for the exemption of the homestead and other property from forced sale." The law should provide that the property claimed as a homestead be entered on the records of the county in which it is situated, and be designated and appropriated for this purpose, and occupied as the residence of the family. Such a course would place this family heritage beyond the reach of cavil or question, and at the same time, constitute such a notification to creditors as to leave them without excuse in their efforts, if any should be made, to subject it to execution or other legal process.

SOLE TRADERS.

The act authorizing married women to transact business in their own names as sole traders, should be so amended as to restrict the wife, who avails herself of its provisions, to such business as is suitable and becoming for her sex; and also to require that the declaration made by her shall state that no portion of the capital employed in the proposed business was derived either directly or indirectly from the husband.

The intention of this law was to guard the industrious and frugal wife from distress and want by the prodigality and carelessness of an improvident husband, and this object can be readily attained with the amendments here suggested, whilst these changes would tend to prevent those frauds which may now be practiced with impunity. It will be readily seen that the husband can easily shield his property from his creditors under the law as we find it.

It is believed that the liberality of our laws as affording security for the maintenance of families, are unequalled by the enactments of any other state. Our constitution provides that all the property of the wife, owned or claimed by her before marriage, and all afterwards acquired by gift, devise or descent, shall be her separate property, and it is consequently exempt from the debts of the husband. A like constitutional provision has induced the enactment, as already shown, of a homestead law, which secures to each family a home of the value of five thousand dollars.

With the liberality of the law in furthermore exempting from forced sale certain personal property, most assuredly the protection to families is abundant, without resort to the cover of fraud, so conveniently afforded by the existing law, now under consideration

DIVORCES.

It is the province of government, and should be its policy, to discourage, so far as consistently can be done, the dissolution of the marriage tie, which constitutes one of the distinguishing traits, and is likewise rendered a most efficient aid in the advancement of civilization and morality. Those who are observant of the facility with which divorces from the bonds of matrimony are obtained under present enactments, as evidenced in the numerous cases presented to our courts, will readily conclude that there is some radical defect in the law. Some of these objectionable features of the law I will call to your attention.

The publication of notice, as now authorized, should be more restricted—a greater length of time required—and even then the party compelled to make a

proper showing to the court, that personal service has been had on the defendant, or ineffectual efforts employed to make such service wheresoever the party may reside. All cases of this character should be tried by a court and jury in open session, by which the results so frequently following the reference of cases, may be avoided. It should also be made the duty of the district attorney to appear in opposition to all such applications. The adoption of these suggestions would, doubtless, materially reduce the number of applications, and prevent the disreputable uses to which the law has been prostituted.

EVIDENCE IN COURTS OF JUSTICE.

I would further urge upon your serious consideration the propriety of amending our statutory laws regarding witnesses, and the competency of their evidence in criminal and civil cases.

Under the statute, as it now exists, "Indians, or persons having one-half or more of Indian blood, and negroes, or persons having one-half or more of negro blood, in an action or proceeding to which a white person is a party," are excluded from giving testimony in any case. This prohibition embraces those, including Asiatics, who, by our constitution, are excluded from the enjoyment of our political rights, yet are not denied a residence among us; but, on the contrary, by the policy of our laws, are encouraged to dwell in our midst, and by their labor augment the wealth and contribute to the revenues of the state In all their rights of persons and of property, they are guarantied the protecting power of the government; yet this cannot effectually be extended, whilst they are excluded from testifying in our courts of justice.. Outrages and deeds of violence are constantly occurring, without the possibility of detection or of punishment, because the only witnesses by whom their commission can be proved are denied the privilege of giving evidence. This indiscriminate prohibition I regard as utterly at variance with the spirit of our constitution and a wise and judicious governmental policy. And, whilst both judges and juries should estimate the weight and credibility of the evidence admitted, I apprehend no serious evil can arise from modifying the law so far as to authorize the court, in the absence of other testimony, to receive such evidence in judicial proceedings.

EVIDENCE IN CHANCERY CASES.

By the existing provisions of the law, in civil actions the deposition of a witness cannot be used either in actions at law or in chancery, if such witness is a resident or within the county at the time of trial. By the ancient rules in equity proceedings, and in all countries where the common law now prevails, the universal practice is to present the testimony by the depositions of witnesses, and not an oral examination in open court This practice is found to be an absolute necessity in the transaction of business of the courts, else complicated and tedious trials of this character would consume unnecessarily its time, to the great inconvenience and detriment of other interests. The law should be amended so that in all chancery proceedings, testimony shall be taken by depositions exclusively.

CONGRESSIONAL ELECTION.

For successive years the effort has been made by our Legislature to sub-divide the state into congressional districts, from each of which a single representative should be chosen; but thus far, notwithstanding precedent and example are afforded by the action of all the other states, no measure of this character has been adopted. No valid reason can be adduced why such a system of congressional representation should not prevail here as elsewhere. Indeed, the vast extent of

our territory, and the varied interests and pursuits of our people peculiarly require such a provision to be made, and such trivial reasons as preferences for particular individuals, or the probable success of political favorites in their aspirations for congressional honors, should not be permitted to influence your counsels or direct your action. With the full belief that you will enact a law of this character, having reference to an equality of population and contiguous territory, these views are respectfully submitted.

At the legislative session of 1852, a change was made in the time prescribed for the election of members of congress by which such election should occur in the year immediately preceding the meeting of the Congress to which they are elected. As the general election, excepting on the recurring of a presidential contest, is held nearly sixteen months before the time when it is necessary they should enter upon their duties, it is a matter of doubtful propriety to appoint so early a period for the election of our representatives

Reasons which existed when that law was enacted, have at this time no proper application. The unsettled condition of the population, and the want of facilities, since afforded, for the transmission of returns, rendered it a matter of impossibility for the members elect to receive the evidence of their election, and reach the scene of their labors in time to participate in the opening proceedings of Congress. At all times, representatives should be chosen at the nearest possible approach to the assembling of the body to which they are elected, so that, in their representative character, they may appear as the real exponents of the opinions and sentiments of their constituency; and in a state like this, with its migratory population, the observance of this principle is of absolute necessity.

Another cogent reason for the proposed change is, that our political elections, involving the choice of a president, state officers and members of congress, could then occur at most, but in alternate years. I am confident the people of the state would hail with much delight, the passage of a law by which the elections, other than presidential elections, could be held within the same year, thereby, for a time, at least, avoiding the excitement and strife consequent upon such political contests.

SUPREME COURT.

The Supreme Court, in all instances, are required by law to deliver written opinions upon the decisions of the same. By the testimony of the court, and the experience of those who are practitioners before it, it is shown that this rule in many cases is devolving upon that body needless and unnecessary labor, and is productive of mischievous effects. Frequently it is, that cases are appealed merely for delay; and when called in their regular order upon the calendar, and submitted to the court, the time which will then transpire before the cases can be decided in their relative positions with other causes submitted, several months may elapse; and which, but for this requirement of the law, could as properly have been decided, orally, by the court at the instant of its submission. The accumulating labors imposed on this court, suggests the necessity of relieving them from such portion of their official duties as can be consistent with the public interests; and in this instance it can be done with great propriety. To this extent I would propose to amend the act referred to, by authorizing the Supreme Court, in their discretion, in those instances where the judgment of the court below is affirmed, to render oral decisions.

ENROLLMENT OF BILLS.

I deem it my duty to call your attention to the importance of a more careful examination of the bills enrolled by the clerks of the two branches of the Legislature than has heretofore been observed. At its last session, the disagreeable

necessity devolved upon me to return several bills, on account of palpable errors in their enrollment. This should not again occur, and will not, if competent clerks only are employed, and the enrolling committees properly perform their duties. Oftentimes the omission or change of punctuation, or the erroneous orthography of a single word, may be attended by the most injurious effects. A notable instance of this character occurred not long since, in a suit involving $8,000, which was decided by the Supreme Court against the state, on a construction given to a particular section of the constitution. This resulted from the absence of a *single letter,* omitted in the published editions of that instrument; and the mistake was not discovered until at a later time, a case involving a similar principle was tried in the same court, and, upon examination of the original parchment copy on file in the state department, disclosed the mistake into which the court had been led No erasures or interlineations should exist in a bill, when sent to the Executive. The uniform observance of this custom will prevent the possibility of any unauthorized alteration being made in a law after it has passed the Legislature

Among the established regulations of the two Houses, a rule has heretofore existed that no bill should be presented to the Governor on the last day of the legislative session. This rule has never been enforced; but, on the very last day of the session, frequently many of the most important bills are delivered to him, when a sufficient time for proper examination of them is not afforded. From this cause, it may often result that improper legislation receives his approval.

MILEAGE.

The schedule of distances, as fixed by the act of May 15, 1854, between the different points mentioned in it, is made the basis of compensation for such public officers as are by law entitled to mileage from the state, including members of the Legislature, county treasurers—when visiting the capital on business relating to their office—and the sheriffs of the counties, when charged with the transportation of convicts to the state prison. At that period, but an imperfect knowledge was possessed of the distances so established, and with the better understanding of the subject which we now have, it can be readily perceived that, with probably two exceptions—and those are cases wherein the seats of justice have been removed to more remote localities since the passage of the law—as the distances are therein classified, gross injustice is permitted to be done the state, resulting in the payment from the treasury, in each year, many thousands of dollars more than the officers are properly entitled to receive. Compensation of this character is made by law to reimburse the expenses which are incident to traveling whilst in the performance of public duties, and the rates as now affixed, evince much liberality, and when the demands are promptly paid, as has been the case during the past year, constitutes a source of no inconsiderable profit to the officer; wherefore, such alterations should be made in the act, as will define the distances with greater accuracy, and with a just regard to the protection of the interests of the state.

In the same connection, I would also request your attention to be given to this subject in another particular. About the sum of forty thousand dollars is drawn from the state treasury in each year, for the transportation of convicts to the state prison. For this service, the allowance should be simply an amount sufficient to meet the expenses necessarily incurred in the performance of this duty. Whilst it is made a state charge, it will be impossible to restrict the payments within those limits; but make it a county charge, empowering the boards of supervisors to audit bills for the actual expenses thus incurred, and it will be seen that this item of expenditure would not exceed one-half the present cost. The same rule of allowance by the state, originally applied to the transportation of patients to the insane asylum, but afterwards it was made a county charge. Since

then, the cost has been materially diminished, and the same result would follow the adoption of this proposed amendment.

STATE AGRICULTURAL SOCIETY.

The constitution of our state enjoins upon the Legislature the duty of encouraging, by all suitable means, the promotion of agricultural improvement; and, with the object of carrying into effect this wise and beneficial provision, an act was passed in 1854, incorporating a state agricultural society, and the sum of five thousand dollars each succeeding year has been appropriated from the public treasury, to be expended in the distribution of premiums at the annual fairs held by the society. These appropriations have thus far been judiciously used, in accordance with the objects of the law, and have contributed much to the interest given to this laudable purpose, by inducing competition for the honors awarded at these exhibitions for the productions and skill of our people. I deem the designs of the association as eminently worthy of the fostering aid of government, and request that the usual sum be appropriated at the present session, to be expended under the auspices of the agricultural society, for similar purposes.

AN ACT FOR THE PROTECTION OF SETTLERS.

The act of March 26, 1856, designed for the protection of settlers upon private land claims, having in its most essential feature been decided unconstitutional by the Supreme Court of our state, it has thereby been rendered nugatory in its operation. In view of this fact, together with the evident necessity of protecting, by legislative enactments, a numerous class of cases which present most cogent reasons for such interposition, I recommend that such an act be passed, which will obviate the objectionable features of the law referred to, whilst rendering such security to the large number of our citizens as will be equitable and just towards all the parties who may be interested in the decision of such questions.

STATE LIBRARY.

The report of the Secretary of State, herewith transmitted, will communicate to you a detailed exhibit of the condition of the state library. This fund, arising from the fees in the office of Secretary of State, is rapidly building up a valuable collection of books—there having been added within two years, inclusive of purchases which have been made and are now on the way from the east, three thousand two hundred and sixteen volumes; at the present time there are in the library, exclusive of the laws and journals of our own state, no less than six thousand and eight volumes of well-selected standard works. From the receipts of the office for the past two years, five thousand and ninety-four dollars have been expended in the purchase of books. By the judicious application of this fund as it accumulates, in a few years the library will become a matter of commendable pride and boast to our citizens.

With the facilities afforded by existing laws, in an interchange of our state publications, we are annually in receipt of the laws, journals and judicial decisions of other states and territories; also, the various congressional publications. This statute only embraces the states, territories and departments of the general government; and if like facilities were afforded so as to include foreign governments in this system of exchange, at a trivial cost we would procure from these sources, many of the most valuable works issued from the press of other countries.

EDUCATION.

Amidst the innumerable evidences which so cheeringly portray our advancement in all those essential elements contributing to the prosperity and welfare of the people and government, none can more justly excite admiration, or claim the fostering aid of the state, than its educational interests.

This subject demands your most considerate attention, in the adoption of such legislation as will render available the rich legacy bestowed upon our schools and seminaries of learning. It is needless, at this time, to indulge in reflections upon the past inaction with which, on this subject, the preceding Legislatures may be justly censurable; but, if they have been unmindful of their interest, it only renders more manifest your duties, and enhances your responsibilities. Of the five hundred thousand acres of lands donated by the general government for common school purposes, two hundred and thirty-seven thousand four hundred acres have been sold, at two dollars per acre, realizing $478,800 00; upon which the state pays seven per cent. interest, amounting to the annual sum of $33,521 60, which, with other resources, is increased to $58,520 88, the present year; and, excepting in those cities and counties where a special tax is levied for the purpose, this amount is all the aid at present derived from the government. Of the five hundred thousand acres of lands referred to, there is yet unsold two hundred and sixty-two thousand five hundred and sixty acres. Also, by an act of Congress, we are entitled to the sixteenth and thirty-sixth sections (one-eighteenth part of the whole,) of the public lands in the state, the proceeds of which are to be appropriated for similar educational purposes. After making due allowance for private land claims and swamp lands, the proportion belonging to the state cannot fall short of three millions of acres which can be made available, and will, in the course of time, doubtless realize the average rate of two dollars per acre; and, when all are disposed of, constituting a common school fund of $7,000,000. It is true, many years must necessarily elapse before the increase of population and advancing settlement of the state will enable us to realize, to the full extent, the invaluable benefits of this noble heritage; but, from year to year, the increasing sales of the lands will continue to augment these revenues, and, ere long, will be enjoyed in this state the benefits of the most munificent common school fund possessed by a population of equal number in any country.

A table, showing the number of school children, schools, and teachers—also the amount of school fund distributed—in different years since the establishment of our school system, will be found in the appendix. From this it will be seen that the number of school children for the past year was 35,722, being an increase over the number reported in 1856 of 5,683 The rapid increase of those who are dependent on the school fund of the state for the means of education, should certainly constitute an urgent reason why the large quantity of school lands to which we are entitled should be made productive.

Also, for the purpose of establishing a state university, a liberal donation has been made by the general government. With reference to these matters, they have received the attention of both the late and the present Superintendent of Public Instruction, and the recommendations made in their reports are worthy of your most earnest attention. Efficient measures should be adopted to have these lands selected, as the longer the delay occurs, the less valuable will be found the lands remaining from whence these selections can be made.

SWAMP LANDS.

From the estimate made by the Surveyor General, there are not less than five millions of acres of swamp lands within our borders belonging to the state. Some have been sold, the particulars of which will be found in the annual report

of the Surveyor General; yet the larger portion are not only unsold, but have not been selected or set apart for our use. Measures should be at once provided to have these lands designated. The value which will attach to them is, in a great measure dependent on their reclamation; and without the adoption of a regular plan or system, whereby large bodies of lands of this character may be reclaimed, they will prove of but little value.

A plan which would effect the desired object, and the compensation to be made in a portion of the lands, occurs to me as the only feasible way to render them productive. I would recommend that the entire laws regulating the land system of the state—embracing the swamp and school lands—be remodeled, and transferring the duties appertaining to them from the office of the Secretary of State to that of Surveyor General, where such duties can be performed more understandingly. The present law relative to the location and purchase of school and swamp lands, is too complicated, and the expenses incurred thereby much enhanced. These expenses often fully equal the price of the lands. Whilst this state of facts exists, it will serve much to retard the sale of them.

MILITARY AFFAIRS.

The isolated and exposed condition of California peculiarly requires a system of military organization which, during a period like unto our present peaceful relations, may be simplified in its operations, and maintained at a mere nominal expense; while the same organization, in any contingency which could possibly arise, would be adapted to all needful and requisite purposes. To fill the measure of either of the foregoing requirements, our present military system is manifestly insufficient. As a peace establishment, it is too complex and expensive; for purposes of war, impracticable and useless.

To the attainment of these ends, I suggest the abolishment of the adjutant and quartermaster general's office—the duties of that office to be devolved, *ex officio*, on the Secretary of State, and conferring on the commander-in-chief (the Governor of the State) authority to appoint the requisite staff officers, conforming to the organization of the United States army—in the happening of those contingencies so peculiarly excepted in our state constitution—"in case of war—to repel invasion or suppress insurrection." Furthermore, the present subdivision of the state into divisions and brigades, should be made to conform more properly to adjacent territory, and to equalize the number of citizens liable to the performance of military duty. A yet more radical re-organization, whereby the major and brigadier-generals shall be re-elected or appointed, I am not sure but that it might prove, in some instances, highly beneficial, in case the military force of the state should be called to the field.

WOOD'S DIGEST.

The digest of laws compiled by Wm. H. R. Wood, and published by authority of the last Legislature, has been completed, and five hundred copies—the number authorized—delivered to the state. The work is gotten up in a manner reflecting much credit upon both the compiler and publisher; and, combining, as it does, in one conveniently sized volume, all the laws of a general character, arranged under appropriate heads, and with a complete index, must prove of great public utility. The number of copies which has been purchased by the state, is wholly inadequate to the supply of those officers which should receive them. The acts of the earlier sessions of our Legislature, have nearly, if not quite, all disappeared from the library. Indeed, they have become so scarce, that it is a difficult matter to obtain them anywhere. The consequence has been, that for several years past, officers of justice have experienced serious inconvenience for the want

of the necessary acts to inform them of the proper discharge of their duties. This deficiency can now be supplied by the purchase of an additional number of copies, sufficient to supply the state and county officers, besides retaining in the library a number of copies for future use and distribution; and I recommend that such authority be given. The laws by this means, will be distributed in a more compact and convenient shape, and at a mere trifle of the cost which would attend the revision of the entire code, or a republication of the laws as they now exist.

BOARD OF EXAMINERS.

The report of the proceedings of the board of examiners, composed of the Secretary of State, Attorney General, and Governor, shows the beneficial workings of the act creating the board. Since its organization, April 18, 1856, up to Jan. 1, 1858, 2,066 accounts were acted on, in which was claimed $853,673 94, and on which was allowed $780,608 12, being a reduction of $73,065 82. The law relative to this matter should be amended so as to relieve the private secretary of the Governor from the performance of the clerical duties of the board. As a regular system of books has to be kept by this clerk, and the duties are such that, if properly performed, will require all the time of a competent person qualified for such labor, authority should be given them to employ a clerk.

CARSON AND ARIZONA TERRITORIES.

The rapidly increasing settlement of the territory immediately adjacent to our eastern border by a population of worthy and enterprising people, manifesting a due observance and obedience to the institutions and laws of their country, requires, for the protection of their persons and property, a territorial organization. Even prior to the departure from their midst of the Mormons, and before their leaders had assumed an attitude of hostility towards the general government, from the peculiarity of Mormon customs and the decided partiality and favoritism exercised by them in the administration of justice, but feeble aid and protection were afforded to those who denied the verity of their peculiar creed. And now, when among this deluded people rebellion and treason are made manifest, even the semblance of governmental aid is denied to the residents of Carson and the adjoining valleys. The situation of that country, through which necessarily passes a large proportion of the overland immigration to this state, with the probability of a rapid increase of citizens within its limits, whose interests must in a great measure be inseparable from our own, constitutes it an additional link in the chain of connection which unites us with the existing states and territories of the Union, and makes it an important auxiliary in the advancement of our state in population, wealth, and political influence. Some of the foregoing remarks may also apply to the territory south of us, Arizona, for which, as you have seen, the President has recommended the establishment of a government. I would therefore most earnestly request an expression of opinion from the State Legislature, favorable to the creation of a government for each of those territories, during the present session of Congress.

EASTERN BOUNDARY.

Another subject having an intimate connection with the foregoing is that which relates to our eastern boundary. This line has never been authoritatively established, and has given rise to much confusion in the administration, particularly of our criminal laws and the collection of revenue. The difficulty should be removed by the concurrent action of the state and general government authorizing the survey and permanent location of this line. To do this, an act should be passed authorizing the Surveyor General of this state, in connection with such person as

may be designated by the federal authorities, to perform such duty. This would, of course, require an expenditure of money by the state; yet its importance fully justifies such an appropriation.

REPORTS OF OFFICERS.

Attention is called to the accompanying reports of the Treasurer, Comptroller, Secretary of State, Superintendent of Public Instruction, and Quartermaster General, in which the business of their respective departments is fully exhibited for your information.

I have now "communicated to you the condition of the state, and recommended such matters as I deem expedient," in accordance with the mandates of the constitution, and in a brief time will be succeeded, as your Executive, by one who is worthy of your confidence; and whose enlarged experience and capability will tend to advance the public interests and promote the public welfare. Two years ago, with doubts and misgivings, I assumed the duties and responsibilities of the Executive position. To the people of the state, on that occasion, I gave the pledge "that in all matters of public duty an impartial, honest and conscientious course shall illustrate my action." How far this promise has been fulfilled, is not for me to answer, but the province of the people to judge. To elevate the character of the state, and advance the interests of its citizens, has been my highest aspiration; and with all the embarrassments and difficulties which have constantly arisen to impede the successful administration of public affairs, I can with confidence recur to the condition in which I leave the state on my retirement, as a vindication of my policy, and a defence of the administration. That this prosperity may be vouchsafed to our state in all future time, and a kind Providence guide and direct its destiny, is my sincere and unaffected desire.

J. NEELY JOHNSON.

EXECUTIVE DEPARTMENT, CAL.,
January 8th, 1858.

APPENDIX.

[A]

AN EXHIBIT,

Of the actual Expenditures of the State Government; also, the Receipts during the same time, for the years 1855, 1856, *and* 1857, *being from and inclusive of the first day of January, to and inclusive of the thirty-first day of December of each year—exclusive of interest on the Public Debt:*

Total amount of warrants drawn in 1855		$1,519,054 47	1855.
Amount of warrants drawn in 1855 for indebtedness of previous time	289,127 64		Expenditures	$1,427,517 07
	$1,229,926 83		Receipts	990,848 87
Amount of warrants drawn in 1856 for indebtedness of 1855	196,402 71		Excess of expenditures.	$436,668 20
Amount of warrants drawn in 1857 for indebtedness of 1855	1,187 53			
Amount of expenditures for 1855		$1,427,517 07		
Total amount of warrants drawn in 1856		$1,184,885 33	1856.
Amount of warrants drawn in 1856 for indebtness of previous time	228,312 56		Expenditures	$1,030,912 19
	$956,572 77		Receipts	886,023 48
Amount of warrants drawn in 1857 for indebtedness of 1856	74,339 42		Excess of expenditures.	$144,888 71
Amount of expenditures for 1856		$1,030,912 19		
Total amount of warrants drawn in 1857		$767,330 89	1857.
Amount of warrants drawn in 1857 for indebtedness of previous time	75,526 95		Receipts	$1,152,234 09
	$691,803 94		Expenditures	699,803 94
Amount of salaries due and warrants not drawn, say	8,000 00		Excess of receipts	$452,430 15
Amount of expenditures for 1857		$699,803 94		

[B] AN ABSTRACT OF TAXABLE PROPERTY,

In the several Counties of this State, as shown by the returns for the year 1857, *as exhibited by the reports of the County Auditors to the State Comptroller, and the reports of Assessors and County Surveyors to the Surveyor General.*

Alameda,	$8,020,836 00
Amador	2,258,494 34
Butte,	3,944,862 00
Calaveras,	2,485,798 00
Contra Costa,	1,869,405 00
*Colusa,	1,476,317 49
Del Norte,	507,165 00
El Dorado,	3,129,518 00
Fresno,	383,730 00
Humboldt,	834,650 00
Klamath,	485,800 00
Los Angeles,	1,973,242 00
Marin,	1,473,187 00
Mariposa,	2,037,589 00
Merced,	811,721 00
Monterey,	881,188 00
Napa,	2,255,401 00
Nevada,	3,037,946 00
Plumas,	1,333,605 00
Placer,	2,226,236 38
Sacramento,	11,193,945 00
San Francisco,	39,706,105 00
San Joaquin,	4,102,815 00
San Luis Obispo,	466,870 00
Santa Barbara,	1,024,643 00
Santa Clara,	4,504,328 00
Shasta,	1,986,864 00
Siskiyou,	2,801,370 00
Solano,	2,502,432 00
Stanislaus,	665,182 00
Sutter,	1,536,716 00
San Mateo,	1,385,217 60
*San Bernardino,	302,039 11
Santa Cruz,	1,009,050 00
Sierra,	2,218,026 00
Sonoma,	4,346,320 00
*San Diego,	699,859 00
Trinity,	1,231,056 00
Tulare,	488,821 00
Tuolumne,	2,894,450 00
Tehama,	1,741,331 00
Yuba,	6,335,488 00
Yolo,	2,235,650 00
Total taxable property in the State, for 1857,	$131,806,268 92
Total taxable property in the State, for 1856,	113,458,000 00
Increase of taxable property,	$18,348,268 92

*No return from these counties for 1857, therefore the assessors' report for 1856 is adopted.

[C]

REPORT

Of the Net Receipts from the Stamp Tax for the Six Months ending December 31, 1857.

DATE. 1857.	SOURCES FROM WHENCE RECEIVED.	Bills of Exchange.....	Letters of Credit or Certificates of Deposit.	Policies of Insurance.	Passenger Stamp Tax.	Attorney's Stamp Tax.	TOTALS.
July	Cash received in Comptroller's Office	$7,115 56	.....	$998 10	$2,714 00	$30 00	$11,257 66
August	Cash received in Comptroller's Office	4,011 03	.....	240 12	2,346 00	10 00	6,607 15
September.....	Cash received in Comptroller's Office	4,363 58	.....	956 80	2,364 40	.....	7,684 78
October	Cash received in Comptroller's Office	2,917 01	.....	558 44	2,760 00	60 00	6,295 45
November.....	Cash received in Comptroller's Office	2,416 11	.....	669 02	1,840 00	.....	4,925 13
December	Cash received in Comptroller's Office	905 96	.....	290 20	1,058 00	.....	2,254 16
July to Decem.	Totals received in Comptroller's Office	$22,129 25	.....	$3,712 68	$13,082 40	$100 00	$39,024 33
July to Decem.	Cash received from San Francisco County.	11,320 86	.....	1,730 15	134 83	.....	13,185 84
July to Decem.	Cash received from San Joaquin County.	146 50	.....	.....	.....	.....	146 50
July to Decem.	Cash received from Yuba County	646 54	.....	.....	.....	.....	646 54
July to Decem.	Grand Totals	$34,243 15	.....	$5,442 83	$13,217 23	$100 00	$53,003 21

Total amount expended in carrying out the Stamp Act from July 1st to January 1st, 1858, Salaries, Stamps, Printing and Paper..... $4,332 58

STAMP DEPARTMENT,
Comptroller's Office, December 31, 1857.

[D]

AN EXHIBIT,

Of Revenue paid into the State Treasury from the following named Counties, with the Expenses of such Collection, and the per centage thereon, since July 1, 1857.

COUNTIES.	Total Amount Received.	Expense of Collection.	Amount Paid In Treasury.	Per Centage.
Alameda	$20,230 94	$3,140 96	$17,089 98	15½
Amador	35,580 75	2,505 94	33,074 81	7½
Butte	60,423 54	3,649 24	56,774 30	6
Calaveras	10,067 69	4,007 45	6,060 24	21
Colusa	10,596 44	895 39	9,701 05	8½
Contra Costa	12,680 92	839 26	11,841 66	66-10
*Fresno	1,499 78	114 99	1,384 79	76-10
El Dorado	55,767 10	2,819 00	52,948 10	6
*Humboldt	1,895 61	210 06	1,685 55	11
Los Angeles	27,974 19	5,977 24	21,996 95	21
*Marin	2,202 03	137 19	2,064 84	6½
*Mariposa	22,421 10	796 63	21,624 77	3½
*Merced	674 56	68 63	605 93	10
*Monterey	981 84	174 19	807 65	177-10
*Napa	15,381 24	439 31	14,941 93	29-10
*Nevada	33,027 11	1,113 27	31,913 84	33-10
Placer	41,241 79	2,887 66	38,354 13	7
Plumas	3,943 67	1,919 99	2,023 68	8
Sacramento	77,010 44	6,802 25	70,208 19	88-10
San Bernardino	3,103 26	701 22	2,402 04	40
San Francisco	218,641 40	11,865 02	206,776 38	54-10
San Joaquin	29,062 83	882 51	28,180 32	3
*San Luis Obispo	347 88	198 58	149 30	57
*San Mateo	2,542 26	146 66	2,395 60	57-10
Santa Barbara	1,632 49	358 07	1,284 42	218-10
Santa Cruz	8,244 00	913 91	7,330 09	11
Santa Clara	33,898 61	1,740 02	32,158 59	52-10
*Shasta	4,616 00	228 48	4,387 52	5
Sierra	22,594 75	4,828 05	17,767 70	21
*Siskiyou	10,703 02	489 09	10,213 93	4½
Solano	14,956 37	1,553 23	13,403 14	10½
Sonoma	5,053 69	1,066 60	3,987 09	21
*Stanislaus	3,304 09	170 83	3,133 26	5¼
Sutter	11,116 58	774 01	10,342 57	7
Tehama	990 28	101 70	888 58	10
Trinity	13,424 53	688 47	12,736 06	51-10
Tuolumne	37,237 43	2,511 11	34,726 32	68-10
Yolo	16,149 15	1,408 33	14,740 82	87-10
Yuba	45,495 51	4,116 70	41,378 81	9
Tulare	5,074 40	858 31	4,216 09	167-10
Totals	$921,789 57	$74,089 55	$847,700 02	8 37-100

RECAPITULATION.

Total amount received for state purposes	$921,789 57
Expense of collecting same	74,089 55
Amount paid into the State Treasury	$847,700 02
Average per centage for collecting the foregoing	8 37-100

* These counties have presented no claims for the payment of assessors for 1857.

[E]

AN EXHIBIT,

Showing the number, as reported by the census, of School Children in the State; Schools, Teachers, and amount of school moneys apportioned in each year, since the organization of the school system.

	1853.	1854.	1855.	1856.	1857.
Children.....	11,242	19,472	26,077	30,039	35,722
Schools.....	.....	168	227	313	367
Teachers.....	.....	214	301	339	486
Fund distributed...	$53,511 11	$39,104 78	$52,827 81	$82,014 80	$58,520 88

NOTE.—No report was made of the number of scholars or teachers in 1853.

[F]

EXHIBIT,

Of Accounts acted on by the Board of Examiners—consisting of the Governor, Secretary of State and Attorney General—since the organization of the Board to the first day of January, 1858.

Amount of accounts presented to the Board of Examiners for allowance, from the 18th April, 1856, to the 31st day of December, 1857—from Nos. 1 to 2,066, ...	$853,673 94	
Amount allowed, ...	780,608 12	
		$73,065 82
Amount from April 18th to December 31st, 1856—Nos. 1 to 816, inclusive, ...	$373,553 01	
Amount allowed, ...	319,971 19	
		$53,581 82
Amount from January 1st to December 31st, 1857—Nos. 817 to 2,066, inclusive, ...	$480,120 93	
Amount allowed, ...	460,636 93	
		$19,484 00

Two thousand and sixty-six accounts audited, from 18th April, 1856, to December 31st, 1857.

[G]

REPORT OF BOARD OF EXAMINERS OF WAR CLAIMS.

OFFICE BOARD OF EXAMINERS,
SACRAMENTO, Dec. 15, 1857.

SIR:—I have the honor to transmit, herewith, the report of the Board of Examiners of War Claims, pursuant to law,

I am, Sir,
Your Obedient Servant,
WM. C. KIBBE,
Quartermaster General, and President Board of Examiners.

To His Excellency, J. NEELY JOHNSON, Governor of the State of California.

OFFICE BOARD OF EXAMINERS, (War Claims,)
SACRAMENTO, Cal., Dec. 15, 1857.

To His Excellency,
J. NEELY JOHNSON,
Governor of the State of California:

SIR:—Pursuant to the provisions of an act entitled "An act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in the state, approved April 25th, 1857," the undersigned, board of examiners, have the honor to

REPORT:

That on the 9th day of June last, the board of examiners was duly organized by the election of W. C. Kibbe, president, and immediately entered upon the discharge of the duties assigned it by the act referred to.

The first business of the board was to request the publication of notices in one or more newspapers published in each of the counties enumerated in the act, to the effect that the board would act upon claims upon which bonds were authorized to be issued, when presented, duly authenticated by the requisite oaths and certificates.

The board has aimed to have each and every valid claim so supported by affidavits and certificates of officers, and others connected with the various expeditions, as to conform as far as possible to the forms established in the army of the United States, and thus render them complete vouchers whenever they shall be referred to Congress or to the war department.

This action has caused much delay in the settlement of the business assigned to the board, and in some cases has put claimants to trouble and expense, but the board, having in view the final assumption of these bonds by the general government, have regarded the advantage to be gained by presenting perfect and complete papers.

The vouchers and papers made up and acted upon by Commissioners McDonald and Jones, in 1856, for the expeditions against the Indians in the counties of Siskiyou, Humboldt and Klamath for the years 1852–3–4–5, having been improperly endorsed by the clerk of the last Assembly could not be, or were not found until the last month, and consequently new papers had to be made out and presented, causing much delay, and great expense to the claimants.

The board has, however, held its meetings from time to time, and allowed claims as follows, viz.:

For services rendered and supplies furnished for the expedition against the Indians in Siskiyou county, A. D., 1855,	$13,997 70
For services rendered, supplies furnished, and property destroyed in the counties of Humboldt and Klamath, in the Indian war in the year A. D., 1855,	89,189 18
For services rendered and supplies furnished in the expedition against the Indians in Siskiyou county for the year A. D., 1856.	172,854 80
For services rendered and supplies furnished for the expedition against the Indians in the county of Sutter, A. D., 1850,	3,710 00
For services rendered and supplies furnished for the expedition against the Indians in the county of Nevada, and for property destroyed by the Indians in said county, in the years A. D., 1850 and 1851,	1,109 00
Total,	$280,860 68

Certificates for the amount of $225,299 01 have been issued by the board upon claims allowed for the expeditions above named.

The pay of troops serving in this state subsequent to the 25th of April, 1855, having been established by law, it therefore devolved upon the board to fix the pay for services rendered prior to that day, which was established at the following rates per month:

For Captains,	$75 00
For First Lieutenants,	60 00
For Second Lieutenants,	55 00
For First Sergeants,	50 00
For Duty Sergeants,	45 00
For Corporals,	40 00
For Privates,	35 00

The board of examiners have the honor to suggest to your Excellency the propriety of calling the attention of the ensuing Legislature, through the medium of your annual message, to the fact that many of the parties who have rendered service in, and furnished supplies to the various Indian expeditions, have waited long upon the government for their pay, and also of recommending the passage of a memorial to Congress, and resolutions instructing our senators and representatives relative to the speedy assumption of the debt by the General Government.

The act creating this board designated Mr. A. J. F. Phelan as its clerk, without fixing a compensation for the services, or appropriating moneys to pay for the same, and the board would respectfully represent that Mr. Phelan has performed the arduous duties pertaining to the position faithfully, and recommend an allowance of $125 00 per month for the same, from the organization of the board, and also that his account against the state for stationery and books furnished the board, be allowed and paid.

Respectfully submitted,

WM. C. KIBBE, President,
Quartermaster General.
G. W. WHITMAN,
Comptroller of State.
JAS. L. ENGLISH,
Treasurer of State.

[H]

REPORT OF COMMISSIONERS OF CALIFORNIA WAR DEBT.

To His Excellency,
J. NEELY JOHNSON,
Governor of the State of California:

SIR:—The Commissioners appointed by the act of April 19, 1856, to liquidate the War Debt of the State, beg leave to

REPORT:

That in accordance with the provisions of said act, so soon after the passage of the same as practicable, they opened an office in the city of Washington, and made application to the Secretary of War, as by said act directed, for payment of the sum of money appropriated by Congress in payment of expenses incurred "by the state in suppression of Indian hostilities" As evidence of said indebtedness, the commissioners submitted a certified copy of the war bond register of said state—the various acts of the Legislature authorizing the issuance of said bonds, and the journals of the Legislature exhibiting the action of that body in relation to the same, proposing, further, to deliver to him the bonds issued by the state before making requisition for said money. In reply, the Secretary of War stated, in substance, that the proofs submitted were insufficient—that he could not recognize the bonds as evidence of the indebtedness, but that the act of Congress of August 5, 1854, under which act the appropriation was made, would require him to go into an examination of the original vouchers. As this course of procedure would have involved great delay and difficulty, and being satisfied from the condition of the original vouchers, which were in very many instances informal, that a large portion of them would be disallowed, we applied to Congress for relief, and a bill was introduced, at our instance, directing the Secretary of War to pay over the full amount of the appropriation, as directed by the Legislature of the state of California. This bill meeting with violent opposition, influenced to a great extent by the holders of the seven per cent. bonds, who felt aggrieved at the manner of distributing the appropriation directed by said act, and being unwilling to give our sanction to any congressional action which might clash with the act of the state of California, we finally submitted to the Secretary of War all the books and original papers in our possession, offering to make all necessary explanation, etc. As we had anticipated, the examination was delayed, and after several interviews with the accounting officers, to whom the vouchers had been referred by the Secretary of War, and being convinced that the interest of the state would greatly suffer should a settlement be made upon such a basis, we finally agreed with the bond-holders to a bill providing a *pro rata* distribution of the appropriation, viz.: the payment of the principal of all the bonds issued prior to January 1, 1854, and interest on the same up to that date. This bill passed. Immediately upon its passage the commissioners advertised for the redemption of said bonds in various daily papers, a list of which will be found in the minutes of the commissioners accompanying this report, which advertisement directed that all bonds should be presented to the commissioners before the first day of September, after which date they would cease to bear interest. Upon an examination of the act, we found a mistake had occurred, which apparently left to the commissioners the power of carrying out the direction of the state in the disbursement of the appropriation. We immediately applied to the Secretary of War,

asking his construction of the act. It will be seen, by reference to the correspondence which accompanies this report, that the Secretary of War would not permit any portion of the appropriation to be applied to the redemption of bonds issued since the 1st January, 1854, nor for the payment of interest accumulating since that date on bonds previously issued. This construction rendered it unnecessary to make any distinction between the seven and twelve per cent. bonds, and superseded the necessity of advertising for bids, as directed by the act of California.

Under the instruction of the Secretary of War, the commissioners, as bonds were presented, certified to the genuineness of each bond, and the amount, principal and interest, due thereon up to the first day of January, 1854. The full amount certified to by the commissioners is as follows: Of twelve per cent. bonds, principal, $177,000 00; interest on do., $55,683 97. Of seven per cent. bonds, principal, $559,750 00; interest on do., $48,214 68—amounting in all to $840,648 65, a full statement of which accompanies this. The full amount paid by the United States Government up to the 15th day of November, 1856, is $814,456 84, as appears per statement of the third auditor, which accompanies this, leaving unpaid of the bonds at that time certified $26,191 81, of which $15,220 20 had been presented to the Secretary of War, the balance, $10,971 61, still being in the hands of the holders. This amount has, no doubt, been paid in full. The interest coupons belonging to all bonds presented to the commissioners were detached from the bonds and distributed as follows: Of seven per cent. bonds, coupons 1 and 2 up to January 1, 1854, were attached to the bonds and have been paid; coupons 3 and 4 up to January 1, 1856, have been returned to the holders, stamped as follows: "California War Bond Coupon;" coupon No 5, from January 1, 1856, to January 1, 1857, similarly stamped, with the amount of interest due on the same up to September 1, 1856, also stamped upon it, has also been returned to the holder; coupons 6, 7, 8, 9 and 10, representing the interest from January 1, 1857, to the maturing of the bonds, are returned to the state; of twelve per cent. bonds, coupons 1, 2, 3, 4 and 5, representing the interest up to March 1, 1854, were attached to the bonds, but were paid only up to January 1, 1854, leaving on every bond a balance of twenty dollars interest from January 1 to March 1, 1854, due to the bond-holder, for which amount the Commissioners gave their certificate, a copy of which accompanies this; coupons 6, 7, 8, 9 and 10, representing the interest due up to September 1, 1856, have been returned to the owners, and the remaining coupons, numbers 11, 12, 13, 14, 15, 16, 17, 18 and 19, are returned to the State.

It will be seen that there are remaining unpaid of bonds issued prior to January 1, 1854, of principal, $59,600; of interest to that date, about $14,000; total, $73,600. There is remaining of the appropriation, $83,611—leaving a balance on hand, over and above the bonds and interest, up to January 1, 1854, of not less than $10,000.

The entire amount of coupons and certificates returned to holders of redeemed bonds, and now outstanding, is $161,120 91. The entire amount of coupons returned to the State, is $317,727 10. The bonds redeemed have been canceled, and are now on file in the treasury department. The general government, by recognizing the bonds, and by the payment of interest up to January 1, 1854, have virtually assumed the entire debt, and there is but little doubt of the speedy passage of an act making an additional appropriation to cover the unpaid coupons now outstanding, as well as the amount of bonds issued subsequent to January 1, 1854, a statement of which will be found accompanying this.

We cannot conclude our report without expressing our high appreciation of the services of Mr. A. J. F. Phelan, the clerk of the commission. His thorough knowledge of all the details connected with the origin of the war debt, and his faithfulness and ability in discharging the onerous duties imposed upon him by

the state, has very materially aided us in accomplishing all that has been effected towards the extinguishment of the debt.

All of which is respectfully submitted.

SAM. B. SMITH,
J. W. DENVER,
Commissioners Cal. War Debt.

SACRAMENTO CITY, January 5, 1857.

TABULAR STATEMENT OF REDEMPTION OF WAR BONDS.

	100	250	500	1000	1000	DENOMINATION.	AMOUNT.
Number of Bonds...	260	.....	.....	.....	... .	Seven per cent.	.....$26,000 00
Number of Bonds...	.....	93	.....	.....	.....	Seven per cent.	..... 23,250 00
Number of Bonds...	.....	.....	373	.....	.....	Seven per cent.	.....186,500 00
Number of Bonds ..	.....	.....	.....	324	.....	Seven per cent.	.....324,000 00
Number of Bonds...	.....	.....	.....	.....	177	Twelve per cent.	.....177,000 00
							$736,750 00
Interest paid on seven per cent. Bonds							48,214 68
Interest paid on twelve per cent Bonds							55,683 97
Redeemed							$840,648 65
Interest due to Bond-holders, coupons numbered 3, 4 and 5, on Seven per cent. Bonds, as redeemed above, ...							$104,480 91
Interest due to Bond-holders, coupons numbered 6, 7, 8, 9 and 10, with certificate of $20 on Twelve per cent. Bonds, . .							56,640 00
Total, ...							$161,120 91
Amount of coupons for interest returned to the State on Seven per cent Bonds This calculation includes interest from 1st Sept., 1856, to 1st Jan., 1857, ...							$222,147 10
Amount of coupons for interest returned to the State on Twelve per cent. Bonds, ...							95,580 00
Total, ...							$317,727 10

AMOUNT OF BONDS TO BE REDEEMED.

Seven per cent.—36 of $100 each, ...	$3,600 00
Seven per cent.—12 of 250 each, ...	3,000 00
Seven per cent.—26 of 500 each, ...	13,000 00
Seven per cent.—17 of 1000 each, ...	17,000 00
	$36,600 00
Twelve per cent.—23 of $1000, ...	23,000 00
Up to January 1, 1854, exclusive of interest, ...	$59,600 00

Appropriation,	$924,259 65
Redeemed,	840,648 65
Balance,	$83,611 00

NUMBER OF BONDS ISSUED IN 1854, '55 AND '56.

One hundred and thirty-one of $100,	$13,100 00
Fifty-eight of $250,	14,500 00
Twenty-one of 500,	10,500 00
	$38,100 00
Probable interest,	4,000 00
	$42,100 00
Interest for Bonds redeemed,	161,120 91
Interest for not redeemed Seven per cent Bonds,	6,631 48
Interest for not redeemed Twelve per cent. Bonds,	7,360 00
Total,	$217,212 39

The foregoing bonds, amounting to $38,100, issued since 1st January, 1854, were not included in the terms of the appropriation made by Congress.

COPY OF CERTIFICATE ISSUED BY COMMISSIONERS.

"We hereby certify that coupon No. 5, of bond No. —, issued by the state of California for expenses incurred in the suppression of Indian hostilities, [said bond bearing interest at the rate of twelve per cent. per annum] has been given up by ——— ———, the holder of the same, to the Secretary of War of the United States, and that there is unpaid on said coupon twenty dollars, being the interest on said bond from January 1st, 1854, to March, 1854.

———— ————,
Commissioners California War Debt.

WASHINGTON CITY, D. C., Sept. 1st, 1856.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE.
November 17th, 1856.

SIR:—In conformity with your verbal request, I transmit the subjoined statement showing the amount of California War Loan Bonds—principal, with interest to January 1st, 1854—that have been paid, including those reported for payment, through this office, up to the 15th instant inclusive, under the acts of Congress approved August 5th, 1854, and August 18th, 1856; the amount due and payable on each bond being endorsed thereon by the California War Debt Commissioners, as required by the last named act, to wit:

	Principal.	Interest.
Twelve per cent. Bonds of $1,000 each - -	$175,000 00	$55,061 97
Seven per cent. Bonds of $1,000 each - -	314,000 00	30,965 71
Seven per cent. Bonds of $500 each - - -	178,500 00	12,041 23
	22,250 00	1,709 04
	23,300 00	1,628 89
Principal amount, - - - - - - -	$713,050 00	$101,406 84
Interest, - - - - - - - -	101,406 84	
Total, - - - - - - - - - -	$814,456 84	

In addition to the foregoing, bonds, also certified and endorsed by the commissioners, have been received at this office, but not yet reported for payment, amounting as follows, to wit:

	Principal.	Interest.
Twelve per cent. Bonds, - - - - - -	$1,000 00	$330 00
Seven per cent. Bonds of $1,000 each, - -	7,000 00	698 61
Seven per cent. Bonds of $500 each, - - -	5,000 00	426 46
Seven per cent. Bonds of $100 each, - - -	700 00	65 13
Principal, - - - - - - - - -	$13,700 00	$1,520 20
Interest, - - - - - - - - -	1,520 20	
Total, - - - - - - - - - -	$15,220 20	

Very respectfully,

Your obedient servant,

ROBT. J. ATKINSON,

Auditor.

To SAMUEL B. SMITH, ESQ., Member of the Board of California War Debt Commissioners, Present.

[I]

To His Excellency,

J. NEELY JOHNSON,

Governor of the State of California:

SIR:—Since the last report of the Commissioners of the California War Debt, made January 1, 1857, I have to report, that I have examined and certified of the Seven Per Cent. Bonds, principal and interest, the sum of nineteen thousand seven hundred and ninety-four dollars and sixty-three cents, ($19,794 63); and of the Tweve Per Cent. Bonds, principal and interest, the sum of fifteen thousand nine hundred and forty-two dollars, ($15,942,)—making a total of thirty-five thousand seven hundred and thirty-six dollars and sixty-three cents, ($35,736 63,)—and forwarded the same to Gen. James W. Denver, for his signature, and for payment at Washington City.

I have the honor to remain, etc.,

SAM. B. SMITH.

Commissioner Cal. War Debt.

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

Resolved, by the Assembly, the Senate concurring, that a committee of three be named to determine, in conjunction with a like committee, to be named by the Senate, upon the number of copies of the Governor's message and accompanying documents to be printed in English and Spanish.

The chair appointed to compose said committee, on the part of the Assembly, Messrs. Curtis, Aud and Pico.

The following message was received from the Senate:

SENATE CHAMBER,
January 8th, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day concurred in Assembly concurrent resolution appointing a joint committee of three from each House, to determine what number of copies of the Governor's message and accompanying documents shall be printed in English and Spanish, and have appointed as such committee, on the part of the Senate, Messrs. Griffith, Taliaferro and Chase.

THOS. N. CAZNEAU, Secretary Senate.

Mr. De Long offered the following resolution, which, on motion of Mr. Howell, was laid on the table:

Resolved, That a committee of three be appointed to arrange the order of ceremonies to be observed on the part of this House during the inauguration.

Mr. Banks offered the following resolution, which was likewise laid on the table:

Resolved, That the committee of arrangements be, and are hereby instructed, to arrange the order of exercises in connection with the ceremonies of inauguration.

Mr. Curtis made the following report, which was laid over till to-morrow.

MR. SPEAKER:—The special committee of the Senate and Assembly, upon joint printing, concur in recommending the printing of five thousand copies, in English, and six hundred copies in Spanish, of the Governor's message and appendix.

D. B. CURTIS,
Chairman Assembly Committee.
A. W. TALIAFERRO,
Chairman Senate Committee.

The following messages were received from the Senate:

SENATE CHAMBER,
January 8th, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have adopted the report of the special joint committee on printing the Governor's message and appendix.

T. N. CAZNEAU, Sec'y Senate.

SENATE CHAMBER,
January 8th, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate are now ready to meet the Assembly in joint convention, for the purpose of joining in the ceremonies of the inauguration.

THOS. N. CAZNEAU, Sec'y Senate.

The clerk was directed to inform the Senate that the Assembly was ready to meet them in joint convention in the Assembly chamber.

IN JOINT CONVENTION.

The Convention being organized, Mr. Pacheco, from joint committee, reported verbally that the Governor and Lieutenant Governor elect, would be present in a few minutes.

Shortly after, the sergeant-at-arms announced those gentlemen, accompanied by Governor Johnson and the joint committee.

The Convention immediately adjourned to the platform in front of the Capitol, where the oath having been administered to Hon. Joseph Walkup as Lieutenant Governor, and to the Hon. John B. Weller as Governor, by Chief Justice Terry.

His Excellency delivered the following:

INAUGURAL ADDRESS OF GOVERNOR WELLER.

FELLOW-CITIZENS:—For the first time in my life, I am about to enter upon the duties of a state office. Notwithstanding I have some experience in public affairs, that experience will be of little service to me in discharging the various and complicated duties imposed upon the chief magistrate of this state. That I can give satisfaction to all the generous friends who placed me in this position, I dare not hope. That I can reconcile conflicting interests, heal divisions which exist amongst the people, and steer the ship of state clear of all the shoals and rocks which discordant elements have thrown in her track, I can scarcely expect. It will, however, be my constant aim to administer the affairs of the executive office in such manner as to advance the interests of the state and secure the confidence and respect of honest men. Whilst I place a high estimate upon the good opinion of my fellow-citizens, and am always proud to have it, no one has less regard for what may be denominated *popular clamor*. I may injure myself, but the state shall not be shipwrecked during my administration, if I have the power to prevent it. It is far more important that I should be right than that I should be praised, and therefore I will do what I conceive to be my duty, at all times and under all circumstances, and leave the vindication of my character, if assailed, to my acts and to posterity.

Every lover of republican institutions, must deplore the disposition, so frequently manifested by a portion of the people in different sections of the country, to take the law into their own hands, and place the regularly organized tribunals at defiance. Ours is emphatically a government of law, and that law is the essence of popular will, as expressed through constitutional channels. In its execution, the sovereignty of the people is manifested. It may be that the law sometimes fails to give adequate protection to persons and property, but the fault will generally be found with the people themselves. In many localities there is an unwillingness upon the part of respectable citizens actively engaged in business, to serve upon juries; and as a consequence, irresponsible men, with no visible means of support, are entrusted with the power of passing upon the guilt or innocence of persons charged with high crimes.

If, as is often the case, under these circumstances, a notorious offender is

allowed to escape, the whole community is thrown into a high state of excitement, and summary punishment demanded. It is certainly a disagreeable duty to be taken from one's business, and compelled to spend a week or two in the criminal courts, but every good citizen ought to be willing to make the sacrifice when the public interest demands it. These burthens, however, should be as equally distributed as possible. Elevate the character of your jurors by selecting them in strict conformity with the law, and by imposing severe fines and penalties upon citizens refusing to serve, and in my opinion, fewer villians will escape, and communities will be less disposed to disregard the forms of law and resort to violence.

Another cause of difficulty may be found in the manner in which our judicial and ministerial officers are elected. Political parties hold their primary meetings and present their respective tickets. Because of the indifference manifested by respectable men of all parties, these elections are too often controlled and governed by irresponsible men, whose patriotism is generally subservient to their pecuniary interests. Ballot-box stuffers, in the absence of honest voters, declare the result, and men without intelligence, capacity or integrity, are placed in responsible offices. All this might have been avoided if the people had attended to what was strictly their business. It is probable that the present system of selecting candidates will prevail amongst us for years to come, and in my opinion, the election laws should be extended to these "primary meetings." The ballot-box, in our system of government, is the medium through which the people speak, and he who attempts to stifle their voice, is an enemy to public liberty, and should be treated as such. He poisons the public fountain, and corrupts all the streams which flow from it. He places men in judicial and ministerial offices in whom the community have no confidence. The severest punishment should be inflicted upon those who strike this deadly blow at free institutions.

It is not strange that the people of California have sometimes been excited, even to madness, by the conduct of their public functionaries. The fact is undeniable that men have sought office in this state, not from a laudable ambition to be useful, in contributing to its greatness, nor from an anxiety to acquire reputation and confer honor upon their families or kindred, but from a sordid desire TO MAKE MONEY. The contest has not always been who should confer the greatest benefits upon the state, but who should make the most money out of his position. Their whole energies seem to have been directed to discover some short and easy road to fortune. The good old beaten track, which requires time, toil, labor and industry, has been abandoned. Itinerant politicians, having neither interest nor sympathy with us, and wholly indifferent as to the future character of the state, have sometimes controlled its legislation, and by their acts put money in their own pockets, at the expense of the public treasury. Wild schemes have been devised, and special acts passed, in violation of the rights and interests of the people. This may not be a very pleasant picture to look upon, but, in my judgment, it is a TRUE ONE, and therefore I choose to present it. I trust, however, a brighter era is about to dawn upon our state.

As the chief executive officer, it is made my duty to see that the laws are faithfully executed; and it is scarcely necessary for me to say that the whole power of the state will be used, when required, to protect our regularly organized tribunals and maintain the supremacy of the laws THIS MUST BE DONE, AT ALL HAZARDS.

The unsettled condition of our land titles has not only seriously retarded the prosperity of the state, but engendered much ill feeling, which has sometimes terminated in bloodshed. The act of Congress of March 3d, 1851, was intended, as its title imports, "to facilitate the settlement of land titles;" but its practical effect has been to retard improvements, prevent settlements, and, in many cases, to impoverish claimants under Mexican grants. Many of those who held perfect titles, guarantied by the treaty with Mexico, have been ruined by litigation with

the government in the federal courts. Some of them, after seven years war in our judicial tribunals, are fortunate, indeed, if they are able to retain a moiety of that estate which we plighted our faith should be fully secured to them. The policy of the Spanish or Mexican states has always been so entirely different from that which has prevailed in our government in regard to the disposition of its lands, that the agricultural interest here has suffered very much in consequence thereof. The confirmation of these grants has placed an immense amount of the best farming land in the hands of a few persons, whilst true policy demands that we should have as many freeholds as possible. The American farmer always desires to be the owner of the soil which he cultivates.

In many cases grants were so loosely made, and the boundaries so indefinitely given, that honest persons, who supposed they were occupying public land, are now about to lose their improvements by the manner in which the surveys are made. When individuals have gone, in good faith, and made improvements upon what was supposed to be a part of the public domain, but which, by the decisions of the courts, is found to be covered by Mexican grants, the settler is entitled, upon every principle of justice, to full remuneration for his labor and improvements. The whole constitutional power of the Legislature should be exercised to protect him. These hardy and industrious pioneers, who have gone upon wild and uncultivated land, and by their labor and industry made the earth give forth its richest productions, and surrounded themselves with all the comforts of home, are entitled to our especial consideration. Their energy and their enterprise have already placed California amongst the first agricultural states of the Union.

The condition of our finances impose upon us the necessity of practicing the most rigid economy. Ever since the organization of our state government, the expenditures each year have far exceeded our receipts, and, as a consequence, we are now burdened with a public debt. A state, as well as an individual, must be ultimately bankrupted, if its expenses are allowed, for a series of years, to exceed its income. Our debt, amounting to some four millions of dollars, has been incurred to pay current expenses of the government.

All over $300,000 of this amount, contracted since the adjournment of the first Legislature, was in direct violation of the constitution; and, although the proceeds of our bonds were shamefully squandered, yet a very large majority of our people, at the recent election, ordered that the debt shall be paid. They have determined that innocent holders of our bonds shall not suffer by the unconstitutional acts or dishonest conduct of our own agents. California has said, in unmistakable terms, that the disgrace of repudiation shall never rest upon her escutcheon. I rejoice that those who have placed me in the position which I now occupy, have so nobly vindicated the reputation of our state. A state which violates its plighted faith, and trifles with its honor, would soon become a reproach to republican institutions, and a by-word among civilized nations.

We must take care to steer clear of these difficulties in the future. Provision must be made for the prompt payment of the interest on our debt, and especial pains taken to confine the expenditures within our income. This we can do, and must do, or bankruptcy, at no very distant day, is inevitable. The people have heard enough from their public agents upon the subject of economy—they now demand that it shall be practiced. Much was done by the last Legislature, but more remains to be done. The expense of conveying prisoners to the penitentiary, and supporting them whilst there, is an enormous tax upon the people. Whilst the convicts in many of the states are supporting themselves, we are taxed $120,000 per annum to provide for them, and that, too, under a system which allows a large number to escape every year. If you add to this the amount paid for transportation of convicts ($35,000) you will have a sum equal to the whole expenses of some of our sister states, with four times the population?

In the state of Indiana, the whole amount of the ordinary expenses of the gov-

ernment for the year ending in October, 1855, was $147,442; and during the succeeding year was reduced to $59,522, and this with a population of nearly one million and a half!

In the three state prisons of New York, with nearly two thousand convicts, in the year 1855, the expenditures over the earnings were but $35,000.

In California, the expenditures for state prison purposes, and for printing, alone, in the year ending 30th June, 1856, amounted to more than half a million of dollars.

These are certainly crying evils, which demand prompt action on the part of the Legislature.

The thirteenth section, eleventh article of the constitution, declares that "taxation shall be equal and uniform throughout the state. All property in this state shall be taxed in proportion to its value, to be ascertained as directed by law."

It may well be doubted whether our present revenue system is in accordance with either the letter or the spirit of this clause in the constitution. It declares that ALL property shall be taxed; and yet it is notorious that many persons hold property which annually yields—and in all probability will continue to yield for a series of years—a handsome income, on which no taxes whatever are levied. In imposing taxes necessary for the support of the government, the great principle of equity and justice should be observed, and each interest made to contribute its proper share. Those who receive from the government protection in their persons and property, ought to pay their just proportion of the taxes. Nothing short of an EQUAL distribution of the burthens of government can or ought to give satisfaction to the people.

The second section, ninth article of the constitution, declares:

"The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvements. The proceeds of all lands that may be granted by the United States to this state for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of Congress distributing the proceeds of the public lands among the several states of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress on the sale of lands in this state, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the state."

The embarrassed situation of our finances and the unsettled position of land titles and public surveys have no doubt prevented the Legislature hitherto from carrying out the patriotic design of the framers of that instrument. By its terms, certain lands donated by the federal government to the state are to be appropriated for school purposes, and if this fund is properly administered, the time is not far distant when every child in the state can receive the rudiments of a good education at the public expense. The ignorant are often vicious, and it is scarcely necessary for me to say that there can be no stability in a government like ours, based upon public opinion, unless the great body of the people are educated. It would be folly to attempt to sustain a republican government amongst an ignorant or depraved people. If we expect our children to transmit our institutions to their descendants, we must take care to provide ample means for their education. We must teach them that without education, without morality, without religion, they must soon become the slaves of despotism. We must enlighten their minds and impress upon them the inestimable value of a free government. And in this connection you will allow me to say, that if we desire to lessen the expenses of our criminal courts and prisons and elevate the moral tone of society, we must send the schoolmaster on his mission of labor and usefulness into every section of

the state. A well educated people never can be enslaved. Violence and commotion are the natural fruits of ignorance. Man is only capable of self-government after his head and heart have been cultivated.

How many of those who are now mere sojourners in our state, would bring their children amongst us, if suitable means were provided for their education, and become permanent citizens and useful and honorable members of society. A few friends of education have taken the lead, and much has already been accomplished in establishing a system of schools, and the beneficial effect is being seen and felt in almost every part of the state. In our cities and towns, seminaries and schools have been established, which would reflect the highest honor upon any people. In fact, we can proudly claim to have accomplished more for education in six years than some of our sister states have accomplished in a quarter of a century. I trust that the fund which has been provided may never be diverted from its constitutional channel, and that wisdom may direct all our actions in the administration of it.

The appropriations made at the recent session of Congress will, if properly expended, go far towards giving us good wagon-roads across the Rocky Mountains, by means of which we might anticipate a large immigration this year, if it were not for the difficulties in which the federal government has become involved with the Mormons and Indians. The establishment, too, of an overland mail route, will be of incalculable benefit to us. The financial hurricane which has recently swept over the older states, with such fearful violence, would drive thousands of strong, active and energetic men to our shores, if they could reach us by an overland route, or by sea, at a reasonable expense. The multitude of hard-working men in the eastern cities, who have been recently thrown out of employment, and who are now crying in the agony of their souls for "bread," could find ample and profitable employment in our inexhaustible mines, or comfortable homes in our health-giving and ever verdant valleys. The victims of a villainous paper-money system could here find in our mountains, banks which never issue an irredeemable currency, and seldom, if ever, fail to remunerate the industrious laborer. But the Mormons and Indians on the one hand, and a heartless monopoly, having no sympathy with our people, on the other, may diminish this immigration, so essential in developing the resources of the state. Our people are certainly entitled to protection whilst traveling through American territory, and to secure this, the whole power of the federal government should be invoked. Whenever a government habitually fails to give protection to its people, it must cease to command their confidence or respect. Hundreds of emigrants during the past year, who had abandoned their homes, and whilst wending their way over American soil to our shores, were inhumanly butchered. That government, which claims to extend its protection over its people, (whether native, naturalized, or unnaturalized,) in every part of the world, and is ready to resort to arms in order to secure it, will, we hope, see that such bloody scenes are not re-enacted upon our great highways and in our own territory. In my humble opinion, the establishment of a multitude of small military posts between our frontier and the Atlantic states, will never answer the purpose. They are so weak as to provoke assaults from the Indians, and not strong enough to pursue and chastise them. The marching of a full regiment, properly appointed, to and from the Pacific coast, through our own territory every year, would strike more terror amongst the Indians, inspire more confidence amongst the settlers and immigrants, and make the highways more secure than all the small military posts which could be established upon these routes. Besides, troops sent from the Atlantic for this coast, instead of being enfeebled and enervated, as is the case now, by a voyage of six thousand miles, over rough seas and through an inhospitable climate, would be found efficient soldiers, and ready for active service,

at once, in the field, should the exigency demand it. The march and the camp duty would transform raw recruits into a disciplined corps.

I make these remarks with great diffidence, because I know but little of military affairs, and have no personal knowledge of the different overland routes which pass through the Indian settlements.

But after all, the federal government will never be able to give Americans residing on the Pacific coast, that protection to which they are justly entitled, until a railroad connection is given to us with our brethren on the other side of the continent; and I am glad to see that our excellent President, whose ability and patriotism are acknowledged by the whole country, has recommended this subject to the especial consideration of Congress. A war with any respectable maritime power would cut us off effectually from our sister states, and leave our trade, our commerce, our material wealth, if not our lives, at the mercy of the public enemy. The surveys which have been made during the past four years, have fully demonstrated its practicability; and its necessity for military and political purposes is no longer questioned.

It is quite probable that the events of the present year will show that economy would have been consulted by commencing a pioneer, or preliminary railroad, for the transportation of troops, munitions of war, etc., through our own territories long since. This would be followed, as soon as the commerce of the country demanded it, by a first-class railroad, over which the traffic between Europe and Asia and America could pass, and thus give California the place to which her natural position entitles her.

Civilization, the arts, and sciences, have for ages been making their way from the East to the West. In the meanwhile, the East has sunk into semi-barbarism, and, in the providence of God, the West is destined to send civilization and Christianity, with all their countless blessings, back to the East. California, situated on the extreme verge of the western hemisphere, through her trade and her commercial enterprise, will contribute largely towards re-establishing in the East that religion which was originally taught in Jerusalem, but which has, for centuries past, found its chief power and most salutary influence in this hemisphere. What a glorious destiny awaits us if we are only true to ourselves, and properly use the means at our command.

Although geographically separated from our sister states by uninhabited mountains and boisterous seas, we feel none the less interest in maintaining that Union which has made the name of an American honored and respected in every portion of the civilized world, and secured to us at home a degree of freedom and prosperity unparalleled in the history of man. Under that constitution which spoke the federal government into existence, we have built up a mighty empire which now attracts the wonder and admiration of the world. It is the bounden duty of every American to brighten, and strengthen, and extend that Union, and transmit it unimpaired to posterity. Different laws and different customs prevail in the respective states, and the only way to secure the peace and tranquillity of the republic, is for each to abstain from intermeddling with the affairs of its neighbor. That fraternal feeling which ought to exist among members of the same family requires more than this. We should avoid, as far as possible, the discussion and agitation of questions calculated to impair the constitutional rights of others. An honest man will not agitate a question, when the effect of that agitation is to infringe upon the rights and lessen the value of his neighbor's property, but leave him to the free and undisturbed enjoyment of it. The people of California, with great unanimity, decided that slavery should not exist in this state. No one denies our right so to decide, nor do any of our sister states attempt to interfere with this question Other communities, in the exercise of their sovereignty, have seen proper to tolerate slavery. They have a right to enjoy their institutions without being disturbed by us It is true, the freedom of speech and of the press are

guarantied by the constitution to the people, but is there not a moral as well as a political obligation resting upon us to exercise these privileges in such a manner as not to invade or trespass upon the rights of other states? The agitation of the slavery question in the Northern states, while it has in no degree benefited the African race, has engendered a feeling which is now threatening the permanency of the government. These states can never be kept together by force. The tie of affection can alone hold us. Destroy this, and it requires no prophet to foresee that disunion is inevitable. We must live together AS FRIENDS AND AS EQUALS IN ALL RESPECTS, or we cannot live together at all. We cannot live as friends unless we cease slandering and abusing each other. We cannot be equals unless territory acquired by our common blood and common treasure is left free to emigrants from the respective states, with their different species of property. When a state government is organized, then slavery may be sanctioned or prohibited, as the people may direct. If they have not intelligence enough to decide this question without the interference of Congress or any other power, republican institutions can no longer be sustained by Americans.

May He who controls the destinies of nations preserve and protect our national ship from the impending storm which threatens its destruction.

SENATORS AND GENTLEMEN OF THE ASSEMBLY:—Having, in accordance with the established usage, expressed my opinions briefly upon several questions of public interest, let us now proceed to the discharge of our respective duties, and with a fixed determination to consume no more time than is indispensable to the transaction of the public business.

The constitution confers upon the Executive the veto power. I shall regret very much to differ with the Legislature in any case; but if an act should unfortunately be passed which I may regard in conflict with the constitution, or in derogation of the rights and interests of our common constituency, I could not hesitate to exercise this power. The practice of leaving the most important bills to the last days of the session is, in my opinion, a very bad one, and should be abandoned.

Ample time should be given to the Executive to examine every bill passed by the Legislature, for it cannot be expected that I will attach my signature to any until I understand its contents.

In conclusion, gentlemen, let me say, I will cordially co-operate with you in all measures calculated to advance the interests of the state and promote the prosperity of the people.

JOHN B. WELLER.

IN ASSEMBLY

Having re-assembled, on motion of Mr. Safford, at half past two o'clock, P. M., the House adjourned.

IN ASSEMBLY.

SATURDAY, January 9, 1858.

House met at 11 o'clock, A. M., the speaker in the chair.

Roll called.

The journal of yesterday was read and approved.

Leave of absence was granted Mr. Stocker till Tuesday, Mr. Warmcastle for one week, and Mr. Thomas till Thursday next.

Notices of bills to be introduced were given as follows—by:

Mr. Heath, of a bill for an act amendatory of an act to amend an act to establish an asylum for the insane of the State of California, approved May 17, 1853, passed May 1, 1854.

Mr. Lewis, of a bill for an act to amend an act concerning the office of public administrator.

Mr. Street, of a bill for an act to separate the offices of county recorder, county auditor, clerk of the board of supervisors and of the board of equalization from the office of county clerk in the county of Shasta.

Mr. Warmcastle had leave to introduce a bill for an act to regulate the fees of certain county officers of Contra Costa county.

Read first and second time, and laid over under the rules.

Mr. Ballou introduced a bill for an act to repeal an act entitled an act concerning the county judge of Plumas county.

Read first time, and laid over under the rules.

The report of the Joint Special Committee on printing the Governor's message was taken up.

Mr. De Long moved to strike out "five thousand" and insert "two thousand."

Carried.

On motion of Mr. Safford, the House went into Committee of the Whole, Mr. Ferguson in the chair, to consider the report.

Committee rose, recommended the adoption of the report and were discharged.

The report was then adopted.

On motion of Mr. Buel, the committee appointed to wait upon the Governor and Lieutenant Governor and make arrangements for the inauguration, were discharged.

Mr. Lewis offered the following resolution, which, on motion of Mr. Buel, was laid on the table:

Resolved, That the sergeant-at-arms be authorized to appoint two additional porters, if necessary.

Mr. De Long offered the following resolution, which was tabled, on motion of Mr. Hill of Nevada:

Resolved, That this House now go into an election of speaker *pro tem.*

On motion of Mr. Hill of Nevada, at quarter past twelve o'clock the House adjourned till Monday morning next.

IN ASSEMBLY.

MONDAY, January 11, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All present but those absent on leave

Journal of Saturday was read and approved.

Leave of absence was granted Mr. Lee for one day.

The Chair announced the following standing committees:

JUDICIARY.

Messrs. Stakes, Lee, Havens, Aud, Clark, Briggs, Parker, Shepard, Warmcastle, Heath, and Davis.

ELECTIONS.

Messrs. Parker, Edwards, Clark, Lewis, Mitchell, De Long and McCoy.

MILEAGE.

Messrs. O'Brien, Galbraith, Palmer, Hitchens, and Minis.

ENGROSSMENT.

Messrs. Moses, Neblett, Hirst, Osgood, and Cherry.

ENROLLMENT.

Messrs. Young, Pearis, and Moore.

Mr. Shepard presented a petition, signed by numerous citizens of San Francisco, praying for the passage of a "Sunday law."

Mr. Tuttle presented similar petitions from Sonora, Tuolumne county.

Mr. McCoy presented a similar petition from Gilroy, in Santa Clara county.

The several petitions were tabled, until the appointment of appropriate standing committees.

Mr. Lewis presented a petition from Thomas J. Henley, Superintendent of Indian Affairs in California, praying the appointment of a joint committee to examine into and report upon the management and condition of the Indians at the different reservations in this state.

The petition was tabled, for same reason as above.

Assembly bill No. 2, an act to repeal an act concerning the county judge of Plumas county, was read a second time, and referred to the Judiciary Committee.

Notices of bills to be introduced were given, as follows:

By Mr. Anderson, of a bill for an act for the construction of a wharf at Suscol ferry, east side of Napa river;

By Mr. Willson, of a bill for an act to amend an act entitled an act to re-organize the county of San Mateo, passed April 18th, 1857;

By Mr. Gordon, of a bill for an act to locate the county seat of San Mateo county;

By Mr. Heath, of a bill for an act for the relief of the county of Santa Barbara;

By Mr. Havens, of a bill for an act for the incorporation of the town of Union, in Humboldt county;

By Mr. Hitchens, of a bill for an act providing for the payment of witness fees in criminal cases;

By Mr. Stakes, of a bill for an act entitled an act to provide for the graduation and sale of the sixteenth and thirty-sixth sections of land donated to this state, and for the selection of other lands in lieu of said sections, where the same have been pre-empted, in accordance with existing laws;

Also, of a bill for an act to provide for the selection of the lands donated to this state for the use of a seminary of learning.

Also, of a bill for an act to provide for the selection of the lands donated to this state for the purpose of erecting public buildings.

Mr. Ballou gave notice that at an early day he would introduce a memorial and joint resolution praying Congress for the relinquishment of the title to lands in certain certain counties in this state, and the donation of the same to the counties in which such lands are located.

The following communication was received from the late State Treasurer, James L. English:

SACRAMENTO, January 11th, 1858.

To the Honorable the Assembly of the State of California:

I have the honor to transmit you, herewith, a statement of the manner in which the contingent fund of the State Treasurer was expended by me during my continuance in office.

Your obedient servant,

JAMES L. ENGLISH.

The statement was, on motion, laid on the table.

Mr. Ely offered joint resolutions in relation to a Pacific railroad, which were read a first and second times, the rules suspended, considered engrossed, read third time, and passed.

The ayes and noes being demanded by Messrs. Crane, Hamlin and Sherwin, were taken as follows:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Clark, Crane, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hamlin, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Holman, Hirst, Kabler, King, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moore, Moses, Neblett, O'Brien, Ormsby, Osgood, Palmer, Parker, Pearis, Pico, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stout, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Willson, Young and Mr. Speaker—73.

NOES—None.

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

Resolved, That the sergeant-at-arms be and he is hereby instructed to place a tin boiler on the top of each stove in the Assembly room and keep them filled with water.

Mr. Hitchens offered the following resolution:

Resolved, That the speaker be authorized to appoint a paper folder for this House, to act as such during the session.

Mr. Graham moved an amendment, making one of the pages already appointed paper folder.

Lost.

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

Lost.

Mr. Young offered a substitute, making all the pages paper folders.

Mr. Ely moved the previous question, which was sustained.

The substitute was lost.

The original resolution was then adopted, Messrs. Safford, Sheridan and Stratton demanding the ayes and noes, by the following vote:

AYES—Messrs. Anderson, Aud, Briggs, Clark, Crane, Davis, De Long, Edwards, Ely, Gordon, Gray, Groom, Haldeman, Hancock, Harris, Havens, Heath, Hill of Nevada, Hitchens, Kabler, King, Lewis, Marshall, Minis, Mitchell, Moses, O'Brien, Palmer, Pearis, Safford, Shepard, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Tatman, Tipton, Ward, Willson, Mr. Speaker—40.

NOES—Messrs. Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Curtis, Ferguson, Galbraith, Graham, Hamlin, Hill of Sierra, Holladay, Holman, Hirst, Loofbourrow, Markley, McCoy, Moore, Neblett, Osgood, Parker, Sheridan, Sherwin, Stout, Stratton, Street, Thomas, Tuttle, Walker, Warfield and Young—32.

Mr. Safford gave notice of a motion to reconsider the vote on to-morrow.

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

Resolved, That the sergeant-at-arms be, and he is hereby authorized and directed, to take from the post office and express offices, the letters and papers of members, and deliver them at the Assembly chamber.

Mr. O'Brien offered the following resolution, which was adopted:

Resolved, That members of this House asking for leave of absence must assign a good and valid reason for asking the same.

Mr. Shepard introduced a bill for an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco.

Read first and second times, and referred to judiciary committee.

Mr. Gray introduced a bill for an act to provide for the equitable adjustment and final settlement of all outstanding unfunded claims against the city of San Francisco, or the county of San Francisco, which accrued prior to the first day of July, 1856, and for the final payment and redemption of the funded debt.

Read first and second times, and referred to the San Francisco delegation.

Mr Gray moved that the bill be printed.

Lost.

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

Resolved, That a committee of three be appointed to examine and report the cheapest and best mode of getting the copying done for the Assembly during the present session of the Legislature.

The Chair appointed to compose said committee, Messrs. Safford, Buel and Tuttle.

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

Resolved, That the committee on mileage be instructed to ascertain the amount of mileage due each member, and report to the House as soon as possible.

Mr. Young offered the following resolution, which was laid on the table:

Resolved, That the sergeant-at-arms of the Assembly be authorized to rent rooms for the respective use of the Assembly committees.

The speaker laid before the House, papers to be used in the trial of the contested election case from Sutter county, which, together with the protest of Z. Montgomery against the qualification of James O. Harris, was referred to committee on elections.

The following message was received from the Senate:

SENATE CHAMBER,
January 11, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on

Saturday, passed Senate bill No. 2, entitled an act to amend an act entitled an act to regulate fees in office, in the county of Yuba, approved April 28, 1857.

Also, passed the following joint resolution:

Resolved, By the Senate, the Assembly concurring, that a joint committee of five, to consist of two members of the Senate and three members of the Assembly, be appointed to examine into the defalcations of the late State Treasurer, Henry Bates, and to report to the two houses the present condition of the different civil and criminal actions growing out of the same, and to recommend such action as, in the opinion of said committee, may be necessary to render efficient aid to the counsel acting on the part of the state in prosecuting said cases, and respectfully ask the concurrence of the Assembly, and have appointed on the part of the Senate, Messrs. Burch and Griffith as such committee.

THOS. N. CAZNEAU,
Secretary of the Senate.

Senate bill No. 2, read first and second time and referred to Yuba delegation.

Senate concurrent resolution No. 2, was, on motion of Mr. Holladay, amended and concurred in as amended.

The chair appointed as committee on the part of the House, Mersrs. Holladay, Havens and Ely.

The following message was received from the Senate:

SENATE CHAMBER,
January 11, 1858.

Mr. SPEAKER:—I am directed to inform the Assembly that the Senate has this day passed the following resolution:

Resolved, By the Senate, the Assembly concurring, that the Joint Committee on Printing be instructed to report a resolution, directing the printing of such portions of various reports, and other documents, accompanying the Governor's message, as may, in their opinion, be necessary.

Also, that the Senate has refused to concur in Assembly amendment to the report of the joint select committee on printing the Governor's message, striking out "five thousand," and inserting "two thousand," and respectfully ask the Assembly to recede.

T. N. CAZNEAU, Secretary of the Senate.

The House concurred in Senate resolution, above reported.

The House refused to recede from its amendment to the report of the joint committee on printing the Governor's message; and Messrs. DeLong, Haldeman, and Hamlin demanded the ayes and noes, with the following result:

AYES—Messrs. Anderson, Aud, Curtis, Davis, Edwards, Graham, Hancock, Havens, Hobart, Hirst, Kahler, King, Lewis, Loofbourrow, Minis, Moses, O'Brien, Parker, Pico, Smith of Nevada, Street, Ward, Young and Mr. Speaker—24.

NOES—Messrs. Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Clark, Crane, De Long, Ely, Ferguson, Galbraith, Gordon, Gray, Groom, Haldeman, Hamlin, Harris, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Holman, Markley, McCoy, Mitchell, Moore, Ormsby, Osgood, Palmer, Pearis, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of San Bernardino, Spilman, Stout, Tatman, Tipton, Tuttle, Warfield, Willson—46.

On motion, Messrs. Hill of Nevada, Ballou and Anderson were appointed to compose a committee of conference on the part of the Assembly.

Mr. DeLong moved to take up the resolution relative to the election of a speaker *pro tem.*

Lost.

On motion of Mr. Sherwin, at 1½ o'clock, the House adjourned.

IN ASSEMBLY.

TUESDAY, January 12, 1858.

House met pursuant to adjournment, the speaker in the chair.

Roll called.

Journal of yesterday read and approved.

Leave of absence was granted Mr. Aud for one day.

Mr. Sherwin introduced a bill for an act to repeal an act entitled "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, approved April 28, 1857.

Read first time, and laid over.

Mr. Sherwin also introduced a bill for an act to create a special fund in Plumas county for road purposes.

Read first time, and laid over.

Mr. Havens introduced a bill for an act to incorporate the town of Union.

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

The following communication, with copy of returns, was received from the Secretary of State:

STATE OF CALIFORNIA, CITY OF SACRAMENTO.
OFFICE OF SECRETARY OF STATE, Jan. 12, 1858.

To the Honorable Speaker of the Assembly:

In compliance with an "an act recommending to the electors to vote for or against a convention to revise and change the constitution of this state," I herewith transmit you a copy of the returns for the same, now on file in my office.

Very respectfully,
FERRIS FORMAN, Secretary of State.

Mr. Holladay introduced joint resolutions relative to the late vote of the people on the question of calling a convention to revise the state constitution.

Read first time and laid over, under the rules.

Mr. Anderson introduced a bill for an act amendatory of an act entitled "an act concerning county judges," passed April 4, 1854; and also an act passed April 27, 1855; and also an act passed April 30, 1855, amendatory of the above acts.

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

Notices of bills to be introduced were given as follows:

By Mr. Burbank, of a bill for an act for the adjustment, settlement and funding of all outstanding bills and claims against the city and county of San Francisco not already provided for, and which accrued prior to July 1, 1856; also of a bill for an act for reducing the fees of the county clerk of the county of San Francisco;

By Mr. Hill of Sierra, of a bill for an act to define the rights and privileges of water ditch companies in this state;

By Mr. Street, of a bill for an act supplementary to "an act in reference to In-

dian war bonds," passed April, 1857, extending the provisions of said act to the county of Shasta;

By Mr. Stakes, of a bill for an act concerning slaves escaping from their masters while traveling through or sojourning in this state; also, of a bill for an act amendatory of an act entitled "an act to regulate the settlement of the estates of deceased persons," passed May 1, 1851; also, of a bill for an act supplementary to and to amend an act entitled "an act to regulate proceedings in criminal cases," passed May 1, 1851.

Mr. Safford made the following report, which was adopted, and committee discharged:

MR. SPEAKER:—The special committee appointed to ascertain and report the cheapest and best mode of having the copying done for the Assembly, have had the same under consideration, and beg leave to report the following resolutions, and recommend their adoption:

Resolved, That the clerk of the Assembly be, and he hereby is authorized to employ a clerk to assist him in the discharge of his duties, at the salary fixed by law.

Resolved, That all copying done by or under the control of the clerk or in his department, shall be paid for to the clerk by the sergeant-at-arms on orders drawn by the auditing committee, at a price not exceeding fifteen cents per folio—the clerk employing and paying his own copyists.

Resolved, That the speaker be and he hereby is, authorized to appoint a committee of three members to act as auditing committee.

Resolved, That the auditing committee, before auditing any account for copying for the House, shall require an account to be presented to them of such copying, stating therein the bills, resolutions, reports, documents, or other proceedings copied, and the number of copies made of each, the purpose for which made, together with the number of folios in each.

Resolved, That the auditing committee be, and they are hereby instructed to report to the Assembly, on Monday of each week, the number of folios written and the amount of money drawn by the clerk.

A. P. K. SAFFORD,
A. A. H. TUTTLE,
D. E. BUEL.

Mr. Lewis offered the following resolution, which, with accompanying accounts, was laid on the table:

Resolved, That the Comptroller of State is hereby authorized to draw his warrants in favor of F. S. Malone, for $20, and A. Clarny, for $20, for carriages used on the day of inauguration, to be paid out of the contingent fund of the Assembly.

Agreeably to notice, Mr. Safford moved a reconsideration of the vote by which the Assembly, yesterday, adopted Mr. Hitchens' resolution appointing a paper folder.

Mr. Crane moved to indefinitely postpone the motion to reconsider.

Lost.

The motion to reconsider prevailed by the following vote. Messrs. Buel, Curtis, and Holman, demanding the ayes and noes.

AYES.—Messrs. Aud, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Curtis, Davis, De Long, Ferguson, Galbraith, Gordon, Gray, Graham, Hamlin, Havens, Heath, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Loofbourrow, Markley, McCoy, Moore, Osgood, Parker, Pico, Safford, Shepard, Sheridan,

Sherwin, Smith of Nevada, Smith of San Bernardino, Stout, Stratton, Street, Tipton, Tuttle, Warfield, Young and Mr. Speaker—44.

NOES—Messrs. Anderson, Briggs, Clark, Crane, Edwards, Ely, Groom, Haldeman, Hancock, Harris, Hitchens, Hirst, Kabler, King, Lee, Lewis, Marshall, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Pearis, Simons, Spilman, Stakes, Stocker, Tatman, Walker, Ward, and Willson—32.

The question being on the adoption of the original resolution,
Mr. Graham offered the following substitute:

Resolved, That it is the wish of this House that the speaker assign as the special duty of one of the present pages, to fold papers and other documents for the members of this House, and that he make it the special duty of another page to act as post-office and express-office page, in carrying the mail and express matter to and from this House, and that he assign to the remaining pages the duty of carrying resolutions, petitions, bills, etc., to the clerk's desk of this House when required by members.

Mr. Parker offered the following as a substitute:

Resolved, That the pages of this House shall act as paper-folders as herein provided; that the speaker of the House shall each day designate the boy who shall act as paper-folder, provided that each page shall act as paper-folder, consecutively.

The substitute for the substitute was lost.
Pending the adoption of Mr. Graham's substitute, Mr. Sherwin moved the indefinite postponement of the whole subject matter.
Agreed to
Mr. McCoy offered the following resolution, which was adopted:

Resolved, That the Committee on the Judiciary be directed to enquire into the expediency of abolishing the office of public administrator in the different counties of this state.

The following message was received from the Senate:

SENATE CHAMBER,
January 12th, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed the following concurrent resolution:

Resolved, By the Senate, the Assembly concurring, that a special joint committee of five from each House be appointed to take into consideration, and report by bill, or otherwise, upon so much of the Governor's annual message as relates to a constitutional convention, and have appointed on behalf of the Senate, Messrs Baker, Burch, Burton, Merritt and Bell, and have also appointed Messrs. Gregory, Grant and Carpenter as the Joint Committee on Printing, on behalf of the Senate.

THOS N CAZNEAU, Secretary Senate.

The concurrent resolution referred to in the above Senate message was concurred in, and the chair appointed on the part of the House, Messrs. Sherwin, Harris, Holladay, Groom and Tuttle, to compose said special joint committee.

The chair appointed Messrs. Sheridan, King and Moses, to compose on the part of the House, the Joint Committee on Printing.

Mr. Parker introduced a bill for an act to extend the term of office of the board of supervisors of Calaveras county.

Read first and second times and laid over under the rules.

Mr. Aud introduced a bill for an act to change the name of William Wilson Smith to William Wilson Lawton.

Read first and second times and referred to Judiciary Committee.

Mr. Sherwin offered the following resolution, which, on motion of Mr. Clark, was laid on the table:

Resolved, That no member of this House shall be excused from attendance when engaged in transacting his own private business.

Mr. Lewis moved to take from the table the resolution providing for the payment of carriages used at the late inauguration.

Lost.

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

Resolved, That the Attorney General of the State of California be requested to furnish this House with his written opinion upon the legality (upon the present revenue law) of taxing possessory right to lands in this state when the title is vested in the general government

Mr Stakes offered the following resolution, which was adopted:

Resolved, That the Judiciary Committee of the Assembly be authorized to employ a clerk as soon as necessary.

Mr. De Long offered the following resolution, which was adopted:

Resolved, That the House authorize the Committee on Elections to employ a clerk during the investigation of the contested election case.

On motion of Mr. De Long, at a quarter past one o'clock, P. M., the House adjourned.

IN ASSEMBLY.

WEDNESDAY, January 13, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

Journal of yesterday read and approved.

The chair appointed, as auditing committee on copying, Messrs. Tuttle, Edwards and Crane.

Mr. Parker, by leave, offered the following resolution:

Resolved, That the sergeant-at-arms be directed to procure a suitable room for the Committee on Elections, during the pendency of the contested election case, and report to the House before adjournment.

Mr. Young offered, as a substitute:

Resolved, That the sergeant-at-arms be authorized to rent three rooms, for the use of committees.

Mr. Sheridan offered, as an amendment:

Resolved, That a committee of three be appointed, whose duty it shall be to inquire into and report to this House the amount of room that may be needed, independent of that furnished by this building, for the standing committees of this House, for the present session, and report the same at as early a period as possible.

Mr. Sheridan's amendatory resolution was adopted.

The chair appointed Messrs. Sheridan, Tatman and Mitchell to compose said committee.

Petitions for the enactment of a Sunday law were presented by Mr. Hitchens, from citizens of Evansville, Butte county;

By Mr. Tipton, from citizens of Clarksville, El Dorado county;

By Mr. Briggs, from citizens of Fiddletown, Amador county.

The petitions were tabled till announcement of appropriate committees.

The following message was received from the Senate:

SENATE CHAMBER,
January 13th, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 7, 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 18th, 1853.

Also, have concurred in Assembly amendment to Senate concurrent resolution, relative to ex-Treasurer Henry Bates.

Also, have adopted a concurrent resolution instructing our members in Congress to use their endeavors to procure the early establishment of a weekly mail, by steamer, from San Francisco to San Luis Obispo, Santa Barbara, Los Angeles, and San Diego, and that the Governor be requested to forward a copy of the resolution to each of our members;

And ask the concurrence of the Assembly.

And have appointed, as a committee of conference on the part of the Senate, on printing the Governor's message, Messrs. Bell, Griffith and Chase.

THOS. N. CAZNEAU,
Secretary of the Senate.

Senate bill No. 7, read first and second times, rules suspended, read third time and passed.

Assembly concurred in Senate concurrent resolution relative to a weekly mail, by steamer, from San Francisco to the southern counties.

Mr. Hill of Nevada made the following report, which was adopted, and committee discharged:

MR. SPEAKER:—The committee of conference on the disagreeing vote between the two Houses on the amendment of the Assembly to the Senate resolution authorizing the printing of the Governor's message, beg leave most respectfully to report that the Assembly recedes from its amendment, and the Senate recedes

from its vote, and that they further recommend the printing of four thousand copies of the Governor's message.

SAMUEL B. BELL,
S. H. CHASE,
H. GRIFFITH,
Of the Senate.
WM. HILL,
S. A. BALLOU,
T H. ANDERSON,
Of the Assembly.

Notices of bills to be introduced were given, as follows:

By Mr. Lewis, of a bill for an act to amend an act passed April 10th, 1855, to regulate fees in office;

By Mr. Stout, of a bill for an act to protect settlers on public lands in this state;

By Mr. Moore, of a bill for an act to legalize defective acknowledgments of deeds, and other written instruments on record in this state;

By Mr. De Long, of a bill for an act to change the name of James Defenbaugh, to James Defenbaugh Austin;

By Mr. Aud, of a bill for an act to amend an act entitled "an act to regulate proceedings in civil cases in this state;"

Also, of a bill for an act to amend an act entitled "an act to exempt the homestead and other property from forced sale in this state;"

By Mr. Burbank, of a bill for an act to amend the homestead law;

By Mr. Holladay, of a bill for an act to provide for the construction of a bulkhead along the water front of San Francisco.

Mr. Lee introduced a bill for an act for the suppression of mobs, insurrections, and other unlawful assemblages and organizations against the government of this state, and to fix the punishment of offences therein defined.

Read first time and laid over.

Mr. O'Brien offered the following resolution, which the House refused to adopt:

Resolved, That the members of this House take a recess every day during the session from half-past twelve to half-past one o'clock.

Mr. Lee moved to take up Mr. Lewis' resolution, providing for the payment of carriage-hire at the inauguration.

The question being on the adoption of the resolution, Mr. Davis moved the previous question

Sustained.

The resolution was adopted.

Mr. De Long moved to reconsider the vote by which the house yesterday adopted the report and resolutions of the committee on copying.

Carried.

On motion of Mr. De Long, the matter was referred to a new special committee of three.

The chair appointed Messrs. De Long, Stout, and Smith of San Bernardino, to compose said committee.

Mr. Hancock offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that four hundred copies of the inaugural address of Governor Weller be published in the Spanish language for the use of the members of Senate and Assembly

Lost.

Mr. Hancock gave notice that to-morrow he would move a reconsideration of the vote.

Assembly bill No. 9, an act to repeal an act entitled "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, approved April 28, 1857.

Read second time and referred to Judiciary Committee.

Assembly bill No. 10, an act to create a special fund in Plumas county for road purposes.

Read second time and referred to Judiciary Committee.

On motion of Mr. Lewis, at half past twelve o'clock, the House adjourned.

IN ASSEMBLY.

TUESDAY, January 14, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

Journal of yesterday read and approved.

Chair announced the following

STANDING COMMITTEES OF THE HOUSE:

CORPORATIONS.

Messrs. Havens, Hancock, Caldwell, Simons, Burbank, Ely, and Ferguson.

PUBLIC PRINTING.

Messrs. King, Sheridan, Moses, Hill of Sierra, Banks, Willson, and Markley.

CLAIMS.

Messrs. Aud, Safford, Buel, Ballou, and Burbank.

WAYS AND MEANS.

Messrs. Lee, Tuttle, Caldwell, Briggs, McCoy, Crane, Moore, Buel, and Groom.

MILITARY AFFAIRS.

Messrs. Simons, Pico, Mitchell, Holman, and Lewis

COUNTIES AND COUNTY BOUNDARIES.

Messrs. Crane, Spilman, Sherwin, Hitchens, Curtis, Ward, and Tuttle

COMMERCE AND NAVIGATION.

Messrs. Groom, Davis, Holladay, Gray, and Stakes.

EDUCATION.

Messrs. Safford, Poole, Willson, Warfield, and Howell.

AGRICULTURE.

Messrs. Howell, Ormsby, Harris, Pico, and Tipton.

INTERNAL IMPROVEMENTS.

Messrs Warmcastle, Haldeman, Kabler, Street, and Stout.

PUBLIC BUILDINGS AND GROUNDS.

Messrs. Ferguson, Minis, Anderson, Hill of Nevada, and Banks.

PUBLIC EXPENDITURES AND ACCOUNTS.

Messrs Ballou, Curtis, Marshall, Markley, and Gordon.

MINES AND MINING INTERESTS.

Messrs. Clark, Ward, Loofbourrow, De Long, Walker, Smith of Nevada, and Kabler.

PUBLIC LANDS.

Messrs. Edwards, Sheridan, Smith of Nevada, Harris, Stocker, Hobart, and Ferguson.

FEDERAL RELATIONS.

Messrs. Ely, Buel, Hill of Sierra, King, Gray, Briggs, and Neblett.

STATE PRISON.

Messrs. Lewis, Edwards, Graham, Hancock, Shepard, Hill of Nevada, Sherwin.

PUBLIC MORALS.

Messrs Stratton, Stout, Simons, Ely, and Hobart.

STATE HOSPITALS.

Messrs. Thomas, Warfield, Ormsby, Holman, and Lee.

INDIAN AFFAIRS.

Messrs. Walker, Young, Hirst, Street, and Smith of San Bernardino.

SWAMP AND OVERFLOWED LANDS.

Messrs. Davis, Walker, Spilman, Tuttle, Mitchell, Loofbourrow, and Palmer

ROADS AND HIGHWAYS.

Messrs. Hamlin, Anderson, Sherwin, Smith of Nevada, and Galbraith.

The following communication was received from the Secretary of State, and the report accompanying the communication was referred to Committee on Ways and Means :

STATE OF CALIFORNIA,
Sacramento, January 13, 1858.

Speaker of the House of Representatives:

SIR:—I herewith transmit to you a package left in this office by virtue of a resolution passed the Assembly the 27th April A. D. 1857, which resolution reads as follows:

Resolved, That Assembly bill No. 451, together with the report of the Committees of Accounts and Expenditures, and Ways and Means, together with the Comptroller's Report and vouchers filed, be sealed up in a package by the clerk, and directed to the speaker of the Assembly of the ninth session of the Legislature of California, to be by him delivered to the Committee of Ways and Means of that Assembly, and that said package be deposited in the office of the Secretary of State, to be by him delivered to the speaker.

FERRIS FORMAN,
Secretary of State.

Petitions for the enactment of a Sunday law, were introduced by Mr. Safford from citizens of Todd's Valley, Placer county; by Mr. Sheridan, from citizens of Folsom, Sacramento county, and by Mr. Warfield, from citizens of North San Juan, Nevada county.

Referred, with similar petitions that had been tabled, to Committee on Public Morals

Mr. O'Brien, from Committee on Mileage, made the following report, which was amended and adopted, and the committee were discharged:

MR. SPEAKER —The Committee on Mileage, having had the subject under consideration, report the following as the amount of mileage due each member:

MEMBERS.	MILES.	MILEAGE.
Anderson,	150	$30 00
Aud,	130	26 00
Ballou,	320	64 00
Banks,	240	48 00
Briggs,	110	22 00
Buel,	90	18 00
Burbank,	240	48 00
Caldwell,	180	36 00
Cherry,	240	48 00
Clark,	240	48 00
Crane,	500	100 00
Curtis,	60	12 00
Davis,	80	16 00
De Long,	230	46 00
Edwards,	200	40 00
Ely,	200	40 00
Galbraith,	90	18 00
Gordon,	300	60 00
Gray,	240	48 00
Graham,	100	20 00
Groom,	1700	340 00
Haldeman,	230	46 00
Hamlin,	230	46 00

MEMBERS.	MILES.	MILEAGE.
Hancock,	1320	264 00
Harris,	50	10 00
Havens,	798	159 60
Heath,	1180	236 00
Hill of Nevada,	122	24 40
Hill of Sierra,	240	48 00
Hitchens,	200	40 00
Hobart,	260	52 00
Holladay,	240	48 00
Holman,	152	30 40
Howell,	54	10 80
Hirst,	1550	310 00
Kabler,	70	14 00
King,	110	22 00
Lee,	100	20 00
Lewis,	400	80 00
Loofbourrow,	120	24 00
Markley,	230	46 00
Marshall,	210	42 00
McCoy,	360	72 00
Mitchell,	660	132 00
Moore,	240	48 00
Moses,	140	28 00
Neblett,	636	127 20
O'Brien,	190	38 00
Ormsby,	390	78 00
Osgood,	1390	278 00
Palmer,	240	48 00
Parker,	150	30 00
Pearis,	100	20 00
Pico,	1320	264 00
Safford,	120	24 00
Shepard,	240	48 00
Sheridan,	44	8 80
Sherwin,	300	60 00
Simons,	360	72 00
Smith of Nevada,	122	24 40
Smith of San Bernardino,	1570	314 00
Spilman,	200	40 00
Stakes,	180	36 00
Stocker,	320	64 00
Stratton,	138	27 60
Street,	400	80 00
Tatman,	300	60 00
Thomas,	220	44 00
Tipton,	90	18 00
Tuttle,	240	48 00
Walker,	850	170 00
Ward,	250	50 00
Warfield,	200	40 00
Warncastle,	220	44 00

MEMBERS.	MILES.	MILEAGE.
Willson,	500	100 00
Young,	180	36 00
Mr Speaker,	142	28 40

O'BRIEN, Chairman.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed joint resolutions on Pacific railroad.

H. A. MOSES, Chairman.

Notices of bills and resolutions to be introduced were given, as follows:

By Mr. Briggs, of a bill for an act to authorize the board of supervisors of Amador county to pay off the indebtedness of said county, due to the county of Calaveras, in the county scrip of said last named county;

Also, of a bill for an act to amend the practice act, in civil cases, so as to make the service of summons a lien upon the property of the debtor, and for a repeal of the present attachment law;

By Mr. Willson, of a bill for an act authorizing the board of supervisors of Santa Cruz county to levy a special tax for building purposes;

Also, of a bill for an act to amend an act entitled "an act to amend an act entitled an act concerning roads and highways, approved April 19th, 1856;"

By Mr. Parker, of a bill for an act to amend the second section of an act entitled "an act to protect owners of growing crops, buildings, and other improvements, in the mining districts of this state, approved April 25th, 1855;"

By Mr. Davis, of a bill for an act to authorize the supervisors of counties to grant wharf privileges;

By Mr. Holladay, of a bill for an act to abolish the board of fund commissioners in the city of San Francisco, and to vest their functions in other officers; and to transfer all money and property, books, papers and vouchers in their hands, to the treasurer of the city and county of San Francisco;

By Mr. Howell, of a bill for an act authorizing the Treasurer of State to issue duplicate school land warrants to the heirs of Charles H. Ross, deceased;

Also, of a joint resolution requesting our representatives in Congress, and instructing our senators, to use their influence to procure the establishment of certain mail routes in this state

Mr. Sheridan made the following report, which was adopted:

MR SPEAKER:—The Joint Committee on Printing, to whom was referred the printing of the Governor's inaugural address, respectfully recommend that there be printed of the same four thousand copies in English, and six hundred copies in Spanish.

D S. GREGORY,
Chairman Senate Committee.
J E. SHERIDAN,
Chairman Assembly Committee.

Mr. Sheridan also reported:

MR SPEAKER:—The committee to whom was referred the subject of inquiring as to how far this house would accommodate its different standing committees, without going outside for such accommodations, beg leave respectfully to report:

That they have made diligent inquiry on that subject, and find there is one room suited for the accommodation of the Judiciary Committee, as also one for a general committee room; and beg leave to be discharged from further attention to that matter.

J. E. SHERIDAN.

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

Resolved, That the chairman of the Judiciary Committee be, and he is hereby, authorized to hire a suitable room for the use of said committee, to be paid for out of the contingent fund of this House.

Assembly joint resolution No. 2, relative to the late vote of the people on the question of calling a convention to revise the state constitution, was read second time and referred to the joint select committee to whom had been referred so much of the Governor's message as refers to a constitutional convention.

Assembly bill No. 7, an act to extend the term of office of the board of supervisors of Calaveras county, was taken up and referred to Calaveras delegation.

Assembly bill No. 11, an act for the suppression of mobs, insurrections and other unlawful assemblages and organizations against the government of this state, and to fix the punishment of offences therein defined, was taken up, read second time, referred to Judiciary Committee, and the usual number of copies ordered printed.

Concurrent resolution relative to mail route in Placer and Nevada counties, was taken up and referred to Committee on Federal Relations.

Mr. Crane had leave to introduce joint resolutions asking Congress to cede to this state the Monterey redoubt for the purpose of establishing a military academy.

Read first and second times and referred to Committee on Military Affairs.

Mr. De Long introduced a bill for an act to change the name of James Defenbaugh to James D. Austin.

Read first and second times, rules suspended, bill considered engrossed, read third time and passed.

Mr. Wilson introduced a bill for an act to amend an act entitled "An act to reorganize and establish the county of San Mateo," approved April 18, 1857.

Read first and second times and referred to Committee on Counties and County Boundaries.

Mr. Caldwell introduced a bill for an act supplementary to "an act to regulate proceedings in courts of justice in this state," passed April 23, 1851.

Read first and second times and referred to Judiciary Committee.

Mr. Gordon introduced a bill for an act to locate the county seat of San Mateo county.

Read first and second times and referred to Committee on Counties and County Boundaries.

Mr. Holman 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. Stakes offered joint resolution relative to the several contracts for carrying the U. S. mails between the Atlantic states and the Pacific coast.

Read first and second times, considered in Committee of the Whole, (Mr. Young in the chair,) considered engrossed, read third time, and passed by the following vote, Messrs. Safford, Ely and Sherwin demanding the ayes and noes, Mr. Lee being excused from voting:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Buel, Burbank, Cald-

well, Cherry, Clark, Crane, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Hurst, Kabler, King, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moore, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pearis, Pico, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Willson, Young, and Mr. Speaker—76.

NOES.—None.

Mr. Ballou offered preamble and concurrent resolution in relation to the reopening of the Nicaragua transit route.

Read and referred to Committee on Federal Relations.

Mr. Stakes introduced joint resolution relative to donating public lands to actual settlers within the state of California.

Read first and second times, and referred to Committee on Federal Relations.

Mr. Cherry presented a report from the special committee on stationary, which on motion, was laid on the table.

REPORT OF COMMITTEE ON AWARD OF STATIONARY CONTRACT.

To the Hon. the House of Assembly of the State of California:

The Committee appointed "to inquire into the manner in which the contract for supplies of stationery for the use of the present legislature was awarded," beg leave respectfully to

REPORT:

That on December 12th, A. D., 1857, the then Secretary of State, General D. F. Douglass, in accordance with section eleven of "an act concerning the Secretary of State," published an advertisement in the papers of this city, calling for proposals to furnish the necessary supplies of stationery for the use of the Legislature now in session.

Accordingly, proposals, accompanied by various samples of stationery, were sent in by G. A. Mendon, G. A. Van Bokkelen, Hodge & Wood and J. Bithell, with a view of competing for the contract, which was finally awarded to G. A. Mendon of San Francisco.

Complaint having been made that the award was not just, the matter was brought to the notice of this House, and the undersigned appointed to examine into the facts of the case. Your committee have carefully investigated the whole subject matter referred to them, and have examined, under oath, all persons known by them to have any knowledge of the transaction.

On the part of the late Secretary of State, they have taken the evidence of the Hon. Ferris Forman, present Secretary of State, and Messrs. Bagley, Lee, Bausman and Gilmore, and herewith submit copies of the same. Mr. Van Bokkelen, the complainant in this case was also placed under oath, that your committee might be satisfied that the box of samples produced by him was the same that he had sent in with his bid to Gen. Douglass

Certificates of the Alta Express Company, were also offered as evidence to show that said box had not been out of their possession or tampered with in any manner whatever since it was returned to them by the Secretary of State on the awarding of the contract.

Your committee then proceeded to examine and compare the various samples tendered by Messrs. Van Bokkelen and Mendon, with their respective bids for supplying the same, both in regard to quality and price, and find that, while in

their judgment there is, in almost every case, but a small, if any difference in the quality of the goods, there is a very great disparity between the prices charged by Mr. Mendon, for goods furnished under his contract, and that asked by Mr. Van Bokkelen for the same quality of articles.

By reference to the accompanying statement, it will be seen that the total amount paid to Mr. Mendon for stationery furnished by him under said contract of which the committee made comparison is $1,667 35, while the same quantity, of a quality not inferior, would have been furnished by Mr. Van Bokkelen for $845 50, making a difference to the state on the amount already paid out, of about $820. Your committee were unable to compare the samples furnished by other bidders, with those of Messrs. Mendon and Van Bokkelen, as the parties offering them had withdrawn them on the awarding the contract to Mr. Mendon.

Your committee deem it proper to state here, that no evidence has been produced before them to show that there was any *intentional* wrong committed by Gen. Douglass in awarding this contract, but in their opinion sufficient care does not seem to have been taken by him to examine closely the samples sent in with the respective bids.

All of which is respectfully submitted by your committee.

JOHN W. CHERRY, Chairman.
J. D. GALBRAITH,
R. D. FERGUSON,
J. W. SMITH,
CHAS. R. STREET.

SACRAMENTO, January 14th, 1858.

ARTICLES FURNISHED.	PAID TO MENDON.	BID OF VAN BOKKELEN	DIFFERENCE.
100 sand boxes,	$75 00	$12 50	$62 50
100 wafer boxes,	75 00	12 50	62 50
100 inkstands,	100 00	100 00	.....
15 gross long pen-holders,	60 00	15 00	45 00
5 gross short pen-holders,	5 00	5 00	.....
6 pounds twine,	3 00	no samples	.....
2 M quills,	40 00	40 00	.....
20 gross red tape, assorted,	100 00	20 00	80 00
5 gross silk tie,	25 00	7 50	17 50
3 dozen erasers,	18 00	18 00	.....
10 gross Faber's pencils,	100 00	40 00	60 00
30 reams extra letter paper,	240 00	82 50	157 50
15 reams extra cap paper,	120 00	52 50	67 50
15 reams extra cap paper,	75 00	52 50	22 50
15 reams extra brief paper,*	120 00	75 00	45 00
15 reams extra brief paper,	75 00	75 00	.....
5 reams Bath gilt letter,†	40 00	.....	.....
5 reams commercial note paper,	10 00	7 50	2 50
5 reams commercial note paper,*	12 50	.....	.....
10 reams fancy assorted paper,†	60 00	.....	.....
25 gross spoon-bill pens,*	37 50	.....	.....
83 gross assorted steel pens,	74 75	29 75	45 00
2 M buff envelopes,	8 00	4 00	4 00
2 M white envelopes,	8 00	4 00	4 00

* No competition.

† No competition, as no sample of Mendon's have been furnished the committee.

ARTICLES FURNISHED.	PAID TO MENDON.	BID OF VAN BOKKELEN.	DIFFERENCE.
2 M white envelopes,	4 00	4 00	.....
2 M note envelopes,	10 00	10 00	.....
2 M note envelopes,	6 00	.....	.....
4 M buff official envelopes,	16 00	16 00	.....
1 M buff official envelopes,	10 00	10 00	.....
10 C water-proof official envelopes,	80 00	40 00	40 00
10 C water-proof official envelopes,	60 00	40 00	20 00
10 C water-proof official envelopes,*	20 00	.....	.....
5 dozen ink, black,	30 00	15 00	15 00
5 dozen ink, carmine,	20 00	6 25	13 75
5 gross black sand,	25 00	*15 00	10 00
9 dozen ivory paper folders,	81 00	36 00	45 00
6 pounds wafers,*	12 00	.....	.....
Totals,	$1855 75	$845 50	$819 25

* No competition.

Deduct amount furnished and not competed for by Van Bokkelen, or samples not shown by Secretary Douglass, ... $188 40

From $1855 75, balance, ... $1667 35

On examining note envelopes, a difference is found in favor of Mr. Mendon, as follows:

2 gross note envelopes, ... $6 00
Van Bokkelen's, ... 8 00

Difference, ... $2 00

An item of $8, for an article called "pounce," was accidentally omitted in the above bill of Mr. Mendon's, which is intended to be added by this note

The committee appointed to investigate the stationery contract for the Legislature, consisting of Messrs Cherry, Ferguson, Street, Smith of San Bernardino and Galbraith, met pursuant to notice, in the office of the Secretary of State, at 3 o'clock, P. M., Saturday, January 9th, Mr. Cherry acting as chairman, and Mr. Street as secretary, and proceeded to take testimony in the case, as follows:

Col. Ferris Forman sworn, and says:

Happening in the office of the Secretary of State, Gen Douglass, he asked my opinion on the samples of stationery offered by all the different applicants for the contract. I examined the quality of the samples, and the prices, and advised the taking of the bid of G. A. Mendon, in particular reference to quality.

David T. Bagley, sworn, says:

Mr. Edward McGowan called on me and requested me to intercede with Gen. Douglass, to award the contract for stationery to Mr. Van Bokkelen. I declined doing so—stating, as the reason, that Gen. Douglass was not in the habit of being influenced in such matters, but that he would be governed entirely by the bids before him.

R. S. Lee, sworn, says:

I saw all of the samples of stationery and other articles offered by the different parties putting in bids, and considered the bid of G. A. Mendon more advantageous to the state than any other. I considered the quality of the paper offered by G. A. Mendon very superior to that offered by any other person, in accordance with the prices.

J. P. Vaughn, sworn, says:

I was present when the bids of the different parties for the contract for stationery and other articles were put in. I examined the quality of the articles offered by G. A. Mendon, and considered them far superior to any offered by the other parties; know that there has been heretofore great complaint made that the stationery bought for the state was of a poor quality, and that a better quality is required.

G. W. Gilmore, sworn, and says:

I was interested in the bid of Hodge & Wood; was present when the different bids were put in, and saw the terms of the bids. The quality of the paper offered by G. A. Mendon was equally good with that offered by Hodge & Wood, and the prices were lower. The stationery offered by Mr Van Bokkelen was a very inferior article. I consider the bid of Mr. Mendon as low as the articles could be furnished in this city, and lower, for the quality.

W. Bausman, sworn, and says:

I examined the paper offered by Mr. Van Bokkelen and that offered by Mr. Mendon, and consider the quality of the first very inferior to the latter, and think the bid of Mr. Mendon more advantageous to the state to accept than any other. I preferred that Messrs Hodge & Wood should have the contract, but am satisfied that it is more to the interest of the state to take the bid of Mr. Mendon. If I had been governed by personal considerations, I should have preferred that either Mr. Van Bokkelen or Hodge & Wood should have secured the contract, in preference to Mr. Mendon, as the latter was unknown to me I read the article in the Bulletin with feelings of indignation, as I regarded it as an aspersion on the fair fame of the most worthy Secretary of State that the government has ever had.

The committee then adjourned, for time for further information.

Committee on stationery contract met in the speaker's room at 3, P.M., January 12th, 1858.

Mr. Cherry, chairman, and Mr. Street, secretary.

Mr. Van Bokkelen, sworn, and says:

The box marked (B) now here in that room, and containing the samples submitted with my bid for the contract to supply stationery and other articles for the state, in accordance with the proposals published by the Secretary of State, is the identical box and contains the identical samples submitted with the above bid.

The committee examined the samples sworn by Mr. Van Bokkelen to be the same he first sent to the Secretary of State with his bid, and likewise examined the articles purchased of Mr. Mendon for the state, compared the same together as to quality, adaptation to the purposes for which required, and the price, and find that the differences in quality and price are in favor of the bid of G. A. Van Bokkelen, as set forth in the appended lists.

The committee adjourned to this place January 13, 1858, at 3 o'clock, P. M.

To the Agent of the Alta Express Company:

SIR:—The accompanying parcel is the same one that was received by us from our agent at Sacramento on December 14, 1857.

At the request of Mr. G. A. Van Bokkelen, we retained it in our office in this

city until the present time; it has not been opened since its arrival, nor has any person had access to it to open or change the contents thereof.

AGENT ALTA EXPRESS COMPANY.

SAN FRANCISCO, January 11, 1858.

To Hon. J. W Cherry, Chairman of Committee on investigating awarding of Stationery contract:

SIR:—The accompanying parcel is the same received by me from the office of Secretary of State on December 23, 1857, in compliance with an order drawn by Mr. George A. Van Bokkelen on the Secretary of State, dated San Francisco, December 23, 1857, requesting that the samples, bid, etc., submitted by him for furnishing the state with stationery, etc., etc., be delivered to the Alta Express Company.

A. BADLAM,

Agent of Alta Express Company, Sacramento City.

SACRAMENTO CITY, January 12, 1858.

Mr. De Long offered the following resolution, which was adopted:

Resolved, That 240 copies of the lists of the standing committees of the two Houses be ordered to be printed.

On motion of Mr. Smith of Nevada, at 2 o'clock, P M., the House adjourned.

IN ASSEMBLY.

FRIDAY, January 15, 1858.

House met pursuant to adjournment, the speaker in the chair.
Roll called.
Leave of absence was granted Mr. Galbraith for two days.
Journal of yesterday read and approved.
Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined joint resolutions relative to the several contracts for carrying the United States mail between the Atlantic States and the Pacific coast, and find them correctly engrossed.

H. A. MOSES, Chairman.

JANUARY 15, 1858.

Mr. Parker reported as follows:

MR SPEAKER:—Your committee to whom was referred Assembly bill No. 7, "An act to extend the term of office of the board of supervisors of Calaveras county," have taken the same under consideration and recommend its passage, and that the act be extended to the counties of Marin, Amador, Plumas, Sierra, Nevada, Tuolumne, and Sutter.

PARKER, Chairman.

Copies of accounts paid from contingent fund of Secretary of State and of State Library, and from appropriation for lights and fuel, were received from Secretary of State and referred to Committee on Accounts and Expenditures.

The following message was received from the Senate:

SENATE CHAMBER,
January 14.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate on yesterday adopted the following concurrent resolutions:

Resolved, By the Senate, the Assembly concurring, that from and after the passage of this resolution the halls of the two Houses, and other rooms in the state-house, shall be used for state purposes only. And respectfully ask the concurrence of the Assembly.

THOS. N. CAZNEAU, Secretary Senate.

Senate concurrent resolution, referred to in above message, was concurred in by the House.

The following message was received from the Senate:

SENATE CHAMBER,
January 14, 1858.

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 to provide for the erection of a jail in the county of Tuolumne, approved April 18, 1856."

THOS. N. CAZNEAU, Secretary Senate.

Senate bill No. 17 was read first and second times, rules suspended, bill read third time and passed.

Notice of bills to be introduced were given as follows:

By Mr Stocker, of a bill for an act for the purpose of confining the prisoners at the state prison within the prison limits; also, of a bill for an act for the purpose of compelling the lessee of the state prison to furnish a uniform for each prisoner, to be worn during the term of imprisonment;

By Mr. Hirst, of a bill for an act to reduce the salary of the county judge of Klamath county;

By Mr McCoy, of a bill for an act to authorize Peter Davidson to sell and convey certain real estate in the city of San Jose;

By Mr. Caldwell, of a bill for an act to amend an act amendatory of an act in relation to personal mortgages in certain cases, approved April 29, 1857;

By Mr. Lee, of a bill for an act to authorize the administrator of Juan Antonio Vallejo, deceased, to sell the real estate of his intestate at private sale;

By Mr. Havens, of a bill for an act to establish the boundary line between Humboldt and Klamath counties.

Mr. De Long offered the following resolution, which was adopted:

Resolved, That this House authorize the Committee on Elections to receive for consideration, from either of the parties in the contested election entitled "Montgomery *vs.* Harris," now pending before said committee, any and all documents that either of the said parties may produce, and which the said committee may deem proper to be considered in the investigation of said case.

Mr. Lee offered the following resolution:

Resolved, That the Committee of Ways and Means be, and they are hereby, authorized to employ a clerk when, in their opinion, one is necessary.

The resolution was adopted.

Mr. Lee moved a reconsideration of the vote.

Carried.

Mr. Sherwin offered the following, as a substitute:

Resolved, That the chief clerk be authorized to employ one journal clerk, and all copying and committee clerks; *provided*, they do not exceed five in the aggregate.

The resolution and substitute were withdrawn.

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

Resolved, That the sergeant-at-arms be allowed an assistant in the discharge of his duties.

Mr. Buel renewed Mr. Lee's resolution, allowing the Committee of Ways and Means to employ a clerk.

Mr. Sherwin's substitute for the same was also renewed.

Mr. De Long moved to lay the substitute on the table.

Carried.

Mr. Lee moved a reconsideration of the vote.

Agreed to.

The House sustained the motion for the previous question, on the motion to adopt the substitute.

The substitute was lost.

On the adoption of Mr. Lee's resolution, the ayes and noes were demanded by Messrs. Sheridan, Stout and Ferguson.

The resolution was adopted, by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Crane, Davis, De Long, Edwards, Ely, Gordon, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, King, Lee, Lewis, Loofbourrow, Markley, Minis, Mitchell, Moore, Moses, Neblett, Osgood, Palmer, Parker, Pearis, Pico, Shepard, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Street, Thomas, Tipton, Tuttle, Walker, Ward, Willson, Young, and Mr. Speaker—62.

NOES—Messrs. Curtis, Ferguson, Graham, Hill of Nevada, Kabler, McCoy O'Brien, Ormsby, Safford, Sheridan, Sherwin, Stout, Stratton, Tatman—14.

Mr. Howell gave notice that on to-morrow he would move a reconsideration of the vote.

Mr. Stakes, from Judiciary Committee, made the following report:

The Judiciary Committee, to whom were referred Assembly bill No. 5, entitled "an act to change the name of William Wilson Smith to William Wilson Lawton; and Assembly bill No. 8, entitled "an act to incorporate the town of Union;" also, Assembly bill No. 3, entitled "an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco," have had the same under consideration, report the three bills back, and recommend their passage.

A. G. STAKES, Chairman.

On motion of Mr. Edwards, the rules were suspended, in order that one other member might be added to the State Prison Committee.

The chair appointed Mr. Safford to serve on State Prison Committee, in connection with those already selected.

Mr. Sheridan gave notice of an amendment to the standing rules of the House.

Assembly bill No. 8, entitled "an act to incorporate the town of Union," was considered engrossed, read a third time, and passed.

Assembly bill No. 1, entitled "an act to regulate the fees of certain county officers of Contra Costa county," was considered engrossed, read a third time, and passed.

Assembly bill No. 5, entitled "an act to change the name of William Wilson Smith to William Wilson Lawton," was considered engrossed, read a third time, and passed.

On motion of Mr. Clark, the resolution for paying Will. Campbell, late Assembly clerk, was taken up and referred to Committee on Claims.

On motion of Mr. De Long, at half past twelve o'clock, the House adjourned.

IN ASSEMBLY.

SATURDAY January 16, 1858

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

Journal of yesterday read and approved.

Mr. Markley presented a petition from citizens of Shaw's Flat, Tuolumne county, praying the enactment of a Sunday law. Read and referred to Committee on Public Morals.

Mr. Aud made the following report:

MR. SPEAKER:—The Committee on Claims having had under consideration the resolution for paying Will. Campbell, late clerk of the Assembly, for services rendered at the commencement of this session, report back a substitute, and recommend its adoption.

FRANCIS L. AUD, Chairman,
C. BURBANK,
D. E. BUEL,
A. P. K. SAFFORD,
S. A. BALLOU.

The substitute reported above:

Resolved, That the Comptroller of State be, and is hereby, authorized to draw his warrant on the State Treasurer for the sum of eighty-four dollars, in favor of Will Campbell, for services as clerk at the commencement of this session, payable out of the fund for the pay of officers and clerks of the Assembly,

Was adopted.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and find correctly engrossed, Assembly bill No. 12, entitled an act to change the name of James Defenbaugh, to James D Austin.

H A MOSES, Chairman

Mr. Sheridan made the following report:

MR SPEAKER:—The Joint Committee of the Senate and House on Public Printing, to whom were referred the documents referred to and accompanying the

Governor's annual message, have had the same under consideration, and would beg leave respectfully to report as follows:

Print of Comptroller's Report, - - - - - - - - -	2500
Print of Treasurer's Report, - - - - - - - - -	2500
Print of Secretary of State's Report, - - - - - -	1000
Print of Superintendent of Public Instruction, with appendixes A and B, - - - - - - - - - - -	1000
Print of Quartermaster General's Report, - - - - - -	1000

J. E SHERIDAN,
Chairman of House Committee.
D. S. GREGORY,
Chairman of Senate Committee.

On motion of Mr. Ballou, the report was amended by striking out "one thousand," and inserting "two thousand five hundred" copies of Report of Superintendent of Public Instruction, with appendixes A and B.

The report was then adopted.

Mr. De Long reported as follows:

Report of Select Committee of the House of Assembly, appointed to examine and report the cheapest and best modes for procuring the copying to be done for the Assembly, during its present session:

We, the undersigned, members of the aforesaid committee, beg leave most respectfully to submit the following report:

The number of proposals received by your committee is twenty-two; many, and almost all of them offering references in the names of some of the best and most successful business men in this city, as well as members of the Senate, state officers, clerks of the Supreme Court, and many members on this floor, as well as former members of the same; and many of the proposals are also accompanied by offers to enter into bonds in any amount, to the satisfaction of this House, for the speedy and satisfactory performance of the said duties. The bids range in various amounts, from the sum of seven cents to twelve and one-half, as follows, to wit:

One bid for	12½ cents
Two bids for	12 cents.
Two bids for	11 cents.
Six bids for	10 cents.
One bid for	9⅜ cents.
Four bids for	9 cents.
Six bids for	8 cents.
One bid for	7 cents.

The last named bid, being made by G. L Gale, reads as follows:

To Messrs. De Long and others, special committee of the House, on copying.

GENTLEMEN:—I would most respectfully offer to do the whole of the copying for the House for seven cents per folio, to be well executed, and in time, to the full satisfaction of the committee or the clerk of the House, or I will not ask pay. For capacity, and the faithful performance of the same, I have the honor to refer to the Hon. L. W. Ketchum, Hon. W. T. Lewis, senators of the nineteenth senatorial

district; Hon R. M. Briggs, Hon. Homer King, of the Assembly, for Amador county; Hon. W. W. Seawell, late member from the same county.

Yours, etc.,

GEORGE L. GALE.

This being the lowest bid made, and the conditions and references being of such a nature as to fully satisfy the minds of your committee that the said G. L. Gale is competent and responsible to perform all the duties pertaining to the office, thereby making a saving to the state, (as the difference between the sum at present being paid, provided the same amount of copying should be performed at the present session of the House as there was done at the last,) in the sum of thirteen hundred and seventy-three dollars and twelve cents, as is shown by the following table, to wit:

Amount of folios copied at the last session was:	
17,164 at 20 cents, amount paid, ...	$3,432 80
17,164 at 15 cents, amount, ...	$2,574 60
17,164 at 7 cents, amount, ...	1,201 48
Balance, ...	$1,373 12

In view of all these facts, your committee beg leave most respectfully to submit this report, and recommend that the said George L Gale be appointed as copying clerk of this House, for this session, to do all the business pertaining to the said office in a speedy and satisfactory manner, and that he do the same for and in consideration of the sum of seven cents per folio of one hundred words.

C. E. DE LONG of Yuba, Chairman.
MOSES STOUT of Sacramento.
J. W SMITH of San Bernardino
Members of said committee.

Mr. De Long moved to amend the report so that it should read that the said clerk be qualified, and that all provisions relative to giving a bond be stricken out.

Mr. Holladay offered the following resolutions, as a substitute for the whole subject matter:

Resolved, That the clerk be authorized to employ any number of clerks he may find actually necessary, not exceeding six; and that all the committees of this House be authorized, as they need clerks, to apply to the chief clerk, who shall, on such request, detail clerks for the service of such committees.

Resolved, That this resolution shall supersede the appointment of all other clerks already employed by the various committees, excepting the Judiciary Committee.

On motion of Mr. Ballou, the House went into Committee of the Whole, Mr. King in the chair, to consider the report and resolutions.

Committee rose and reported the matter back.

On motion of Mr. Lee, the substitute offered by Mr. Holladay was amended by striking out the last resolution.

Mr. McCoy moved to recommit, with instructions to contract with Mr. Gale, with ample security for his faithful performance, subject to the approval of this House, and under the especial supervision of an auditing committee of three, to be appointed by the chair

Mr. Lee moved the previous question.

Sustained.

On motion to recommit, the ayes and noes were demanded by Messrs McCoy, Holman and O'Brien, with the following result:

AYES—Messrs. Aud, Banks, Briggs, Caldwell, Clarke, De Long, Edwards, Ferguson, Gray, Harris, Heath, Hill of Nevada, Hill of Sierra, Hobart, Holman, Kabler, King, Markley, McCoy, O'Brien, Ormsby, Osgood, Safford, Sheridan, Simons, Smith of Nevada, Spilman, Stout, Stratton, Street, Tatman, Warfield, Wilson, Young, Mr. Speaker—35.

NOES—Messrs Anderson, Ballou, Buel, Burbank, Cherry, Crane, Curtis, Davis, Ely, Gordon, Graham, Haldeman, Hamlin, Hancock, Havens, Hitchens, Holladay, Howell, Hurst, Lee, Lewis, Loofbourrow, Minis, Mitchell, Moses, Neblett, Palmer, Parker, Pearis, Pico, Shepard, Sherwin, Smith of San Bernardino, Stakes, Thomas, Tipton, Tuttle, Walker, and Ward—39.

So the House refused to recommit

On the adoption of Mr Holladay's substitute as amended, Messrs. Edwards, Sheridan and Curtis, demanded the ayes and noes, with the following result:

AYES —Messrs. Anderson, Aud, Ballou, Banks, Buel, Burbank, Cherry, Clark, Crane, Davis, Gordon, Gray, Graham, Hancock, Havens, Heath, Hill of Sierra, Hobart, Holladay, Howell, Hirst, Lee, Minis, Mitchell, Moses, Neblett, Osgood, Palmer, Parker, Pico, Sherwin, Smith of San Bernardino, Stakes, Street, Thomas, Tuttle, Walker, Ward, Warfield, and Young—40.

NOES—Messrs. Briggs, Caldwell, Curtis, De Long, Edwards, Ely, Ferguson, Haldeman, Hamlin, Harris, Hill of Nevada, Hitchens, Holman, Kabler, King, Loofbourrow, Markley, McCoy, O'Brien, Ormsby, Pearis, Safford, Shepard, Sheridan, Simons, Smith of Nevada, Spilman, Stout, Tatman, Tipton, Willson, and Mr. Speaker—32.

So the substitute was adopted.

Mr. Hill of Sierra gave notice that on Monday he would move a reconsideration of the vote.

Mr. Howell, agreeably to notice, moved a reconsideration of the vote by which the House, on yesterday, adopted a resolution granting the Committee of Ways and Means a clerk.

Lost

The following message was received from the Senate:

SENATE CHAMBER,
January 16, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate concurrent resolution No. 11, relative to a joint committee from both Houses to visit the state prison, and ask the concurrence of the Assembly

And have concurred in Assembly amendment to report of committee relative to printing the accompanying documents of the Governor's annual message.

Also passed Senate bill No 29, an act to change the name of Maria Rebecca Spear to Maria Rebecca Morrell.

T. N. CAZNEAU, Sec'y Senate.

Senate concurrent resolution No. 11 was concurred in, and the chair appointed on part of the House Messrs. Ferguson, Lewis, and Graham.

Senate bill No. 29, above reported, was read first and second times, and referred to Judiciary Committee.

Mr. Shepard introduced a bill for an act to change the name of Michael Nicholas Diffendaffer to Addison Diffendaffer Martin.

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

Notices of bills to be introduced were given as follows:

By Mr. Mitchell, of a bill for an act to legalize the records of Tulare county prior and up to the first day of September, 1857, and to authorize the board of supervisors of said county to have the same indexed, transcribed, etc.;

By Mr. Thomas, of a bill for an act to combine the offices of supervisor and assessor in the county of Stanislaus;

By Mr Ward, of a bill for an act to reduce the amount of bonds of the county officers in the county of Merced;

By Mr. Ely, of a bill for an act for the suppression of houses of ill fame.

Mr Lee introduced a bill for an act to authorize the administrator of Juan Antonio Vallejo, deceased, to sell the real estate of his intestate at private sale.

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

Mr. Parker introduced a bill for 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.

Read first and second times, and referred to Committee on Mines and Mining Interests.

Mr. Safford introduced a bill for an act to reduce and establish the salaries of officers and pay of members of the Legislature.

Read first and second times, and referred to Committee on Expenditures and Accounts.

Mr Holladay introduced a bill for an act to provide for the construction of a bulkhead in the harbor of San Francisco.

Read first and second times, and referred to San Francisco delegation

Leave of absence was granted Mr. Briggs for three days

Mr. Gray offered the following concurrent resolution, relative to the Kansas and Nebraska question, which, on motion, was laid on the table.

Whereas, By the arrival of the mail steamer of the 14th inst., we learn by the printed reports of the Senate of the United States, published in the New York Herald of the 21st day of December, 1857, that the honorable Stephen A Douglas, of Illinois, has introduced into the Senate of the United States, a bill for the admission of Kansas into the Union, which "provides for a board of five persons, to be appointed by the President and confirmed by the Senate, to make an enumeration of the inhabitants of Kansas, and a fair apportionment of members to the convention; also provides for an election to be held on a day designated by the board, not less than ninety nor more than one hundred and twenty days from the passage of this act; also provides that the board shall be entrusted with the appointment of judges and places of voting, which is to be confined to every free white male citizen of the United States, over twenty-one years, who may be a *bona fide* inhabitant of the territory on the 21st of December, and who shall have resided three months prior to the election in the county in which he offers to vote; also provides that the convention shall assemble at not less than thirty nor more than sixty days, after the election of delegates; also provides, that the constitution shall be submitted to the legal voters for their acceptance or rejection, and unless adopted by the majority of all the legal votes cast, shall be null and void, securing the personal and political rights of the people, including those of speech and the press;"

Resolved, The Senate concurring, that we, the people's representatives, now assembled at the capitol of the state of California, feel an ardent desire for the

just and peaceful settlement of the Kansas question, and deem it incumbent on us to express our views fully and freely on a subject which interests all true lovers and friends of the Union, and the right of the people to govern themselves.

Resolved, That in the above synopsis of Mr. Douglas' bill we recognize the truly democratic principles that ought to govern, and that we endorse them to the fullest extent.

Resolved, That his Excellency, the Governor, be requested to furnish copies of these resolutions and preamble to our senators and representatives in Congress.

On motion of Mr. Mitchell, at half past two o'clock, P. M., the House adjourned.

IN ASSEMBLY.

MONDAY, January 18, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called

Journal of Saturday last read and approved.

Mr. Buel presented a petition from citizens of Coloma, El Dorado county, praying the enactment of a Sunday law.

Read and referred to Committee on Public Morals.

Mr. Ely made the following reports, which were filed:

MR. SPEAKER:—The Committee on Federal Relations, to whom were referred Assembly concurrent resolutions in relation to mail route in Placer and Nevada counties, respectfully report the same back, without amendment, and recommend their adoption.

BEN. E. S. ELY, Chairman.

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Assembly joint resolution in relation to donating public lands, respectfully report the same back, with the following amendment: Add to the last section, the words, "*Provided, however, that said donations shall not extend to mineral lands of this state, either surveyed or unsurveyed,*"

And recommend their adoption. BEN. E. S. ELY, Chairman.

Notices of bills to be introduced were given, as follows:

By Mr. De Long, of a usury bill;

By Mr Aud, of a bill for an act amendatory of an act concerning sheriffs, passed April 29th, 1851;

Also, of a bill for an act to repeal the sixty-ninth section of the act entitled an act amendatory of and supplementary to the act entitled an act to regulate proceedings in civil cases in the courts of justice in this state;

By Mr. Burbank, of a bill for an act for the protection of settlers and the quieting of land titles in this state;

By Mr. Haven, of a bill for an act to amend an act entitled an act to authorize married women to transact business in their own names, as sole traders, passed April 12th, 1852;

By Mr. Ely, of a bill for an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in this state;

Also, a bill for an act to exempt certain property from execution;

Also, a bill for an act regulating the manner of recording and conveying quartz claims;

By Mr. Heath, of a bill for an act fixing the time of holding the county court, court of sessions, and probate court, in and for Santa Barbara county;

By Mr. Parker, of a bill for an act to change the name of Elmer A. Clapp to Elmer A Bennett;

By Mr. Walker, of a bill for an act to give the board of supervisors of Siskiyou county power to levy a special tax for school purposes;

By Mr Caldwell, of a bill for an act to amend an act entitled an act amendatory of and supplementary to the act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed May 15th, 1854;

By Mr. Stocker, of a bill for an act in relation to the official bonds of justices of the peace;

Also, of a bill for an act to reduce the salary of the county judge and district attorney in the county of Marin;

Also, a bill for an act to amend an act in relation to the boundary of Marin county;

Mr. Hill of Nevada introduced a bill for an act to make county warrants receivable in payment for county taxes.

Read first time and laid over.

Mr. McCoy introduced a bill for an act to authorize Peter Davidson to convey certain real estate.

Read first and second times.

Mr. McCoy moved to suspend the rules, that the bill might pass to a third reading.

The chair decided that a unanimous vote of the members present was not necessary to suspend the rules.

Mr Safford appealed from the decision of the chair

The decision of the chair was sustained

The motion to suspend the rules was lost.

Mr. Haven introduced a bill for an act to establish the boundary line between the counties of Humboldt and Klamath.

Read first and second times, and referred to Committee on Counties and County Boundaries.

Mr. Mitchell introduced a bill for an act to legalize certain records in the county of Tulare.

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

Mr Stakes introduced a bill for an act concerning the recapture of slaves escaping from the service of their owners and masters while traveling through or sojourning in this state

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

State Treasurer's account of expenditure of contingent fund was taken up and referred to Committee on Accounts and Expenditures

Mr. Neblett introduced a bill for an act to amend an act entitled "an act concerning ferries and toll-bridges, approved April 28, 1855."

Read first and second times, and referred to Committee on Roads and Highways.

Mr Ballou introduced a bill for an act to amend an act concerning the office of county assessor, passed March 27, 1850.

Read first and second times and referred to Judiciary Committee.

The following communication was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 18, 1858.

To the Assembly of California:

I have been requested by Mr. Oliver Evans Woods, of Pennsylvania, to transmit the enclosed memorial to your honorable body.

Mr. Woods has been for several years laboring with great zeal to perfect a plan for the safe delivery of letters which reach this coast, through the United States mails. In my opinion, the adoption of his scheme would lessen, very materially, the number of dead letters which are now destroyed every quarter at San Francisco, and enable thousands, who are constantly changing their locations in the mining regions, to receive letters from their friends on the other side of the continent. The number of dead letters consumed every quarter at San Francisco amounts to some twenty-five thousand.

A "suspended list," such as Mr. Woods proposes, would certainly save a large proportion of these letters from destruction, and at a very small expense to the department.

You will perceive that his object is, to invoke your aid, through our senators and representatives in Congress. I commend the subject to your careful consideration.

JOHN B. WELLER.

The communication referred to in the above message, was referred to the Committee on Federal Relations.

Assembly bill No. 3, an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco, was taken up and ordered engrossed.

Assembly bill No. 7, an act to extend the term of office of the board of supervisors of Calaveras county, was taken from the general file, amended, and ordered engrossed.

Mr. Hill of Sierra, moved the reconsideration of the vote by which the Assembly, on Saturday, adopted the resolution relative to the employment of copying clerks.

Mr. Stakes moved to indefinitely postpone the motion to reconsider, and the previous question was called and sustained.

Messrs. Edwards, Sheridan and De Long demanded the ayes and noes, and the indefinite postponement was lost by the following vote:

AYES—Messrs Anderson, Aud, Ballou, Buel, Clarke, Crane, Davis, Galbraith, Gordon, Gray, Graham, Haldeman, Hancock, Havens, Heath, Holladay, Howell, Lee, Lewis, Loofbourrow, Minis, Mitchell, Neblett, Osgood, Palmer, Parker, Pearis, Sherwin, Smith of San Bernardino, Stakes, Thomas, Tipton, Tuttle, Ward, Warfield, and Mr. Speaker—36.

NOES—Messrs. Banks, Burbank, Caldwell, Curtis, DeLong, Edwards, Ely, Ferguson, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holman, Kabler, King, Markley, Marshall, McCoy, Moses, O'Brien, Ormsby, Safford, Shepard, Sheridan, Simons, Smith of Nevada, Spilman, Stocker, Stout, Stratton, Street, Tatman, Walker, Warmcastle, and Willson—36.

The House agreed to reconsider by the following vote—Messrs. Hancock, Buel, and Galbraith, demanding the ayes and noes:

AYES—Messrs Burbank, Caldwell, Curtis, De Long, Edwards, Ely, Ferguson, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holman, Hirst, Kabler, King, Markley, Marshall, McCoy, Moses, Neblett, O'Brien, Ormsby, Safford, Shepard,

Sheridan, Simons, Smith of Nevada, Spilman, Stocker, Stout, Stratton, Street, Tatman, Tipton, Walker, Warmcastle, and Willson—37.

NOES—Messrs Anderson, Aud, Ballou, Banks, Buel, Crane, Davis, Galbraith, Gordon, Gray, Graham, Haldeman, Hancock, Harris, Havens, Heath, Holladay, Howell, Lee, Lewis, Loofbourrow, Minis, Mitchell, Osgood, Palmer, Parker, Pearis, Sherwin, Smith of San Bernardino, Stakes, Thomas, Tuttle, Ward, Warfield, Young, and Mr. Speaker—36.

Mr. Safford offered as a substitute, resolutions embodying the report of the original committee on copying, but fixing the rate at fourteen cents per folio, and demanded the previous question, which was sustained and the substitute lost.

On the adoption of Mr. Holladay's resolution, Messrs. Buel, Tatman and Ormsby, demanded the ayes and noes, and it was adopted, as follows:

AYES—Messrs Anderson, Aud, Ballou, Banks, Buel, Crane, Curtis, Davis Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hancock, Harris, Havens, Heath, Holladay, Howell, Lee, Lewis, Marshall, Minis, Mitchell, Osgood, Palmer, Parker, Pearis, Sherwin, Smith of San Bernardino, Stakes, Street, Thomas, Tuttle, Ward, Warmcastle, and Young—38.

NOES—Messrs. Burbank, Caldwell, De Long, Edwards, Ely, Ferguson, Hamlin, Hill of Nevada, Hill of Sierra, Hobart, Holman, Hitchens, Hirst, Kabler, King, Loofbourrow, Markley, McCoy, Moses, Neblett, O'Brien, Ormsby, Safford, Shepard, Sheridan, Simons, Smith of Nevada, Spilman, Stocker, Stout, Stratton, Tatman, Tipton, Walker, Warfield, Willson, and Mr. Speaker—36.

Concurrent resolution relative to mail route in Placer and Nevada counties was taken up and adopted.

The following message was received from the Senate:

SENATE CHAMBER, January 18, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that Messrs. Goodwin, Lewis, and Burton have this day been appointed by the Senate on the joint committee to visit the state prison.

THOS. N. CAZNEAU, Sec. Senate.

Mr. Gray moved to take from the table Assembly concurrent resolution relative to Kansas and Nebraska question.

Mr. Ballou moved the previous question.

Sustained.

The motion to take up was lost.

Mr. Havens offered concurrent resolution relative to the establishment of certain mail routes in the northern part of this state.

Adopted.

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

Resolved, That the Committee on State Hospitals be and they are hereby authorized, in conjunction with the hospital committee appointed on the part of the Senate, to visit the insane asylum at such time as they may think best.

Mr. Sheridan, pursuant to notice, offered the following additional standing rule, to be numbered seventy-four:

"On the call of the chairman of any committee, it shall be the duty of all the members of said committee promptly to attend when the roll shall be called; and

should members absent themselves from the meetings of said committee without a reasonable excuse, it shall be the duty of the chairman to report the facts to the House, which shall then take such action in the case as may be deemed necessary and proper."

Lost.

Mr. Ballou gave notice that he would, on to-morrow, offer a proviso to the sixty-fifth standing rule, so as to exempt the seventh rule from its operation, preventing thereby a suspension of said seventh rule, except by unanimous vote of the House.

Mr. Stakes gave notice of the introduction of a bill for an act concerning practicing physicians, to prevent mal-practice, and to regulate the sale of drugs and medicines; also, of amendments to the nineteenth standing rule, so as read, "the Committee on Claims to consist of seven members, and Committee on Public Expenditures and Accounts to consist of seven members."

Mr. Warfield offered concurrent resolution relative to daily mail route from Marysville to Forest City *via* North San Juan.

Adopted.

On motion of Mr. Stakes, at two o'clock P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, January 19, 1858.

House met pursuant to adjournment, the speaker in the chair.

Roll called.

Journal of yesterday read and approved.

On motion, the House reconsidered the vote by which Senate resolution No. 11, appointing a joint committee to visit the state prison was adopted, and the chair appointed to compose said committee on the part of the Assembly, Messrs. Lewis, Edwards, and Graham.

Mr. Parker, from Committee on Elections, made the following report, which was received and made the special order for Monday next, at 12 o'clock.

To the Honorable the Assembly of the State of California:

MR. SPEAKER:—Your Committee on Elections, to whom were referred the contested seat in this House from the county of Sutter, wherein Z. Montgomery was contestant, and James O. Harris respondent or sitting member, have the honor to respectfully make the following report to your honorable body:

Your committee have, with great care and attention, examined all the evidence that has been presented before them, which consisted of documentary evidence in the shape of depositions taken before a commision of justices of the peace of Sutter county. In view of protecting the sacredness of the elective franchise, the highest prerogative of American freemen, your committee have examined minutely and cautiously into all evidence adduced—and here, first, your committee would refer to one of the precincts in said county known as "Orear's Precinct;" there four men voted, who, upon direct examination, stated that they lived in Placer county. Upon cross-examination they stated that if the county boundary line was opposite a point known as "Camp Far West," then they resided in Placer county; but that if above that line then they resided in Sutter county. The only means that your committee had of examining into this boundary line was from the revised statute, where it stated that the boundary line spoken of was opposite this point known as "Camp Far West;" it seems also that these men had been in the habit of voting at this precinct for several years, but that

they paid their taxes, or some of them, in Placer county. Your committee consider it fair to presume that men would not pay taxes in a county where the law did not compel them so to do; and as these deponents did not state that they paid taxes in the county of Sutter, your committee think that they knew they were not residents of the county of Sutter, although for many years it seems it was their custom to enjoy the right of suffrage in that county. Because one has been in the custom of casting an illegal vote for several years at a certain precinct, your committee think does not guarantee to him the right to continue so voting, for in this mode of procedure the will of the people might at all times be destroyed, and fraud rewarded for its infamy.

In another precinct, Mokelumne, the polls were closed before sunset, and the votes commenced to be counted; before the counting was finished, two persons came in and voted. This procedure, your committee certainly consider was illegal, while at the same time, if no fraud is shown, your committee do not think that a voter could be prevented from exercising the elective franchise, because of the informality of the judges of election in opening the ballot-box before the time prescribed by law, for in that instance, again, the high prerogative of the people might be destroyed by the willful act of corrupt officers of an election.

Your committee would also state that they find two foreigners voted for respondent; one a Frenchman, the other a German, who had not their naturalization papers, but only their declaratory papers of intention, which are on file among the depositions presented to your committee. There were, also, at Nicolaus precinct, persons who were called up by appellant, who refused to give evidence because of the fear of exposing themselves to a criminal prosecution It is not shown that their votes were sworn in at the election, and your committee do not think that by giving in evidence of having voted for either contestant or respondent, they would thereby subject themselves to a criminal prosecution; and when a witness, placed upon the stand by a party, refuses or is backward in giving evidence for that party, your committee think that it is fair to presume that the evidence he would adduce would be against the party so offering him in evidence. But they say they were advised not to swear by respondent's attorney, Mr. Ryan, which places the matter in an opposite light. At another precinct, Knight's Landing, where respondent had a majority, it seems that the returns were not properly endorsed. From this precinct they were sent by private hand, and the person delivering them did not endorse on the same that they were not altered, erased, or out of his hand after he received them from the inspectors. Although your committee consider it mandatory on the part of the person so delivering returns, if delivered by private hand, to endorse as above, nevertheless, if there is no cause or reason to suspect that improper conduct has been used in reference to the returns so delivered, your committee think it fair to presume that they are correct. A mere technicality of that kind, unless improper conduct is shown, should not invalidate the returns, and as no such evidence was adduced, or offered to be adduced, your committee consider those returns correct. Also, at Orear's precinct, a boy of sixteen years of age voted for respondent, which was denied by respondent's counsel. Your committee would here state that all the evidence they have of illegal votes having been cast for Montgomery is entirely hearsay—that is that A heard B say that he voted for Montgomery, and your committee do not think it proper to consider such evidence.

Now, by way of recapitulation, so that your honorable body may more fully and completely draw a conclusion in this matter of the contested seat, the following statement is made:

That the four votes first spoken of, at Orear's precinct, for respondent, should be thrown out Also, the two foreigners, who had only their declaratory papers. Also, the boy of sixteen; making a total of seven illegal votes cast for James O. Harris, the respondent, thus giving Mr. Montgomery a majority of three votes.

In conclusion, your committee would say that they have examined the adjudged cases of former contested seats in this Legislature, and find nothing therein to cause them to draw a different conclusion than that they here arrive at. Therefore, be it

Resolved, That the seat in this House, now occupied by James O. Harris, be declared vacant, and that Z. Montgomery be declared the duly elected representative to the Assembly of California from Sutter county.

PARKER, Chairman.
E. J. LEWIS,
W. W. McCOY,
J. A. CLARKE,
A. H. MITCHELL,
URIAH EDWARDS,
C. E. DE LONG.

Mr. Sheridan made the following report:

MR. SPEAKER:—The Joint Committee on Printing, having considered the concurrent resolution for the printing of the reports of the several state officers, respectfully represent that no other reports of the said officers have been submitted than those named in your committee's report to concurrent resolution No. 4, so that the reports of said officers have been acted upon by your committee, who therefore pray to be discharged from the further consideration of the subject.

J. E. SHERIDAN,
Chairman of House Committee.
D. S. GREGORY,
Chairman of Senate Committee.

On motion of Mr McCoy, the matter was recommitted, with instructions to include in their report to this House the reports of all the state officers which should accompany the Governor's message and be included therewith.

The following communication was received from the Attorney General:

ATTORNEY GENERAL'S OFFICE,
Sacramento, Jan. 16, 1858.

Hon. N. E. Whitesides, Speaker of the Assembly:

DEAR SIR:—I received to-day a copy of a resolution, adopted by the House over which you have the honor to preside, requesting my opinion upon the legality, under the present revenue law, of taxing possessory rights to lands in this state, where the title is vested in the general government. In answer, permit me to say, that after a careful examination of our revenue laws, I am unable to discover any provision authorizing the taxation of the species of rights spoken of in the resolution quoted.

Improvements upon public lands in the possession of private persons are taxed, and very properly.

Official engagements prevent my giving, at present, the reasons for the foregoing conclusions; but should the Assembly desire it, I will do so in future, with pleasure.

Respectfully, etc.,
THOS. H. WILLIAMS, Attorney General.

Assembly bill No 22, an act to make county warrants receivable in payment for county taxes, was read a second time, and referred to Committee on Ways and Means.

Assembly bill No. 23, an act to authorize Peter Davidson to convey certain real estate, was taken up, considered engrossed, read a third time, and passed.

Mr Aud introduced a bill for an act to amend an act concerning sheriffs, passed April 29, 1851; read first and second times, and referred to Judiciary Committee.

Mr. Lee offered concurrent resolution relative to territorial government in Utah.

Adopted.

Mr. Aud introduced a bill for an act to repeal the sixty-ninth section of the act entitled "an act amendatory of and supplementary to the act entitled an act to regulate proceedings in civil cases in the courts of justice of this state." Read first and second times, and referred to Judiciary Committee.

Mr. Havens introduced a bill for an act to amend an act entitled an act to authorize married women to transact business in their own names as sole traders, passed April 12, 1852. Read first and second times, and referred to Judiciary Committee.

Mr. Shepard introduced a bill for an act to provide for the funding and payment of the outstanding and unfunded indebtedness of the city of San Francisco and of the county of San Francisco, as they existed prior to the first day of July, 1856; also, a bill for an act to authorize the board of supervisors of the city and county of San Francisco to sell certain real estate. Both bills were read first and second times, and referred to San Francisco delegation.

Mr. Caldwell introduced a bill for an act to amend "an act amendatory of and supplementary to an act in relation to personal mortgages in certain cases, approved April 29, 1857." Read first and second times, referred to Judiciary Committee, and ordered printed.

Mr Hirst introduced a bill for an act to reduce the salary of the county judge of Klamath county. Read first and second times, and referred to Judiciary Committee.

Mr. Burbank introduced a bill for an act amendatory of and supplementary to an act entitled "an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853."

Read first and second times, and referred to Committee on Corporations.

Mr. Heath introduced a bill for an act to amend an act entitled "an act to regulate *rodeos*, passed April 30th, 1851."

Read first and second times, and referred to Santa Barbara, Los Angeles, and San Luis Obispo delegations.

Assembly joint resolution No. five, relative to donating public lands to actual settlers within the state of California, was taken up, amendments proposed by Committee on Federal Relations concurred in, and resolution ordered engrossed.

Mr. Ballou offered the following amendment to the standing rules:

Add to rule sixty-five the following words: "Except that portion of rule seven, relating to third reading of bills."

Adopted.

Mr. Hill of Nevada, offered the following resolution, which was adopted:

Resolved, That the Attorney General be requested to give his written opinion to both houses of the Legislature now in session, upon the legal effect of the vote given at the last election, touching the matter of a constitutional convention.

Mr. Warfield moved to reconsider the vote by which the Assembly yesterday adopted resolution appointing joint committee to visit state insane asylum.

Agreed to.

He then offered a substitute appointing three from each committee on hospitals of the two houses, which was adopted, and Messrs. Thomas, Warfield, and Lee, appointed on the part of the House.

Again reconsidered, the substitute withdrawn, and the original resolution again adopted.

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

Resolved, That the joint committee appointed to visit the state prison have indefinite leave of absence.

Mr. Hancock offered concurrent resolution relative to mail route from San Bernardino to Fort Yuma.

Adopted.

Mr. Hancock offered concurrent resolution relative to the relinquishment of mineral lands by the general government to this state.

Referred to Committee on Mines and Mining Interests, with instructions to report within ten days.

On motion of Mr. Lee, at quarter past one o'clock, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, January 20, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Journal of yesterday read and approved.

Mr. Anderson presented a petition from residents of Napa county, praying that the board of supervisors of said county be empowered to levy a special tax.

Read and referred to Committee on Roads and Highways.

Mr. Crane, from Committee on Counties and County Boundaries, reported as follows:

MR. SPEAKER:—The Committee on Counties and County Boundaries have had under consideration Assembly bill No 15, for an act to locate the county seat of San Mateo county, and beg leave to report the same back without amendment, and recommend its passage.

CRANE, Chairman.

Mr. Ballou, from Committee on Accounts and Expenditures, offered the following resolution, and recommended its adoption:

Resolved, That the sergeant-at-arms be authorized and directed to procure, upon as reasonable terms as possible, two tables for the use of the copying clerks, one desk and stool for the journal clerk, and a case for the sergeant-at-arms' room for filing bills, documents, etc.

The resolution was adopted.

Mr. Moses, from Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed Assembly bill No. 5, entitled an act to change the name of William Wilson Smith to William Wilson Lawton

Also, Assembly bill No. 1, entitled an act to regulate the fees of certain county officers of Contra Costa county.

Also, Assembly bill No. 3, entitled an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco

Also, Assembly bill No 8, entitled an act to incorporate the town of Union.

Also, Assembly bill No. 7, entitled an act to extend the term of office of the board of supervisors of certain counties in this state.

H. A. MOSES, Chairman.

From the Judiciary Committee Mr. Stakes reported as follows:

The Judiciary Committee, to whom were referred—

Senate bill No. 29, entitled an act to change the name of Maria Rebecca Spear to Maria Rebecca Morrill;

Also, Assembly bill No. 17, an act to change the name of Michael Nicholas Diffendaffer to Addison Diffendaffer Martin;

Also, Assembly bill No. 18, an act to authorize the administrator of Juan Antonio Vallejo, deceased, to sell the real estate of his intestate at private sale;

Also, Assembly bill No 25, entitled an act to legalize certain records in the county of Tulare, have had them under consideration, report the same back, and recommend their passage.

Your committee have also had under advisement—

Assembly bill No. 28, an act to amend an act concerning the office of county assessor, passed March 27th, 1850. As the same is already provided for by an act concerning offices, passed April, 1851, they report the bill back, and recommend it be indefinitely postponed.

Assembly bill No 9, an act to repeal an act entitled an act to amend an act entitled an act to authorize the formation of coporations for the construction of plank or turnpike roads, passed May 12th, 1853, approved April 28, 1857; they report back and recommend its indefinite postponement, on the ground that the committee do not deem it expedient to repeal the provisions of the act above referred to.

A. G. STAKES,
Chairman Judiciary Committee.

Notices of bills to be introduced were given as follows—by:

Mr. Anderson, of a bill for an act authorizing the board of supervisors of Napa county to levy a special tax for the construction of certain roads in said county;

Mr. Hirst, of a bill for an act to appropriate $318 75, for the relief of John B. Cecil, sheriff of Klamath county;

Mr. Havens, of a bill for an act to extend the provisions of an act entitled an act concerning hogs running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa, passed March 26th, 1857, to the county of Humboldt;

Also, of a bill for an act to amend an act to provide for the appointment of a reporter for the Supreme Court, and to define his duties and compensation, passed April 19th, 1856;

Mr. Holladay, of a bill for an act to forbid applications to the Legislature to change the names of persons, and to vest the power and jurisdiction in the county courts, to change the names of applicants on their petitions;

Mr. Stakes, of a bill for an act to legalize the acknowledgements of certain conveyances and other instruments in writing.

Mr. Moore introduced a bill for an act to confirm and legalize the tax list or assessment roll of the city and county of San Francisco, for the fiscal year ending the 30th day of June, in the year 1858, and to provide for the collection of delinquent taxes thereon.

Read first and second times, and referred to Committee on Ways and Means.

Assembly bill No. 3, an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco.

Read third time, and passed.

Assembly bill No. 7, an act to extend the term of office of the board of supervisors of certain counties in this state, was taken up, engrossed, reconsidered, and recommitted, with special instructions.

Mr. Parker introduced a bill for an act entitled an act to allow Elmer A. Clapp to change his name to Elmer A. Bennett. Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 29, an act to change the name of Maria Rebecca Spear to Maria Rebecca Morrill, was read a third time, and passed.

The following message was received from the Senate:

SENATE CHAMBER,
January 20, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate on yesterday passed Senate bill No. 9, an act to separate the offices of county recorder and county auditor, clerk of the board of supervisors, and clerk of the board of equalization, from the office of county clerk, in the county of Placer;

Also, substitute for Senate bill No. 31, an act concerning evidence in certain cases;

Also, have concurred in Assembly concurrent resolution relative to the early establishment of a daily mail-route from Marysville to Forest City, and have also concurred in Assembly concurrent resolution relative to the establishment of certain mail-routes in the northern part of this state; and have amended, as therein shown, Assembly concurrent resolution relative to mail-routes in Placer and Nevada counties;

Also, have passed concurrent resolution relative to printing report of trustees and resident physician of the state insane asylum.

THOS. N. CAZNEAU, Sec'y Senate.

Senate bill No. 9, read first and second times, and referred to Placer delegation.

Substitute for Senate bill No. 31, read first and second times, amended, rules suspended, read third time, and passed.

House concurred in Senate amendments to Assembly concurrent resolution relative to mail-route in Placer and Nevada counties.

House concurred in Senate concurrent resolution relative to the printing of fifteen hundred copies of the report of the trustees and resident physician of the insane asylum at Stockton.

Mr. Thomas offered a concurrent resolution relative to the protection of the state treasury.

Adopted, and Messrs. Thomas, Hirst, and Hitchens, appointed a committee on the part of the House.

Mr. McCoy offered the following resolution:

Resolved, That the different subjects referred to in the message of the Governor, be referred to the standing committees to whom those subjects appropriately belong.

Lost.

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

Resolved, That so much of the Governor's message as relates to evidence in courts of justice, evidence in chancery cases, and in the supreme court, be referred to the Judiciary Committee, with instructions to report separately upon the respective subjects.

Mr. Safford moved that so much of the Governor's message as relates to finance, be referred to Committee of Ways and Means. Agreed to.

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

Resolved, That the sergeant-at-arms be instructed to furnish two copies of each printed bill and resolution to reporters of the press who have seats allowed them on the floor of this House by the speaker.

Mr. Smith, of Nevada, offered the following resolution, which was adopted:

Resolved, That the sergeant-at-arms be requested to distribute a portion of all bills ordered printed by this House amongst members of the Senate.

On motion of Mr. Ely, at quarter before one o'clock, the House adjourned.

IN ASSEMBLY.

THURSDAY, January 21, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All present except those absent on leave.

Journals of yesterday read and approved.

Mr. Lee, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:—Your committee, to whom was referred Assembly bill No. 38, have had the same under consideration and have directed me to report the same back to the House, and recommend its passage.

H. LEE, Chairman,
JANUARY 21, 1858. Of Committee of Ways and Means

Assembly bill No. 38, entitled an act to confirm and legalize the tax or assessment roll of the city and county of San Francisco, for the fiscal year ending the 30th day of June, in the year 1858, and to provide for the collection of delinquent taxes thereon.

Considered engrossed, read third time, and passed.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed, Assembly bill No. 23, entitled an act to authorize Peter Davidson to convey certain real estate;

Also, Assembly joint resolution No. 5, relative to donating public lands to actual settlers within the state of California;

Also, Assembly bill No. 39, entitled an act to allow Elmer A. Clapp to change his name to Elmer A. Bennett.

H. A. MOSES, Chairman.

The following message was received from the Senate:

SENATE CHAMBER,
January 21, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate,

on yesterday, passed Senate bill No. 4, an act to authorize the board of supervisors of the city and county of San Francisco to direct the auditor of said city and county to audit, and treasurer of the same to pay, certain claims therein mentioned;

Also, have concurred in Assembly concurrent resolution relative to a mail-route from San Bernardino to Fort Yuma;

Also, have amended Assembly concurrent resolution appointing committee to visit insane asylum, as therein shown, and ask the concurrence of the Assembly, and have appointed, on the part of the Senate, Messrs. Taliaferro and Hamm.

JAS. T. EWING, Ass't Secretary.

Senate bill No. 4, above reported, was read first and second times, and referred to the San Francisco delegation.

Assembly concurrent resolution appointing committee to visit insane asylum, as amended by the Senate, was taken up.

Mr. McCoy moved to amend Senate amendment by striking out two and inserting three,

Which motion was lost.

The House then refused to concur in Senate amendment.

On motion of Mr. Crane, Assembly bill No. 18, entitled an act to authorize the administrator of Juan Antonio Vallejo, deceased, to sell the real estate of his intestate at private sale, was referred to the delegation from Monterey and Santa Cruz counties.

Notice of bills to be introduced were given as follows:

Mr. De Long, of a bill for an act to amend an act entitled an act to authorize the guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, approved March 14, 1856;

Mr. Palmer, of a bill for an act to amend an act to provide for issuing license to passenger brokers;

Also, a bill for an act explanatory of an act concerning passengers arriving in ports of this state;

Mr. McCoy, of a bill for an act to amend an act entitled an act to incorporate a state agricultural society;

Mr. Holman, of a bill for an act to locate the head of navigation on the Mokelumne river;

Mr. Moore, of a bill for an act to authorize the introduction of water into the city of San Francisco.

Mr. Stakes introduced a bill for an act to legalize the acknowledgments of certain conveyances and other instruments in writing

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

Mr. Ely introduced a bill for an act entitled an act for the suppression of bawdy-houses, and houses of ill-fame.

Read first and second times, and referred to Committee on Public Morals.

Mr. Havens introduced a bill for an act to amend an act entitled an act to provide for the appointment of a reporter of the Supreme Court, and to define his duties and compensation, passed April 19th, 1856.

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

Mr. Cherry introduced a bill for an act authorizing the construction of a sea-wall or bulk-head in San Francisco.

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

Mr. Warmcastle introduced a bill for an act to ascertain the amount of indebtedness of Alameda county to the county of Contra Costa, and to provide for the payment thereof.

Read first and second times, and laid over.

Mr. Anderson introduced a bill to authorize the board of supervisors of Napa county to levy a tax for special purposes.

Read first and second times, and referred to Committee on Roads and Highways.

Mr. Havens introduced a bill for an act to extend the provisions of an act entitled an act concerning hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma and Napa, passed March 26th, 1857, to the county of Humboldt.

Read first and second times, and laid over.

Mr. Burbank introduced a bill for an act for funding the indebtedness of the city and county of San Francisco.

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

Mr. Stocker introduced a bill for an act concerning the official bonds of justices of the peace in the county of Marin.

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

Mr. Hirst introduced a bill for an act for the relief of John B. Cecil, sheriff of Klamath county.

Read first and second times, and referred to Committee on Claims.

The following communication from the Secretary of State, was taken up, and referred, with the accompanying statement, to the Joint Committee on Constitutional Convention:

OFFICE OF SECRETARY OF STATE,
January 12, 1858.

To the Hon. Speaker of the Assembly:

In compliance with an act recommending to the electors to vote for or against a convention to revise and change the constitution of this state, I herewith transmit you a copy of the returns for the same now on file in my office.

Very respectfully,
FERRIS FORMAN,
Secretary of State.

An abstract of the votes polled at the general election, held on the second day of September, one thousand eight hundred and fifty-seven, to conform to an act recommending to the electors to vote for or against a Convention to revise and change the Constitution of this State, approved March 31, 1857.

COUNTIES.	FOR A CONVENTION.	AGAINST A CONVENTION.
Alameda county,	558	735
Amador county,	1223	525
Butte county,	657	2318
Calaveras county,	41	8
Contra Costa county,	369	456
Colusa county,	224	61
Del Norte county,	6	....
El Dorado county,	1175	1565
Fresno county,	.....	.....
Humboldt county,	427	.....
Carried forward,	4,680	5,666

COUNTIES.	FOR A CONVENTION.	AGAINST A CONVENTION.
Brought forward,	4680	5666
Klamath county,	37	.....
Los Angeles county,	315	64
Marin county.	.....	.....
Mariposa county,	1435	208
Merced county,	47	41
Monterey county,	339	176
Napa county,	662	204
Nevada county,	3327	740
Placer county,	2535	737
Plumas county,	39	1
Sacramento county,	1374	1720
San Bernardino county,	62	50
San Diego county,	26	1
San Francisco county,	4935	930
San Joaquin county,	621	352
San Luis Obispo county,	114	18
San Mateo county,	186	215
Santa Barbara county,	6	12
Santa Clara county,	322	1033
Santa Cruz county,	357	199
Shasta county,	1839	178
Sierra county,	132	85
Siskiyou county,	353	330
Solano county,	459	360
Sonoma and Mendocino counties,	835	249
Stanislaus county,	241	219
Sutter county,	96	195
Tehama county,	691	22
Trinity county,	521	275
Tuolumne county,	2567	1446
Tulare and Buena Vista counties,	99	. .
Yolo county,	415	89
Yuba county,	559	2063
Total number of votes for and against a convention,	30,226	17,680

I, Ferris Forman, Secretary of State, do hereby certify that the foregoing statement is a true copy of the returns, as now on file in my office

Witness my hand, and the great seal of the state of California, in office, at Sacramento, the twelfth day of January, A. D., one thousand eight hundred and fifty-eight.

[SEAL.] FERRIS FORMAN, Secretary of State.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform the Assembly that the Senate

refuse to recede from Senate amendments to Assembly concurrent resolution appointing committee to visit insame asylum.

JANUARY 21, 1858. JAS. T. EWING, Assistant Secretary.

Messrs. De Long, Ormsby, and Hancock, were appointed committee of conferrence on the disagreeing vote of the two Houses.

Assembly joint resolution No. 5, relative to donating public lands to actual settlers within the state of California, was taken from the general file.

Mr. McCoy moved to lay on the table.

Lost.

The resolutions were recommitted to the committee on engrossment, with instructions to report to-morrow.

Mr. De Long introduced joint resolution in relation to water ditches and canals in the state of California.

Read first and second times, and referred to Committee on Mines and Mining Interests.

The following message was received from the Senate:

SENATE CHAMBER, January, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate on yesterday amended and adopted Assembly joint resolution No. 1, in relation to a Pacific railroad, and ask the concurrence of the Assembly.

JAS. T. EWING, Ass't Secretary Senate.

The House refused to concur in Senate amendment to the resolution above reported, Messrs. Ely, Sherwin, and Crane, demanding the ayes and noes, by the following vote:

AYES—Messrs. Hill of Nevada, Kabler, Palmer, and Stratton—4.

NOES—Messrs. Anderson, Aud, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Clark, Crane, Curtis, Davis, De Long, Ely, Galbraith, Gordon, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, King, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moore, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pico, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spillman, Stakes, Stout, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—67.

Mr. De Long, from the committee of conference on resolution for visiting insane asylum, verbally reported, recommending the appointment of two from the hospital committee of each House to compose the visiting committee; which was adopted, and Messrs. Thomas, Warfield, and Ormsby, were appointed on the part of the House.

Assembly bill No 9, an act to repeal an act entitled "An act to amend an act entitled an act to authorize the formation of corporations for the construction of plank or turnpike roads," passed May 12, 1853, approved April 28, 1857, was taken from the general file, and recommitted to the Committee on Roads and Highways.

Mr. Young offered the following resolution:

Whereas, This House being unwilling to believe that the Senate, or even

a committee of the Senate, would charge this House (upon any measure upon which it acts unanimously) with doing it for *Buncombe;* be it, therefore,

Resolved, That a committee be appointed to ascertain whether the report of the Committee on Federal Relations of the Senate, in reference to the Pacific Railroad, has been correctly reported in the Daily Union newspaper of January 21st.

Adopted, re-considered, and lost.

Mr. Aud introduced a bill for an act to issue duplicates for certain lost war bonds.

Read first and second times, and referred to Committee on Claims.

On motion of Mr. Gray, at 2 o'clock, P. M., the House adjourned.

IN ASSEMBLY.

FRIDAY, January 22d, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All present except those absent on leave.

Journals of yesterday read and approved.

Mr. Simons, from Committee on Military Affairs, made the following report:

MR. SPEAKER:—The Committee on Military Affairs, to whom was referred Assembly joint resolution No. 4, asking Congress to cede to this state the "Monterey Redoubt," for the purpose of establishing a military academy, have had the same under consideration, and respectfully beg leave to recommend the passage of the same.

S. S. SIMONS, Chairman.
ANDRES PICO,
A. H. MITCHELL,
G. C. HOLMAN.

Mr. Moses, from the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed, Assembly bill No. 38, entitled an act to confirm and legalize the tax list and assessment roll of the city and county of San Francisco, for the fiscal year ending the thirtieth day of June, in the year eighteen hundred and fifty-eight, and to provide for the collection of delinquent taxes thereon;

Also, Assembly joint resolution No. 5, relative to donating public lands to actual settlers within the state of California.

H. A. MOSES, Chairman.

Mr. Hamlin, from the Committee on Roads and Highways, made the following report:

MR. SPEAKER:—Your committee, to whom was referred Assembly bill No. 48, an act entitled an act to authorize the board of supervisors of

Napa county to levy a tax for special purposes, would report the same back, without amendment, and would recommend its passage.

T. T. HAMLIN, Chairman.

Mr. Palmer, from the San Francisco delegation, made the following report:

MR. SPEAKER:—The San Francisco delegation, to whom was re erred Senate bill No. 4, an act to authorize the board of supervisors, the auditor, and treasurer, of the city and county of San Francisco, to allow and pay certain claims therein mentioned, report the same back, and recommend its passage.

C. PALMER,
For the Delegation.

The following message was received from the Senate:

SENATE CHAMBER,
January 22, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 35, an act to amend an act entitled an act to fund the debt of the county of Siskiyou, approved April 29, 1857;

Also, Assembly bill No. 12, an act to change the name of James Defenbaugh to James D. Austin;

Also, concurred in Assembly concurrent resolution relative to the protection of the state treasury, and have appointed Messrs. Bell, Melony, and Anderson, on the part of the Senate;

And have appointed, on the part of the Senate, Messrs. Taliaferro, Melony, and Griffith, a committee of conference to act with the House committee on the disagreeing vote of the two houses, relative to the appointment of a committee to visit the insane asylum.

JAS. T. EWING,
Assistant Secretary of Senate.

Senate bill No 35, entitled "An act to amend an act entitled an act to fund the debt of the county of Siskiyou, approved April 29, 1857,

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

Notices of bills to be introduced were given as follows:

Mr. Palmer, of a bill for an act concerning the militia of this state;

Mr. Stratton, of a bill for an act to reduce the pay of officers and employees of the Senate and Assembly;

Mr. Hitchens, of a bill for an act to regulate the compensation of members of the Legislature.

Mr. Palmer introduced a bill for an act entitled an act explanatory of an act entitled "An act concerning passengers arriving in the ports of this state," passed May 3, 1852.

Read first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Palmer introduced a bill for an act to amend an act entitled "An act to provide for issuing licenses to passenger brokers."

Read first and second times, and referred to the Committee on Ways and Means.

Mr. De Long introduced a bill for an act to amend an act entitled "An

act to authorize the guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real."

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Young introduced a bill for an act amendatory of an act entitled "An act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes," approved April 22, 1857.

Read first and second times, and referred to the Nevada delegation.

Mr. Hobart introduced a bill for an act concerning roads and highways.

Read first and second time, and referred to Committee on Roads and Highways, and ordered printed

Mr. McCoy introduced a bill for an act amendatory of "An act to incorporate a state agricultural society, and appropriate money for its support," approved May 14, 1854.

Read first and second times, and referred to Committee on Agriculture.

Assembly bill No. 28, an act to amend "An act concerning the office of county assessor," passed March 27, 1850,

Taken from the files, and indefinitely postponed.

Assembly bill No. 25, "An act to legalize certain records in the county of Tulare,"

Taken from the files, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 15, "An act to locate the county-seat of San Mateo county,

Taken from the files, and ordered engrossed.

Assembly bill No 17, "An act to change the name of Michael Nicholas Diffendaffer to Addison Diffendaffer Martin,"

Taken from the files, rules suspended, considered engrossed, read third time, and passed.

Assembly joint resolution No. 4, asking Congress to cede to this state the Monterey Redoubt, for the purpose of establishing a military academy,

Taken from the files, and ordered engrossed.

Assembly bill No. 48, "An act to authorize the board of supervisors of Napa county to levy a tax special purposes,

Taken from the files, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 4, an act to authorize the board of supervisors, the auditor, and treasurer, of the city and county of San Francisco to allow and pay certain claims therein mentioned,

Taken from the files, read third time, and passed.

Mr. Parker, from the Calaveras delegation, verbally reported Assembly bill No. 7, "An act to extend the term of office of the boards of supervisors of certain counties in this state," with amendments.

Ordered on file.

Mr. Crane presented a remonstrance of the heirs and creditors of the estate of Juan A. Vallejo, against the passage of an act authorizing the administrator to sell the real estate of the intestate

Referred to the delegations from Santa Cruz and Monterey.

Assembly joint resolution No. 5, relative to donating public lands to actual settlers within the state of California, read third time.

Mr. Shepard moved to recommit, with instructions to amend by striking out preamble, which motion was lost.

The resolution was then passed.

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

Resolved, That when this House adjourns, it adjourns to meet on Tuesday next.

Mr. Gray presented a claim against the state of J. C. Doherty, for one thousand and sixteen dollars and fifty-six cents.

Referred to Committee on Claims.

Mr. De Long introduced the following resolution:

Resolved, That the usual number of copies of the joint resolution in relation to ditches, flumes, and canals in the state, be ordered printed.

Motion to lay on the table lost, and resolution finally adopted.

Mr. McCoy offered the following resolution, which was laid on the table:

Resolved, That the committee to whom was referred the concurrent resolution relative to the relinquishment of the mineral lands by the general government to this state, be requested also to consider the expediency of directing the attention of the Congress of the United States to the changing of the laws relative to the rights of states to tax public lands within their limits, so as to authorize this state to tax the mineral lands thereof, from and after the cession of said mineral lands.

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

Resolved, That the sergeant-at-arms be, and he is hereby instructed to furnish reporters with desks within the bar of the Assembly chamber that are not now supplied.

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

Resolved, That the sergeant-at-arms be allowed, payable out of the contingent fund, the same amount of postage as is provided for each member of the Assembly, subject to the same provisions and restrictions.

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

Resolved, By this House, the Senate concurring, that the Comptroller of State, and the Treasurer of State, be, and they are hereby requested, to furnish to both branches of the Legislature, a statement of the number of acres of tule and overflowed lands which have been surveyed in the different counties of this state, and the amount of money received, whether as principal or interest for the same.

Mr. Havens gave notice of a bill for an act to amend an act entitled an act to regulate fees in office in certain counties, passed April 28, 1857.

The house, on motion of Mr. Stakes, at quarter past one o'clock, P. M. adjourned.

IN ASSEMBLY.

TUESDAY, January 26th, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

The following members were absent:

Messrs. Burbank, Hamlin, Hobart, Holladay, McCoy, Moore, Pearis, Shepard, Smith of San Bernardino, Stakes, Stocker, Tatman, and those absent on leave.

Leave of absence was granted to Mr. Smith of San Bernardino, for two days; Mr. Hamlin, four days; Messrs. Pearis and McCoy, five days; and Mr. Hobart indefinite leave.

Mr. Thomas presented a petition by citizens of Stanislaus county praying the enactment of a Sunday law.

Referred to the Committee on Public Morals.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 25th, 1858.

To the Assembly of California:

Your honorable body is respectfully informed, that in compliance with the concurrent resolution of January 31, 1850, I have this day appointed Manuel T. Brockelbank my private secretary. JNO. B. WELLER.

Mr. De Long made the following motion, which was carried:

MR. SPEAKER:—I move this House that the contested election case of Montgomery *vs.* Harris, which was made the special order for to-day, be taken up and referred back to the Committee of Elections, for their further consideration, with instructions for the said committee to take further evidence in said matter, explanatory of that already received.

Mr. Aud, from the Committee on Claims, made the following report:

MR. SPEAKER:—The Committee on Claims, to whom was referred Assembly bill No. 46, being a bill entitled an act to authorize the issuance of duplicates for certain lost war bonds, have had the same under consideration, and report the same back to this House without amendment, and recommend its passage. FRANCIS L. AUD, Chairman.

Rules suspended, bill considered engrossed, read third time, and passed.

Mr. Ballou, from Committee on Accounts and Expenditures verbally reported that the account of the State Treasurer's contingent fund was correct, as evidenced by the proper vouchers on file in his office.

Mr. Clark, from the Committee on Mines and Mining Interests, made the following report:

The Committee on Mines and Mining Interests, having had under consideration Assembly bill No. 19, report the same back again to the Assembly, and recommend that the same be indefinitely postponed;

Also, having considered Assembly concurrent resolution relative to the relinquishment of the mineral lands by the general government to this state, report the same back, and recommend that it be indefinitely postponed.

J. A. CLARK, Chairman.
C. E. DE LONG,
D. T. LOOFBOURROW,
A. B. WALKER,
NICHOLAS KABLER.

Mr. Buel moved to suspend the rules, and consider the resolution in Committee of the Whole, upon which motion Mr. Ely moved the previous question, which was sustained by the House.

The House refused to suspend the rules.

Mr. Stakes made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom were referred Assembly bill No. 36, entitled an act to repeal the sixty-ninth section of the act entitled 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;

Also, Assembly bill No. 30, an act to amend an act entitled an act to authorize married women to transact business in their own names as sole traders, passed April 12th, 1852;

Also, Assembly bill No. 42, an act to amend an act to provide for the appointment of a reporter of the Supreme Court, and to define his duties and compensation, passed April 19th, 1856;

Also, Assembly bill No. 32, an act to reduce the salary of the county judge of Klamath county;

And, Assembly bill No. 40, an act to legalize the acknowledgement of certain conveyances, and other instruments in writing,

Have had the same under advisement, report the bills back, and recommend their passage.

Assembly bill No. 10, entitled an act to create a special fund in Plumas county for road purposes, your committee report back and recommend it be referred back to Committee on Roads and Highways.

D. G. STAKES,
Chairman Judiciary Committee.

Assembly bill No. 10, above reported, was referred to the Committee on Roads and Highways.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly concurrent resolution relative to certain mail-routes in this state;

Also, Assembly concurrent resolution relative to a mail-route from Marysville to Forest City *via* North San Juan;

Also, concurrent resolution relating to a mail-route from San Bernardino to Fort Yuma;

Also, concurrent resolutions relating to certain mail-routes in the northern part of this state. GEO. A. YOUNG, Chairman.

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly bill No. 12, for an act to change the name of James Defenbaugh to that of James Defenbaugh Austin.

GEO. A. YOUNG, Chairman.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed, Assembly bill No. 15, for an act to locate the county-seat of San Mateo county;

Also, Assembly bill No. 17, for an act to change the name of Michael Nicholas Diffendaffer to Addison Diffendaffer Martin;

Also, Assembly bill No. 25, for an act to legalize certain records in the county of Tulare;

Also, Assembly joint resolution No. 4, asking Congress to cede to this state the Monterey Redoubt, for the purpose of establishing a military academy;

Also, Assembly bill No. 55, 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, approved March 14th, 1856;

Also, Assembly bill No. 48, for an act to authorize the board of supervisors of Napa county to levy a tax for special purposes.

H. A. MOSES, Chairman.

Mr. Thomas made the following report, which, with the accompanying resolution, was adopted:

The special joint committee, whose duty it was made to examine into the condition of the rooms and vault used by the Treasurer of State for the safe-keeping of the public money, respectfully submit the following report:

In accordance with the duty assigned them, your committee have closely inspected said rooms and vault, and do unanimously agree that they are entirely unfitted for the uses to which they are applied, for the following reasons:

An entrance might easily and in a few moments, be effected from several different points to the outer room, in which the door-way leading to the vault is situated. This door-way is guarded by two thin iron door-shutters, set in iron frames or casings.

Your committee are satisfied, from the examination made, that these frames or casings, might, by the active and expert use of a crow-bar, in a few moments be entirely detached from the surrounding brick wall, so that they, together with the door-shutters, might be removed from their places, thus opening free ingress to the vault.

Another channel of forcible entrance into the vault might be easily effected by digging or tunneling for a distance of a few feet, and raising the floor of the vault, which consists of thin, pine boards, rather loosely laid down, and in a state of incipient decay.

Your committee are of opinion that the safe itself is of good and substantial quality, and in good order. The Treasurer, however, suggests—and in the opinion of your committee with good reason—that the combination or particular manner of using the keys to lock and unlock the safe, be altered,—the secret manner in which it is now done being known to several persons not connected with the treasury.

Your committee would respectfully recommend that the whole interior of the vault, including the floor, be lined with good boiler iron, which should be riveted together and bolted to the walls, so as to make it equally strong as if it were one solid piece.

Your committee would further recommend that the door-shutters between the outer room and vault, together with their frames or casings, be made much heavier and stronger than at present, and perfectly fire-proof, which they now are not, and that the casings be securely bolted to the wall. Your committee would further recommend that strong iron bars be placed in the windows of the outer room, and that the outer door be furnished with heavy movable iron bars, and further, that the present bulk-heads or partitions dividing the treasury rooms from the remainder of the first story of

this building be removed, and that the strongest and most secure partitions that the case demands be erected in their stead.

In conclusion, your committee would respectfully offer, for the consideration of the House, the following resolution:

Resolved, By the Senate and Assembly, that the Treasurer be and he is hereby authorized and required to enter into contract with some good workman to carry the foregoing recommendations into speedy effect, and that said contract be subject to the approval of the board of examiners.

GEORGE W. THOMAS,
Chairman of House Committee.
SAMUEL B. BELL,
Chairman of Senate Committee.

The following communication was received from the Attorney General:

ATTORNEY GENERAL'S OFFICE,
Sacramento, January 23, 1858.

Hon. J. Walkup, President of the Senate:

Hon. N. E. Whitesides, Speaker of the Assembly:

DEAR SIRS:—The following was handed me on the 19th instant:

"*Resolved*, That the Attorney General be requested to give his written opinion to both Houses of the Legislature now in session, upon the legal effect of the vote given at the last election, touching the matter of a constitutional convention."

I understand the facts to be, that at the last general election, over 93,643 votes were cast for state and county officers; that of those voting, 30,226 voted "for a convention," and 17,680 "against a convention;" leaving about 45,737 votes not cast upon the question.

My opinion is that the measure of calling a convention was not adopted by the people, and I have learned with surprise that among sensible, well-informed gentlemen, there existed a difference of opinion upon the subject.

Were it not for such differences, I should be content with one or two brief suggestions to answer to your resolution.

But as there are some possessing wisdom who gravely maintain that the measure of calling a convention has been adopted by the vote stated, you will pardon me if I consume more of your valuable time than I otherwise should, in giving my views upon the subject.

The following are given us as the prominent reasons why a convention has been ordered:

First—That at the time our constitution was adopted, a convention might have been called in two-thirds of the states of the Union by a majority of those voting on the question.

Second—That Michigan, with a clause in her constitution like that in ours, called a convention by a vote of 33,193, against 4,095.

Third—That our constitution was adopted by less than half the voters then in the state, and

Fourth—That an amendment to our constitution was adopted in 1856, by a vote of only 32,349 in its favor, whilst at the same election 110,221 votes were cast for presidential electors and other officers.

All of which I answer as follows:

The first, in the terms stated, I deny.

At the time spoken of, the constitutions of sixteen states contained no provisions in regard to calling a convention. Eight required a majority of all the votes cast at the election at which the question was submitted, one a two-thirds vote, one a majority of all voting upon the question, in three the Legislature called a convention, and in one a council did so. If in the sixteen states where no provision was made upon the subject, a convention could have been called at all, it could only have been done by act of the Legislature, and I apprehend the provisions of such act would alone have controlled the matter.

As to the second proposition, I have only to say, that the best evidence I can obtain upon the subject brings me to the conclusion that the vote cast in favor of calling a convention was a majority of all the votes cast at the election, and I am fortified in this conclusion by the failure of those who profess access to all the evidence to state differently.

The third and fourth propositions are answered by the sections of the constitution by virtue of which the votes named were taken.

The provisions of those sections will be found to differ widely from that under consideration, which reads as follows: "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, etc., for calling a convention," etc.

All agree that if a majority voting at such election do not declare in favor of a convention, one cannot be called; but there is a difference of opinion as to what election is meant, (if I may so speak,) whether it is the general election for members of the Legislature, etc., or an election upon the *question* of a convention.

For the purpose of better enabling us to form a correct conclusion upon this momentous question, gentlemen indulge in learned disquisitions, through the press, as to the rules of interpreting constitutions and statutes, forgetting that "when words are plain and clear, and the sense distinct and perfect arising on them, there is no necessity to have recourse to other means of interpretation, and that it is only where there is some ambiguity or doubt arising from other sources, that interpretation has its proper office."

The section quoted (being all there is upon the subject in the constitution) says the question of calling a convention shall be submitted at the election held for members of the Legislature, and if a majority voting *at such election* declare for a convention, it shall be called—otherwise it shall not.

Such election must mean some election named before, and you will perceive that the only election previously named is that for members of the Legislature, or to use the term elsewhere employed in the constitution, the *general election*. Not a word is said about a *constitutional convention election*

In construing constitutions, it is sometimes well to compare the sentence under consideration, with other sentences in the same instrument

We will now do so: In the succeeding part of the same section from which I have quoted, you will find that when a convention has been called, and a constitution adopted, such constitution must be submitted at a *special election*, and the returns of *such* election shall be certified, etc., and if, upon examination, it be ascertained that a majority of the whole number of votes cast at *such* election be in favor thereof, "the new constitution shall be declared the constitution of the state," etc.

Now if a man should assert that *such election* as last quoted did not mean *said special election*, or the *special election* aforesaid, he would be entitled to be voted deranged.

Again, the eighth article of the constitution, in regard to state debt, after providing for the character of law creating the debt, etc, uses this language: "but no such law shall take effect until, at a *general election*, it shall have been submitted to the people, and shall have received a majority of all the votes cast for and against *it* at *such election*."

Will it be thought for a moment that *such election* means any other than the *general election* previously named? And yet we might, with the same propriety, say that it meant the *state debt election*, as to say, that in the other instance *constitutional convention election* is intended.

That the convention which adopted our constitution intended to be understood as I have interpreted the language used in the sections referred to, I am well satisfied.

This conclusion forces itself upon the mind, when a fair comparison is made of the language employed in the four different sections which provide for votes by the people.

First—The state debt article, which I have commented upon.

Second—The section providing for amendments to the constitution, which contains this language: "And if the people shall approve and ratify such amendments by a majority of the electors, qualified to vote for members of the Legislature voting *thereon*," etc.,—making a clear distinction between voting "*thereon*," and "the majority voting at such election voting therefor."

Third—The entire section under consideration, including the two votes provided for therein; and

Lastly—The section which submitted the present constitution to the people. The language in each is clear and explicit.

It was intended that a bare majority of those voting for or against, might create a debt, or amend the constitution, but that a majority of the whole people exercising the right of suffrage at our general elections, (when it was supposed that all would vote,) should be required to declare therefor before an entire change in the organic law of the land should be made.

If contemporary history may be invoked, you will find that in nearly every state where provision was made in the constitution for a vote of the people upon the question of calling a convention, a majority of all the votes cast at the election, and not a majority cast upon the question, was required to call a convention—in several such is even required to amend the constitution.

In this connection, I would especially refer to New Hampshire, New York, Delaware, Kentucky, Ohio, Indiana, Illinois, Michigan, Iowa, Alabama, Mississippi, Louisiana, Tennessee, Missouri, and Texas.

I have been asked why, if my views are correct, does the constitution require a vote for and against calling a convention, etc.

I will answer by asking why is it that the same thing is required in other and older states than ours, when the language afterwards used requiring a majority of all the votes cast at the election to be in favor of a convention before it can be called, is even more explicit than ours.

We have followed precedents. There may be many good reasons for such a style of ballot, or there may be none; it cannot affect the question.

Permit me, in conclusion, to call your attention again to the remarks of the late Governor in his last message upon this subject, and to say that I, in his reasoning, agree with him. I also agree that his references to the debates in our constitutional convention and deductions therefrom are correct.

Respectfully, etc.,

THOS. H. WILLIAMS,
Attorney General.

Two hundred and forty copies of the above communication were ordered printed.

The following message was received from the Senate:

SENATE CHAMBER,
January 26th, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on the 21st inst., passed the following bills:

Assembly bill No. 1, an act to regulate the fees of certain county offices of Contra Costa county;

Also, adopted and passed substitute for Senate concurrent resolution, relative to school lands;

Also, concurred in Assembly amendment to Senate bill No 31, an act concerning evidence in certain cases;

Also, on the 22d inst, passed Senate bill No. 33, an act to authorize the board of supervisors of Nevada county to levy an additional tax for road purposes;

Also, passed Senate bill No. 10, an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and to provide for its organization, passed March 2, 1857;

Also, adopted the report of the conference committee, relative to the appointment of three from each House to visit the insane asylum, and have appointed as the additional one, on the part of the Senate, Mr. Melony;

Also, adopted Senate concurrent resolution No. 17, authorizing the State Treasurer to employ guards, etc., and ask the concurrence of the Assembly;

Also, have refused to recede from their amendment to Assembly joint resolution No. 1, relative to a Pacific Railroad, and have appointed Messrs. Merritt, Gregory, and Garter as a committee of free conference, on the part of the Senate, to act with like committee on the part of the House;

Also, on the 23d, passed Senate bill No. 22, an act to amend the sixth section of an act entitled an act defining the rights of husband and wife, passed April 17, 1850;

Senate bill No. 21, an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20, 1850;

Also, on the 23d inst., passed Senate bill No. 16, an act creating the board of supervisors of the counties of Amador and Calaveras;

Also, substitute for Senate bill No. 24, an act concerning lawful fences in Marin county;

Also, Senate joint resolution No. 16, relative to the memorial of Oliver Evans Wood's suspended letter list;

Also, Assembly bill No. 8, an act to incorporate the town of Union;

Also, passed on the 25th inst., Assembly bill No. 5, an act to change the name of William Wilson Smith to William Wilson Lawton;

Also, Assembly bill No. 39, an act to allow Elmer A. Clapp to change his name to Elmer A. Bennett.

THOS. N. CAZNEAU, Secretary Senate.

Senate concurrent resolution No. 8, relative to the sixteenth and thirty-sixth sections of land devoted to school purposes, was referred to Committee on Education.

Senate bill No. 33, an act to authorize the board of supervisors of Nevada county to levy an aditional tax for road purposes,

Read first and second times, and referred to Nevada delegation.

Senate bill No. 10, an act to amend an act to create the county of Del Norte, and define the boundaries, and to provide for its organization, passed March 2d, 1857,

Read first and second times, and referred to Committee on Counties and County Boundaries.

Senate concurrent resolution, authorizing State Treasurer to employ guards, concurred in.

The House appointed Messrs. Ely, Buel, and Safford, committee of free conference on Assembly joint resolution No. 1, in relation to a Pacific Railroad.

Senate bill No. 22, an act to amend the sixth section of an act entitled an act defining the rights of husband and wife, passed April 17, 1850,

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

Senate bill No. 21, an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20, 1850,

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

Senate bill No. 16, an act concerning the board of supervisors of the counties of Amador and Calaveras,

Read first and second times, and referred to Calaveras and Amador delegations.

Senate bill No. 24, an act concerning lawful fences in Marin county,

Read first and second times.

Senate joint resolution No. 16, relative to the memorial of Oliver Evans Wood, concerning "Suspended Letter List," read first and second times, and referred to Committee on Federal Relations.

NOTICES OF BILLS.

Notices of bills to be introduced were given as follows:

By Mr. Anderson, of a bill for an act for transcribing and transferring portions of the records of Sonoma and Solano counties to the county of Napa;

By Mr. Ormsby, of a bill for an act to abolish the office of superintendent of common schools in the county of Sonoma, and confer the power thereof upon the board of trustees in each school district;

Also, a bill for an act to repeal an act entitled an act concerning hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March 26, 1857:

Also, of a bill for an act more clearly defining the boundary line between the state of California and Utah territory;

By Mr. Pico, of a bill for an act concerning Spanish records in Los Angeles county;

Also, a bill for an act amendatory of the act concerning rodeos;

By Mr. Stout, of a bill for an act donating the interest of the state to the real estate within the corporate limits of the city of Sacramento to said city;

By Mr. Ferguson, of a bill for an act for the assessment and collection of taxes on mortgages and mortgaged property;

Also, of a bill for an act to regulate the fees of state officers, members, and attaches of the Legislature;

Also, a bill for an act to amend the gambling law, so as to include the games of "keno" and "rondo" within its provisions;

By Mr. Davis, of a bill for an act to provide for the sale and reclamation of the swamp and overflowed lands belonging to this state;

Also, of a bill for an act to repeal the act concerning divorces, passed March 25, 1851;

By Mr. Mitchell, of a bill for an act to extend the provisions of an act entitled an act to organize the county of Buena Vista, approved April 30, 1855, and for other purposes;

By Mr Cherry, of a bill for an act to repeal the forty-ninth, fiftieth, fifty-first, and fifty-second sections of an act entitled an act to provide revenue for the support of the government of this state, passed April 29, 1857, whereby a special tax is imposed upon property sold at public auction;

By Mr. Havens, of a bill for an act to provide for the payment of the debt of Humboldt county, that existed upon the 31st day of December, A. D., 1857;

By Mr. Hill of Sierra, of a bill for an act to authorize the Sierra Nevada Lake Water and Mining Company to change their principal place of business from Downieville to Forest City, or to such other place in said county as the company may select;

By Mr. Tuttle, of a bill for an act to enforce the payment of licenses in certain cases;

By Mr. Stakes, from the Judiciary Committee, of a bill for an act to authorize persons to change their names in certain cases, and to prohibit applications to the Legislature therefor.

Assembly bill No. 49, an act to extend the provisions of an act entitled an act concerning hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa, passed March 26, 1857, to the county of Humboldt, taken up and referred to the Committee on Counties and County Boundaries.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ely, for an act to regulate the manner of recording and conveying quartz mining claims.

Read first and second times, and referred to Committee on Mines and Mining Interests.

By Mr. Willson, for an act to authorize the board of supervisors of Santa Cruz county, to levy a special tax for building purposes.

Read first and second times, and referred to Committee on Counties and County Boundaries

By Mr. Cherry, for an act to provide for the redemption of the funded debts of the late city of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Stratton, for an act to establish the pay of the officers and employees of the Senate and the Assembly, and to repeal the existing laws in relation thereto

Read first and second times, and referred to the Committee on Accounts and Expenditures

By Mr. Hitchcock, for an act to regulate the compensation of members of the Legislature.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Havens, for an act to amend an act entitled an act to regulate fees in office in certain counties, passed April 28, 1857.

Read first and second times.

By Mr. Palmer, for an act concerning the militia of this state.

Read first and second times, and referred to Committee on Military Affairs.

Also, for an act in relation to the salaries of, and the fees received by, the county clerk, and the county recorder, of the city of San Francisco, and prescribing certain of their powers and duties.

Read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 15, an act to locate the county seat of San Mateo county, read third time and passed.

Assembly joint resolution No. 4, asking Congress to cede to this state the Monterey Redoubt, for the purpose of establishing a military academy, read third time and passed.

Mr. Lee offered the following resolution, which was referred to Committee on Mileage:

Resolved, That the sergeant-at-arms be, and he is hereby, directed to issue the certificate due to the members of the State Prison Committee, for the mileage due said members.

Mr. Sherwin offered the following resolution:

Resolved, That no member of this House shall be allowed leave of absence, except on account of sickness of himself or family, or on business of the state.

Lost.

Mr. Moses made the following report:

Mr. Speaker:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 46, entitled an act to issue duplicates for certain lost war bonds.

H. A. MOSES, Chairman.

The House, on motion of Mr. Wilson, at a quarter of two o'clock, P. M. adjourned.

IN ASSEMBLY.

Wednesday, January 27, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

The following members were absent: Messrs. Burbank, Moore, and Shepard, and those absent on leave.

Journals of yesterday read and approved.

Mr. De Long offered the following concurrent resolutions:

Resolved, By the Assembly, the Senate concurring, that the State Comptroller of this state be immediately notified by the respective officers of said Houses, not to draw his warrants for any sum or sums of money to James M. Estell as a salary for the performance of the duties of state prison lessee, until further notified by said Houses.

And be it further resolved, That the Attorney General of the state be

requested to deliver his written opinion upon this subject, to the Senate and Assembly, at his earliest convenience.

Mr. Warmcastle moved the previous question, which was sustained.

Mr. Gray demanded that the question be divided.

Whereupon, the question upon the resolutions being separately put, they were respectively adopted.

Indefinite leave of absence was granted to the committee visiting insane asylum.

Petitions were presented as follows:

Mr. Lee presented the following petition, which was referred to the Committee on Counties and County Boundaries, and ordered printed:

To the Honorable the Legislature of the State of California:

The people living within that portion of the continent lying between the Goose Creek range of mountains on the east, and the Sierra Nevada on the west, the Oregon and Utah line on the north, and the Colorado river on the south, have appointed us their commissioners to submit the following petition to the honorable the Legislature of California, asking and praying that this state shall cede and transfer all of her real and supposed interest in, and jurisdiction over, territory situated on the eastern side of the main Sierra range of mountains, and supposed to be by some within the limits of the state of California. Our object in asking for this cession and transfer of jurisdiction is for the following reasons:

First—That the said spurs, foot-hills, and valleys, may be incorporated in the proposed new territory.

Second—Because in the winter season the snows on the Sierra Nevadas fall so deep and remain for so long a time as to close all intercourse and communication across the mountains between those residing on both sides, for the space of about four months every year.

There are many considerations why this memorial should receive the approval of the Legislature. The true boundary between the state of California and the territory of Utah, has never been officially determined, and it is to be regretted that this question has been permitted to rest so long in doubt. Up to this day, California has never, by any act of the Legislature, attempted to extend her jurisdiction beyond the main summit of the Sierra Nevada eastward into the Great Basin. Indeed, El Dorado and one or two other counties have, on one or more occasions, excluded votes given by actual residents of the valleys east of the mountains, for state and county officers, on the ground that the said voters were not living within the limits of the state of California. Up to July last, all departments of government, state and county, uniformly considered and acted upon the conviction that the main summit of the Sierra Nevada was the true and lawful boundary line between the state of California and the territory of Utah. Until then, none of the county officials in this state ever sought for any alliance and connection with the people inhabiting any portion of the Great Basin. The people and the government agents of Utah have likewise acted upon the conviction that the western boundary of that territory extended to the eastern slope of the Sierra Nevada

Heretofore then, there has been a tacit, if not an express understanding that the Sierra Nevada was not only the natural but the legitimate boundary between the said state and territory. Eddy's map was, for many years, the official map of the state of California. This map placed Honey Lake on the western side of the Sierra Nevada—say some forty miles distant from the summit. The present official map of the state, (Mr. Goddard's,) very correctly places Honey Lake on the eastern side of the mountain, but at the same time extends the state boundary line a very considerable distance east of Honey Lake. It is to be presumed

that neither of the authors of these maps ever saw Honey Lake or the country adjacent. Thus it will be seen that the official maps of California not only have differed as to the topography of the country—the location of one of the most noted lakes west of the Rocky Mountains—but that the Legislature has never, up to this time had in its possession any correct topographical and geographical account of the country in question, nor any official longitudinal guide for determining the true eastern boundary of the state. The observations taken and the surveys made by Lieut. Beckwith, Mr. Marlette, and Mr. Kirk, however correct, are not binding on the parties interested, and their acts can therefore have no influence upon the question of state boundary and jurisdiction. The true boundary line must be run by commissioners appointed by the state of California and the territory of Utah This is the way all questions of boundaries are settled. Unless the state of California shall withdraw its jurisdiction over this territory, or the boundary line is amicably settled, we may expect to have endless disputes and difficulties. Nothing good can come from leaving this question undetermined.

The second reason offered in this petition—why the state of California should withdraw or surrender its jurisdiction over the territory—ought, we think to have much favor with the Legislature Inhabitants residing on both sides of the Sierra Nevada, during three and four months every year have no intercourse or communication with one another. The snows which fall upon the main summit of the Sierra Nevada, as well as the chief spurs of the mountains, are frequently, during the entire months of December, January, February, and March, found to be in many places from twenty to thirty feet deep. These immense fields of snow rarely ever begin to melt until April, and then it requires full one month longer before the main roads across the mountains are sufficiently free from snow, mud, and other obstructions, to afford a safe and easy transit to and from California and Utah. The period of the year when these obstructions effectually close all intercourse between the people on both sides of the mountain is the most important of all others to those on the eastern side. Then the Legislature of this state is in session, and for the reasons above stated it is evident the people living on the eastern side of the Sierra Nevada can have no communications with their representatives, or be heard in favor or against any measure which may concern them. The Legislature might, under such circumstances, unintentionally or through the misrepresentations of interested, venal, and designing men, do great wrong and injustice to those remote people. Indeed, from their position, it is manifest that they can have no voice in the Legislature; we think, therefore, that it would be the part of wisdom as well as humanity, for this state to withdraw its jurisdiction over territory it cannot superintend, and the inhabitants of which it is physically impossible at all times to guard and protect, or ever legislate for safely and intelligently.

There is one other subject connected with this question, which it appears to your commissioners should address itself strongly to the favorable consideration of the Legislature. The boundary line between California and Utah, as laid down on Mr. Goddard's map, (and we believe the official map of the state,) is perhaps the most unnatural and the most unsatisfactory that could be established. If this line is insisted on and adhered to, it will be found that as soon as the valleys on the eastern side of the mountains become generally settled, there will be constant strife and altercation between the people and officers of this state and those of Utah. This line follows no streams or high lands, but along the centre of the valleys. This state of things would often place a man's residence in California, and his farm in Utah, and *vice versa*. The true boundary line between California and the Great Basin, has been established by nature, and there is perhaps no intelligent man living, who, from a personal examination of this great natural boundary, would not consider it one of the most perfect that could be offered between states and territories.

This natural boundary is the crest of the main summit of the Sierra Nevada Almost at any point along this vast summit you can behold the waters running east and west down both sides of the mountains. In some places these springs are not over one hundred and fifty yards apart, and many of them are the head waters of large rivers. Those running to the west flow into the Pacific ocean, and those running east flow into the Great Basin of the continent and there sink Even the waters of Lake Bigler, lying between what are called the first and second, or eastern and western summits of the Sierra Nevada, empty into the Great Basin. At this point, it is said, the great Sierra range of mountains has two summits; but the second summit forms no obstruction to the passage of the waters of lakes Bigler and Smith, as well as other tributaries flowing into the Great Basin. Indeed, none of the waters within the Basin formed by these two summits, flow into the Pacific. What is therefore called the second eastern or Utah summit is nothing more than one of the chief spurs of the Sierra Nevada. As the main summit, then, in all cases forms the dividing line between the waters entering into the Pacific ocean, and the Great Basin, it appears to us that this immense summit chain is, and of right should be, the true, natural and legitimate boundary between the state of California and the territory of Utah.

The right of the Legislature to pass such an act as we have prayed for, is unquestionable The constitution of the United States, in article 4th, section 3d, provides that "New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the *Legislatures* of the states concerned, as well as of the Congress."

This section clearly points out the manner in which a state may withdraw its jurisdiction from a portion of its territory, in order that a new state or territorial government may be formed. It is understood, however, that the consent of Congress shall be procured, by which the government of such territory shall pass immediately under the jurisdiction of the United States. This section was incorporated into the federal constitution, so as to afford full protection to the inhabitants who were residents of the country ceded to the United States by the state of Virginia, and also that new states might be formed with the consent of the Legislature of the state concerned, out of territory the property of the state. Thus Georgia, by the Legislature, in 1802, granted territory to the federal government; and Virginia, by her Legislature, in 1789, passed an act, consenting, with the concurrence of Congress, that a new state might be formed out of her territory, to be called "Kentucky." The authority to exercise this right was of much more consequence to the states, than can be the satisfaction of the people residing in the Great Basin, to obtain from the Legislature of this state the privilege of incorporating a few valleys into our proposed new territory. The Legislatures of Virginia, Georgia, etc., in the examples above referred to, did more for and gave more to the young and rising states and territories which surrounded them, than we dare ask or ever expect from the Legislature of California. They not only yielded up all jurisdictional control over the territory, but they parted with their title to the property, and conferred it, along with the political jurisdiction, to the general government, to be sold for the common benefit of the whole Union. Since these examples were set, all states have been admitted into the Union under the express condition, that the lands within the state boundary that are the property of the United States, shall be free from all legislative control.

That portion of territory from which your petitioners desire the Legislature to withdraw her jurisdiction, is still the property of the United States. The amount of territory is small, and California can lose nothing by parting with it Nearly all the country out of which we propose to establish a new territory is within the limits of Utah and New Mexico. The Legislatures of these territories, however,

it is not necessary for us to consult, as Congress has the undoubted right to repeal, amend, or in any other manner qualify or change the organic law of these territories. As the proposed new territory lies just in the rear of this state, and must—from position as well as from the people who are to settle in it, work its rich mines, and cultivate its productive valleys—soon become "bone of her bone and flesh of her flesh," it is to be presumed that California should feel a strong interest in its prosperity.

The new territory must ever be a helpmate to this state—must contribute much to her revenues, and internal and external commerce. The young and rising states and territories on this side of the continent have much to expect from California. She is a settled and an established state, and withal, young and vigorous. Let her give proper aid and encouragement to those who are seeking admission among the family of states in this part of the country.

Trusting that our petition may find favor in the wisdom and patriotism of her Legislature, we beg to subscribe ourselves

Your much obliged fellow-citizens,

W. M. ORMSBY, } Commissioners.
MARTIN SMITH, }

Mr. Clark presented the following petition of supervisors of Sierra county, asking the passage of certain laws relating to Sierra county, which was referred to Sierra county delegation:

MEMORIAL.

To the Honorable the Members of the Senate and Assembly of the State of California:

The undersigned, composing the board of supervisors in and for Sierra county, respectfully represent to your honorable bodies that by law they are charged with the care and disbursement of the revenues of the county of Sierra, and have a supervisory control over the collection of the same, and, incidentally, over the revenues of the state that should be collected therein.

And your memorialists show that on entering upon the discharge of their duties at their first regular meeting, in the month of November, A. D., eighteen hundred and fifty-seven, they proceeded to find the amount of the indebtedness of the said county, and found that the expenditures largely exceeded its revenues from all sources, and it became necessary to find out the cause of such a condition of the finances of the county, and to provide ways and means to discharge the said indebtedness.

And your memorialists, after giving due care, investigation, and consideration to the subject, have found that one great source of costs and expenses to the county, is the expense of the numerous terms of the courts of session, county court, and probate court of said county, and that they are entirely uncalled for by the legal wants of the people of the county, and that four terms in each year, of each of those courts, are amply sufficient.

And we further state, that the expenses of these courts now exceed twenty-six thousand dollars annually, and by the proposed change, the same will be reduced to less than fifteen thousand dollars; thus saving to the county the burthen of eleven thousand dollars, for which no corresponding equivalent is received; and we therefore pray your honorable bodies will enact the law herewith presented, or some other one that your wisdom may direct, and thereby relieve the good people of this county of a useless burthen and serious grievance.

We further represent to your honorable bodies, that we have carefully investigated the operation of the present system of assessing the value of the real and personal property in the county, and the collection of the taxes on the same, and of collecting the foreign miners' license taxes, and the poll-taxes, and the state and county licenses, and have found that the state, as well the county revenues, suffer large losses under it annually; and that in the aggregate, not over fifty per centum of the lawful dues of the state or county, from foreign miners' licenses, and poll-taxes, and state and county licenses and dues, are at present collected by the officers who are appointed and required by law to collect the same; and this arises mainly from the system when applied to a county like Sierra, divided, by rivers deeply imbedded in the mountains, into four natural districts, difficult of access, even in the summer season, and almost without communication with each other in the winter for six months, and with innumerable cañons and gulches in each, where one officer has the charge of the collection of taxes on real and personal property, and of the foreign miners' licenses, and another officer has the assessing of the real and personal property of the county, and the collection of the poll-taxes, and another officer collects the revenue from state and county licenses, and all county dues—and this last officer, the county treasurer, collecting at his office only—and where all of them are without any thorough local knowledge of each and every cabin, camp, village and town, in all the various gulches, flats, hills and mountains, in the county.

We, therefore, for the purpose of insuring the payment of the taxes and licenses by all instead of a part, when all should pay, and for the further purpose of a full and complete assessment of the real and personal property of the county, and to insure a thorough and complete collection of the taxes on real and personal property, and all other taxes and licenses and dues whatsoever, and that the state and county may receive the revenue that they are entitled to by law to receive, do most respectfully submit for your consideration the accompanying acts, providing for the more efficient assessment of the real and personal property of the county, and the thorough collection of said taxes and revenues by township officers; and pray that the same, or some other that your wisdom may suggest, may be enacted for the county of Sierra.

It will be seen that in said proposed laws the fees for collections are reduced, and we confidently assert that, under the laws as proposed, a far greater revenue will be produced, both for the state and county, than is now collected, and, of course, without any increase of taxes, a surplus will be found in the treasury of the county; and when the county indebtedness is paid, the object of taxation being for the support of the government and not for the purpose of accumulting and hoarding money by taxation, of course the taxes on real and personal property for county purposes can be proportionately reduced.

Local officers know the township better than county officers can, and it is impossible to evade or avoid them; or that owners of real and personal property, or tax-payers, should be overlooked by them, as they may be by a county officer, or his deputy; and besides, deputies, as experience here has demonstrated, are inefficient.

And we respectfully suggest that the local township officers, as provided for in said acts, chosen directly by the people for assessors and collectors, will have their confidence and support to an extent not to be expected towards a deputy who holds his office of collector oftener for partisan services than he does for integrity and fitness for the position he occupies.

We do not wish to be understood as reflecting upon the existing officers

of this county, but we mean to be understood that, owing to the system of assessing and collecting in a county like Sierra, with the natural obstacles herein set forth and stated, it is next to impossible for one man, or his deputies, unacquainted, to make thorough assessments or collections; and we state the further fact, that the revenue for foreign miners' licenses and poll-taxes fell off in the financial year from June 12th, A. D., 1856, to June 12th, A. D., 1857, about the sum of fifteen thousand dollars, without any reason therefor, that we are able to discover; in fact, it should have been largely increased. There were five thousand four hundred and four votes polled in this county at the general election in 1856, and beyond all doubt there were that number of persons in the county liable to pay poll-taxes, and yet, for the fiscal year above stated, the poll-tax collected, was only three thousand dollars, and the foreign miners' license taxes collected, were only three thousand, and those who know Sierra county best, know that the revenue from foreign miners' licenses should have increased instead of diminished, and that the revenue from poll-taxes should have been doubled if not trebled.

The same evil may exist in other counties, but we only state facts in our own county, and earnestly and respectfully pray for relief.

But our troubles do not end here, for we are satisfied that a larger annual loss occurs in the manner of collecting state and county licenses under the present revenue law. Persons engaged in business requiring licenses are required to procure the same from the county treasurer, at his office, and large numbers neglect to take the licenses, or to have them promptly renewed; all of which evils and losses would cease to exist by collecting the same in townships by local officers.

And we further represent, that the public security and a just regard for the rights of the creditors of the county of Sierra, that they may be paid in the order in which their warrants on the treasurer are registered, and that the public moneys are not used for any purpose whatever not by law allowed, call for further enactments concerning the office of county treasurer, and we submit the accompanying act, intending to effect the foregoing object, to your consideration.

And, in conclusion, we respectfully ask your early consideration of the facts set out in this memorial, and that you will enact the laws herewith submitted, or others to secure the same results.

And, as in duty bound, your memorialists will ever pray.

M. J. GOODFELLOW,
A. C. WHIPPLE,
Of Board of Supervisors.

Mr. Stakes made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom were referred Assembly bill No. 2, entitled an act to repeal an act concerning the county judges of Plumas county;

And, Assembly bill No. 6, an act amendatory of an act concerning county judges, passed April 4th, 1854; and also, an act passed April 27th, 1855;

And also, an act passed April 30th, 1855, amendatory of the above acts;

Have had the same under consideration, report both bills back, with a substitute, and recommend the adoption of the substitute.

A. G. STAKES, Chairman.

The bills referred to in above report were made the special order for twelve o'clock on Saturday next.

Mr. Ely made the following report:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred the memorial of Oliver E. Wood, in relation to suspended letter list, together with Senate joint resolution No. 16, in relation to the same, respectfully report said resolution back, without amendment, and recommend its passage.

BENJ. E. S. ELY, Chairman.

Mr. O'Brien made the following report:

MR. SPEAKER:—The Committee on Mileage having had under consideration the amount of mileage due each member of the State Prison Visiting Committee, beg leave to report as follows:

MEMBERS OF COMMITTEE.	NO. MILES.	MILEAGE.
E. J. Lewis,	310	$62 00
U. Edwards,	310	62 00
A. J. Graham,	310	62 00

O'BRIEN, Chairman.

Which was adopted.

Mr. Sheridan made the following report:

MR. SPEAKER:—The Joint Committee on Printing, to whom was referred Senate concurrent resolution for the printing of fifteen hundred copies of the reports of the trustees and resident physician of the state insane asylum at Stockton, have had a conference thereon, and respectfully recommend the adoption of the resolution, and that the said reports be printed in full.

J. E. SHERIDAN,
Chairman of House Committee.
D. S. GREGORY,
Chairman of Senate Committee.

Which report was adopted. Also,

MR. SPEAKER:—The Joint Committee on Printing, to whom was referred the report of the Surveyor General, have had the same under consideration, and have ordered the printing of fifteen hundred copies of what they deemed the most important portions of said document, and have instructed their chairman to report to their respective Houses accordingly.

J. E. SHERIDAN,
Chairman of House Committee.
D. S. GREGORY,
Chairman of Senate Committee.

Which report was adopted.

Mr. Crane made the following report:

MR. SPEAKER:—The select committee composed of the delegation from Monterey and Santa Cruz counties, to whom was referred Assembly bill

No. 18, entitled an act to authorize the administrator of Juan Antonio Vallejo, deceased, to sell the real estate of the intestate at private sale, having had the same under consideration, would report the same back to the House, and recommend its indefinite postponement.

CRANE of Monterey,
WILLSON of Santa Cruz,
Select Committee.

Mr. Young made the following report:

MR. SPEAKER:—The special committee consisting of the Nevada delegation, to whom was referred Assembly bill No. 56, entitled an act amendatory of an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes, approved April 22, 1857, beg leave to report back the bill, and recommend its passage.

G. A. YOUNG, Chairman.

The following message was received from the Governor:.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 27, 1858.

To the Assembly of California:

I have this day approved an act to change the name of James Deffenbaugh to James D. Austin.

JOHN B. WELLER.

NOTICES OF BILLS.

Notices of bills to be introduced were given as follows:

By Mr. Thomas, of an act regulating the pay of officers of elections in the county of Stanislaus;

By Mr. Howell, for an act to confirm the location of school land warrants heretofore made upon the swamp and overflowed lands belonging to this state;

By Mr. Warfield, for an act for the suppression of the games of "rondo" and "keno;"

By Mr. Stratton, for an act to amend the schools laws of this state;

By Mr. Holman, for an act to amend an act entitled an act to regulate fees in office in certain counties of this state, approved April 28, 1857;

By Mr. Safford, for an act for the protection of the owners of growing crops and other improvements in the mines, and to repeal a similar act approved April 25, 1855.

Senate bill No. 24, an act concerning lawful fences in Marin county,

Referred to Marin delegation.

Assembly bill No. 62, an act to amend an act entitled an act to regulate fees in office in certain counties, passed April 28, 1857,

Rules suspended, considered engrossed, read a third time, and passed.

Assembly bill No 44, an act to ascertain the amount of indebtedness of Alameda county to the county of Contra Costa, and to provide for the payment thereof,

Amended, rules suspended, considered engrossed, read a third time, and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ely, for an act to amend an act amendatory of an act entitled an act to regulate proceedings in civil cases in courts of justice in this state.

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

By Mr. Galbraith, for an act to extend the term of office of the board of supervisors of El Dorado county, and to change the manner of their election and define their duties in certain cases, and establish their salaries.

Read first and second times, and referred to El Dorado delegation.

By Mr. Havens, for an act to provide for the payment of the debt of Humboldt county, that existed upon the 31st day of December, 1857.

Read first and second times.

By Mr. Tatman, for an act for the better observance of the Sabbath.

Read first and second times, and referred to Committee on Public Morals.

By Mr. Stratton, for an act to separate the office of collector of taxes from the office of sheriff, in the county of Placer.

Read first and second times, and referred to Placer delegation.

By Mr. Clark, for an act concerning the collection of taxes on real and personal property, and poll-taxes, license taxes, and foreign miners' licenses, in the county of Sierra.

Read first and second times, and referred to the Sierra delegation.

Also, an act to abolish the office of county assessor in the county of Sierra, and to create the office of township assessor, in each township in said county.

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

Also, an act fixing the times of holding the several courts authorized to be held by the county judge of the county of Sierra, and to change the manner of summoning juries for the county courts of said county.

Read first and second times, and referred to the Sierra delegation.

Also, an act to provide for a monthly statement of receipts and disbursements by the county treasurer of the county of Sierra.

Read first and second times, and referred to the Sierra delegation.

GENERAL FILE.

Assembly bill No. 30, an act to amend an act entitled an act to authorize married women to transact business in their own names as sole traders, passed April 12, 1852,

Ordered engrossed.

Assembly bill No. 42, an act to amend an act to provide for the appointment of a reporter of the Supreme Court, and to define his duties and compensation, passed April 19th, 1856,

Ordered engrossed.

Assembly bill No. 40, an act to legalize the acknowledgments of certain conveyances and other instruments in writing,

Amended and ordered engrossed.

Assembly bill No. 36, an act to repeal the sixty-ninth section of the act entitled an act amendatory of and supplementary to the act entitled an act to regulate proceedings in civil cases, in the courts of justice in this state,

Rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 7, an act to extend the term of office of the boards of supervisors of certain counties in this state,

Referred to Amador and Calaveras delegations.

Assembly bill No. 32, an act to reduce the salary of the county judge of Klamath county,

Ordered engrossed.

Assembly bill No. 19, 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,

Was taken from the files, and recommitted to the Committee on Mines and Mining Interests.

Assembly concurrent resolution, relative to the relinquishment of the mineral lands by the general government to this state,

Made the special order for 12 o'clock on Monday next.

Mr. Ballou offered a concurrent resolution relative to the relinquishment by the general government of certain lands in Plumas and Nevada counties.

Referred to Committee on Mines and Mining Interests.

Mr. Ferguson offered a concurrent resolution relative to pre-emption rights to settlers.

Referred to Committee on Agriculture.

The following message was received from the Senate:

SENATE CHAMBER,
January 27, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Assembly bill No. 46, an act to issue duplicates for certain lost war bonds.

THOS. N. CAZNEAU, Sec'y of Senate.

At quarter past 2, P. M., on motion of Mr. Stakes, the House adjourned.

IN ASSEMBLY.

THURSDAY, January 28, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called, and all present except those absent on leave.

Journal of yesterday was read and approved.

Mr. Ballou, from the Committee on Accounts and Expenditures, had leave to withdraw documents submitted by the late Secretary of State.

Mr. De Long, from the Committee on Elections, made the following majority report:

MAJORITY REPORT OF THE COMMITTEE ON ELECTIONS.

We, the undersigned, members of your committee, to whom was referred the contested election case of Montgomery *vs.* Harris, have had the matter under consideration, and from the additional evidence produced before us since our former report was laid before this House, we have been compelled, by a stern sense of duty and right, taking the evidence adduced as a guide, to report the same back to the House, and recommend that the seat be declared vacant, and a re-election for the said office be ordered by this House, and in explanation of this change produced upon our minds, in duty to ourselves, we deem it proper to briefly

lay before this House the causes, or rather the particular evidence adduced before us that has produced this change.

The following points upon the former investigation of the case were deemed established by your entire committee, viz.:

That at Orear's precinct, four men voted for James O. Harris, who were at that time citizens of Placer county, and consequently were not entitled to a vote. Also, the evidence formerly before your committee established the fact of three other illegal votes having been cast, two of which were for Harris, and one for contestant. By excluding all of said votes, it established contestant's right to the seat by a majority of one, which was further supported by the consideration your committee gave to illegality and informality proven to have been practiced at a precinct known as Yocolumne, at which precinct the incumbent received a majority of sixteen votes. The majority of your committee, now, as before, consider the illegality proven at this precinct, should render the return from the same ineligible to be counted for either party, but your committee further consider that, (to use the language of the report of the Committee on Elections, in the case of McCann *vs.* Cook,) no illegality or informality on the part of any officer of an election, should disfranchise the voters at that precinct, (where such returns would affect an election.) The whole matter should be again submitted to the people. Therefore, in view of this state of facts, if we should consider the four votes at Orear's precinct as legal, this would still give to the incumbent a majority of one; but the illegal returns made from Yocolumne influence the majority of your committee in recommending that the whole subject matter be again referred to the people.

At the former sitting of your committee, the affidavit of one Miller was produced, in which he stated that he, in connection with the three others, viz.: Magraw, Shuster, and McLaughlin, all lived on Bear River, above Camp Far West, and that they voted in Sutter county, and for incumbent; and further, the affiant unqualifiedly stated in said affidavit that if Camp Far West was the line between Placer and Sutter counties, that they all did live in Placer county, no evidence being adduced at that time on the part of either party to prove where the county line was. Your committee were referred to the statutes as authority, and they there found that Camp Far West was declared to be the line This, your committee considered as conclusively establishing the fact of the residence of the said four voters, and upon this evidence the former report of your committee was predicated, but your committee further state that upon the re-examination of this matter a number of witnesses were introduced, and amongst the number, the affiant Miller, who, when called upon, stated in explanation of his former affidavit, that he used the term Camp Far West on his former examination in reference to the barracks situated upon the encampment ground of Camp Far West. He further stated that the reservation of a mile square was there located and known as Camp Far West, and that he lived within the boundaries of said reservation, upon the opposite side of the river, as did also the other three mentioned voters, and that there was an unsettled difference of opinion existing in the minds of all men residing in the vicinity of the said county boundaries as to whether the statute, in defining the boundaries of the said counties, and in referring to the said camp, meant the upper, lower, or middle portion of the said reservation, or whether they meant the barracks thereon situated; and witness further stated that if the upper boundaries of the said reservation was the line intended by the statute, that he and the voters mentioned did, at the time of the election, live in Sutter county,

but that if either the barracks or the lower boundary of the said reservation was intended, that he and they then lived in Placer county; and further he, the said witness, stated that he had lived there for five years, and voted at the same precinct, and two or three times acted as clerk at the polls at the said precinct, and that the most general opinion in the minds of all the residents thereabout was that the upper boundary of the reservation was the line as referred to in the statute; which portion of said evidence, was fully corroborated by the evidence of a witness by the name of Justice, who swore that he was, and is, at the present time, an acting magistrate of Sutter county, and that he does exercise jurisdiction to the extent of the upper boundary of said line, believing from all the best information he has been able to obtain, that he has an undoubted right to do the same.

The present Lieutenant Governor, Mr. Walkup, was then called upon, and he avers that he is a resident of Placer county, and resides within ten or thirteen miles of the boundary line of the county; that business has often called him in the vicinity of Camp Far West; that to the best of his information, the line is undefined for two or three miles, and further, that the citizens and property-holders in that vicinity are so undetermined relative to the boundary of the said county, that they pay their taxes indiscriminately to the officers of either county.

And further, the certificate of the county clerk of the county of Sutter was offered in evidence, by which the fact was proven that the boundary line between the two counties has never been surveyed, and is, therefore, undefined in any other manner, except by the statement set forth in the statute defining counties and county boundaries, which says, that the southern boundary of said county commences at a point in the middle of the Sacramento River, running thence to Bear River, and up the middle of said stream to a point opposite Camp Far West.

Now the committee beg leave to recall the attention of the House to the evidence relative to this locality, by no less than six witnesses, who were personally present before your committee, all of whom testified that they had resided either at the place in dispute, or near said place, (averaging from five to eight years each,) all of whom swore positively that the barracks on the reserve were not known or distinguished, by either themselves or any resident there, of their knowledge, as Camp Far West, as a place distinct from the said Reserve; but all agree, that the entire Reserve was known and distinguished by the said appellation.

Now, in view of this state of facts, inasmuch as the statute, in defining the boundaries of said counties, makes use of the term Camp Far West, and as the line has been unsurveyed, and as the four men who voted are admitted to have resided, at the time of said election, within or below the upper boundary of the said Reserve, your committee are unwilling to take upon themselves the responsibility of determining whether the upper, the lower, or the middle portion of the said Reserve was intended as the point of boundary by the Legislature of this state, in describing the same; therefore, there remains, at least, a reasonable doubt in the minds of your committee, whether the said four voters were entitled to a vote in Sutter county or not; and further presuming, as a principle of law, that all legal intendments are in favor of the incumbent, and as your committee feel compelled to give to the said incumbent the benefit of said doubt, therefore the committee decide the said votes to be legal, and for a further reason for the said action, your committee suggest the following proposition:

The incumbent comes here with the proper certificate of election, certi-

fied to by the proper officers of the county, setting forth that he was the duly elected officer of the said county, the same attested to, and sealed with the seal of the county. This, your committee deem to be at least *prima facie* proof of his election, and can only be successfully rebutted by positive and undoubted proof of fraud or illegality in said election; in this, your committee deem the contestant has failed, (as relative to the precinct known as Orear's,) inasmuch as fraud has not been charged, and therefore cannot be inferred; and your committee deem the proof of illegality in said precinct at least doubtful, whereby they feel compelled to admit the votes of the said Miller, Shuster, McLaughlin, and Magraw, as legal voters; but, as aforestated, your committee deem the election held at the precinct known as Yoculumne, (at which precinct the incumbent received a majority of sixteen votes,) to have been illegally and informally conducted on the part of the officers of said election, so much so, as to render the same ineligible to be counted in favor of either party, and the same directly varies the result; yet, deeming, as aforesaid, that the said informality should not disfranchise the voters of the said precinct, therefore, they submit the aforesaid report, and recommend the adoption of the following resolution; viz.:

Resolved, That this House deem, and hereby declare, the seat in this House belonging to the county of Sutter, and at present occupied by J. O. Harris, to be vacant.

DE LONG, of Yuba.
MITCHELL, of Tulare.
U. EDWARDS, of Sonoma.
CLARK, of Sierra.

Mr. Parker, from the same committee, made the following

MINORITY REPORT:

MR. SPEAKER:—We the undersigned, a minority of the Committee on Elections, have the honor to make the following report in reference to the evidence we were instructed to receive by this House, as explanatory to that which was adduced previously, before your committee, and upon which your Committee on Elections made a unanimous report declaring the seat in this Assembly, now occupied by James O. Harris, vacant, and declaring Z. Montgomery the duly elected representative from Sutter county, instead.

As a majority of the committee, with whom we have had the honor to be connected, have made a report to this House, we would respectfully beg leave to offer this in reply:

The report of that Committee opens with the following language:

"We have had the matter under consideration, and from the additional evidence produced before us since our former report was laid before this House, we have been compelled by a stern sense of duty and right, taking the evidence adduced as a guide, to report the same back to the House and recommend that the seat be declared vacant, and a re-election for the said office be ordered by this House.

We would state this additional evidence adduced before your committee only referred to the four votes cast at Orear's precinct, as admitted by the report of the majority; but they may exclude them, and the incumbent, Harris, is elected by a majority of one vote, because of three other illegal votes having been cast, two for the incumbent, Harris, and one for

contestant, Montgomery. By referring to the former report will be seen the following: "Your committee would here state that all the evidence they have of illegal votes having been cast for Montgomery is entirely hearsay, viz.: that A heard B say that he voted for Montgomery, and your committee do not think it is proper to consider such evidence." There was no evidence adduced explanatory of this when your committee met to take explanatory evidence of this contested seat.

Also, in the latter clause of the former report, reference is made to the following language, viz.: "Now, by way of recapitulation, so that your honorable body may more fully and completely draw a conclusion in this matter of the contested seat, the following statement is made: that the four votes spoken of at Orear's precinct, (votes for respondent,) should be thrown out; also the two foreigners; also, the boy of sixteen years of age; making a total of seven illegal votes cast for James O. Harris, respondent, thereby giving Montgomery a majority of three votes."

We would also allude to the Yoculumne precinct. Here we would again respectfully refer to the former *unanimous* report of your committee, viz.: "In another precinct, Yoculumne, the polls were closed before sunset, and the votes commenced to be counted. Before the counting was finished, two persons came in and voted. This procedure, your committee certainly consider illegal, while at the same time, if no fraud is shown, your committee do not think that a voter could be precluded from exercising the elective franchise because of the informality of the judges of election in opening the ballot-box before the time prescribed by law; for in that instance the prerogative of the people might be destroyed by the willful act of corrupt judges of election." In this precinct the respondent had a majority, and here there was no explanatory evidence to change the former conclusions of your committee; indeed, there was no evidence offered to be adduced in reference to that matter, and as further upholding the position taken by your committee, we would refer to the concluding paragraph of the former report, viz.:

"In conclusion, your committee would say, that they have examined the adjudged cases of former contested seats in this Legislature, and find nothing therein to cause them to draw a different conclusion than that they have here arrived at." There has been no additional evidence offered to change this conclusion of the former unanimous report.

According to the instructions of this House, your committee, on the evening of January 26, 1858, proceeded to take, and did take, such evidence as was offered before them, which evidence was adduced for the purpose of explaining away the conclusions your committee arrived at in the former report, with reference to the boundary line of the counties of Sutter and Placer. And while we entertain the highest regard for the integrity of the witnesses produced on that occasion, we do not think the evidence adduced sufficiently clear to induce us to change our views from the conclusions arrived at in the former report, now on file with the clerk of this House. The boundary line, as defined by statutes, is a point on Bear River, opposite Camp Far West. From the testimony of the witnesses introduced on the above-mentioned evening, it seems that Camp Far West was formerly a military reserve, of a mile in extent, or a mile square; on this reserve were built log-houses or barracks, the most conspicuous objects upon the reservation. The general acceptation of the word camp, in this state, is a place where there are buildings for persons to reside, particularly in the mining districts; and most, if not all, the witnesses testified that, although they considered that whole mile as Camp Far West, yet if there was a *particular portion* of that mile that they would

style Camp Far West, it would be the barracks or houses. It seems that there is no record in the recorder's office, of one of the above-mentioned counties, of a boundary line between the two counties. County officers frequently fail to perform their duty, and if there is no evidence in the county of one actual survey having been made, and the same properly recorded, we must endeavor to discover the boundary line from some other source. We turn to the statute, and find it there defined as a point on Bear River, opposite Camp Far West, this camp being where the barracks are situated on the reservation referred to. These barracks being the most prominent object on that reservation, we believe that the statute *understandingly* designated that point as a boundary line between the counties of Sutter and Placer.

We respectfully submit this as a minority report of the Committee on Elections, referring this House to the former report, to which we adhere.

Respectfully, EUSTACE PARKER,
E. J. LEWIS.

Mr. De Long offered the following resolution, which was adopted:

Resolved, That the matter of the contested election case, pending before this House, wherein Z. Montgomery is the contestant, *v.* James O. Harris the incumbent, be and is hereby made the special order of this day at one o'clock, and that the said parties be allowed to appear before this House, either in person or by attorney, for the purpose of arguing the said case, and that they, or their attorneys, be restricted in time thus occupied, as follows, viz.: the contestant shall be allowed to open the case in an argument of fifteen minutes, the incumbent to be then allowed one hour in replying; and the contestant then be allowed one hour in replying to the same.

Mr. Lee made the following report:

MR. SPEAKER:—The Committee of Ways and Means, to whom was referred Assembly bill No. 6, entitled an act to regulate the compensation of the members of the Legislature, beg leave to report, that after a careful examination of the same, and a comparison of its provisions with those of the state constitution, they find the same to conflict so materially as to make the objection a fatal one; they, therefore, respectfully recommend the rejection of the bill. All of which is respectfully submitted,

H. LEE,
Chairman Committee of Ways and Means.

Mr. Crane, from the Committee on Counties and County Boundaries, made the following reports:

MR. SPEAKER:—The Committee on Counties and County Boundaries, have had under consideration Assembly bill No. 24, for an act to establish the boundary line between the counties of Humboldt and Klamath, and beg leave to report the same back to the House, and recommend that it be rejected. The committee deem it a dangerous practice to appropriate money out of the state treasury for surveys of county boundaries, inasmuch as there are but few counties, if any, in the state whose boundaries are not more or less undefined, and an immense sum of money would be required to make all the surveys which would be deemed necessary by the various counties; and upon examination, they find that the law has

already amply provided for surveys, to be made whenever the counties may deem them necessary, by the Surveyor General, or a deputy, by requiring such surveys; the law further providing that the expense thereof be a county charge.

CRANE, Chairman.

MR. SPEAKER:—The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 58, for an act to authorize the board of supervisors of Santa Cruz county to levy a special tax for building purposes, and beg leave to report the same back, without amendment, and recommend its passage.

Also, Assembly bill No. 49, for an act to extend the provisions of an act entitled an act concerning hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa, and beg leave to report the same back, together with a substitute therefor, and recommend the passage of the substitute.

CRANE, Chairman.

Mr. Young, from the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly bill No. 1, an act to regulate the fees of certain county officers of Contra Costa county.

Also, Assembly bill No. 5, an act to change the name of William Wilson Smith to William Wilson Lawton.

Also, Assembly bill No. 39, an act to allow Elmer A. Clapp to change his name to Elmer A. Bennett.

GEORGE A. YOUNG, Chairman.

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly bill No. 46, an act to issue duplicates for certain lost war bonds.

G. A. YOUNG, Chairman,

The following message was received from the Senate:

SENATE CHAMBER,
January 28, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed the following bills:

Assembly bill No. 55, an act to amend an act entitled an act to authorize the guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, approved March 14, 1856.

Assembly bill No. 48, with amendments as therein shown, an act to authorize the board of supervisors of Napa county to levy a tax for special purposes.

Senate bill No. 51, an act to appropriate money for expenses of state library.

And have concurred in Assembly concurrent resolution relative to state prison lessee.

THOS. N. CAZNEAU, Secretary of Senate.

Assembly bill No. 48, an act to authorize the board of supervisors of

Napa county to levy a tax for special purposes, taken up, and Senate amendments concurred in.

Senate bill No. 51, an act to appropriate money for expenses of state library, read first and second times, and referred to Committee on Accounts and Expenditures.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Stocker, for an act in relation to extending and legalizing the collection of taxes in Marin county;

By Mr. Havens, for an act to provide for the payment of claims of Henry Carpenter against the state;

By Mr. Smith of Nevada, for an act to provide for the election of township assessors, and to abolish the office of county assessor;

By Mr. Ballou, for an act to prohibit the enforcement of certain contracts made in foreign countries;

By Mr. Loofbourrow, for an act authorizing the board of supervisors of El Dorado county to levy a tax for road purposes.

Mr. Stratton gave notice of a motion to amend rule first of the standing rules of the House by striking out "eleven," and inserting "ten," so as to read, "the House shall meet each day at ten o'clock, A. M., unless the House shall adjourn to some other hour."

Assembly bill No. 68, an act to provide for the payment of the debt of Humboldt county that existed upon the 31st day of December, 1857,

Rules suspended, considered engrossed, read third time, and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Street, for an act amendatory of and supplementary to an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857.

Read first and second times, and referred to Committee on Indian Affairs.

By Mr. Holman, for an act regulating fees in office in the county of San Joaquin.

Read first and second times, and referred to San Joaquin delegation.

By Mr. Safford, for an act to prohibit the owners of growing crops, buildings, and other improvements in the mining districts of the state, and to repeal a similar act, approved April 25, 1855.

Read first and second times, referred to Committee on Mines and Mining Interests, and ordered printed.

By Mr. Warfield, for an act to prohibit the carrying on the game of rondo and keno.

Read first and second times, and referred to Committee on Public Morals.

By Mr. Mitchell, for an act to extend the provisions of an act entitled an act to organize the county of Buena Vista, approved April 30, 1855, and for other purposes.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Warmcastle, for an act concerning lawful fences in the county of Contra Costa.

Read first and second times.

Mr. Stocker made the following report:

MR. SPEAKER:—The delegation from Marin, to whom was referred Senate bill No. 24, have had the same under consideration, and beg leave to report the same back to the House, without amendment, and to recommend its passage.

J. T. STOCKER.

Senate bill No. 24, an act concerning lawful fences in Marin county, read third time, and passed.

Assembly bill No. 56, an act amendatory of an act entitled an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes, approved April 22, 1857, recommitted to the Nevada delegation.

Assembly bill No. 18, an act to authorize the administrator of Juan Antonio Vallejo, deceased, to sell the real estate of his intestate at private sale.

Consideration postponed until 4th February, next.

The following message was received from the Senate:

SENATE CHAMBER,
January 28, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on the 26th inst., adopted Senate concurrent resolution No. 18, relative to engaging workmen to repair the vaults and rooms of the office of State Treasurer.

Also, amended and passed Assembly bill No. 38, an act to confirm and legalize the tax list and assessment roll of the city and county of San Francisco, for the fiscal year ending June 30th, 1858, and to provide for the collection of delinquent taxes thereon, in all of which the Senate respectfully ask the concurrence of the Assembly.

J. T. EWING, Assistant Secretary Senate.

Assembly bill No. 38, above referred to, taken up, and Senate amendments concurred in.

Also, concurred in Senate concurrent resolution No. 18, above reported.

On motion, Mr. De Long had leave to withdraw Assembly joint resolution No. 6, in relation to water-ditches and canals in the state of California.

Mr. Havens offered the following resolution, which was lost:

Resolved, That the clerk of this House be directed to have the usual number of all bills, and joint and concurrent resolutions of a general character, printed, except when otherwise ordered.

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

Resolved, That the sergeant-at-arms be authorized to furnish the enrolling clerk a desk or box, or something in which the said enrolling clerk can safely keep enrolled bills, to be paid for out of the contingent fund of the Assembly.

On motion of Mr. Holladay, at half-past one o'clock, the House took a recess for half an hour.

TWO O'CLOCK, P. M.

House re-assembled.

The House resolved itself into Committee of the Whole, Mr. Buel in the chair, to consider the contested election case of Montgomery *vs.* Harris. After spending some time in its consideration, the committee rose, reported progress, and had leave to sit again this evening, at seven o'clock, to which time, on motion of Mr. Havens, at half-past four, the House took a recess.

SEVEN O'CLOCK, P. M.

House re-assembled, and on motion of Mr. Briggs, adjourned to half-past ten o'clock to-morrow morning.

IN ASSEMBLY.

FRIDAY, January 29, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All present except those absent on leave.

Journals of yesterday read and approved.

On motion of Mr. Safford, the rules were suspended, and the House resolved itself into Committee of the Whole, Mr. Buel in the chair, for the further consideration of the contested election case of Montgomery *vs.* Harris.

Messrs. Keyser and Bryant appeared for the sitting member, and the contestant in his own behalf.

The committee having spent several hours in the consideration of the subject, rose, reported the matter back to the House, and were discharged.

Mr. Stakes moved to adjourn,

Upon which, Messrs. Buel, Ballou, and Sherwin, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Gray, Hill of Nevada, Hirst, Lewis, Simons, Smith of Nevada, Stakes, Stratton, and Walker—9.

NOES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Buel, Caldwell, Cherry, Clarke, Crane, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Kabler, King, Lee, Loofbourrow, Markley, Marshall, Minis, Mitchell, Moore, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Safford, Sheridan, Sherwin, Smith of San Bernardino, Spilman, Stocker, Stout, Street, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—65.

Mr. Havens offered the following resolution:

Resolved, That Z. Montgomery is entitled to the seat now occupied by James O. Harris, from Sutter county.

Mr. Ballou demanded the previous question, which was sustained, and the House refused to adopt the resolution.

Messrs. Ballou, Sherwin, and Young, demanded the ayes and noes, with the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Buel, Caldwell, Cherry, Curtis, Ferguson, Gordon, Graham, Havens, Hill of Sierra, Hobart, Holladay, Howell, Lewis, Markley, Minis, Moore, Moses, Neblett, Osgood, Parker, Sherwin, Smith of Nevada, Smith of San Bernardino, Spilman, Street, Warfield, Willson, and Young—32.

NOES—Messrs. Briggs, Clarke, Crane, Davis, De Long, Edwards, Ely, Galbraith, Gray, Groom, Haldeman, Hamlin, Hancock, Heath, Hill of Nevada, Hitchens, Holman, Hirst, Kabler, King, Lee, Loofbourrow, Marshall, Mitchell, O'Brien, Ormsby, Pico, Safford, Sheridan, Simons, Stakes, Stocker, Stout, Stratton, Thomas, Tipton, Tuttle, Walker, Ward, Warmcastle, and Mr. Speaker—41.

Mr. Crane moved to adjourn, and the House refused, Messrs. Lewis, Lee, and Anderson, demanding the ayes and noes, as follows:

AYES—Messrs. Crane, De Long, Edwards, Gordon, Gray, Groom, Haldeman, Hancock, Harris, Holladay, Howell, Hirst, Kabler, King, Marshall, Mitchell, Moore, O'Brien, Ormsby, Osgood, Simons, Smith of Nevada, Stakes, Stocker, Stout, Walker, Ward, and Willson—28.

NOES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Buel, Caldwell, Cherry, Clarke, Curtis, Davis, Ely, Ferguson, Galbraith, Graham, Hamlin, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holman, Lee, Lewis, Loofbourrow, Markley, Minis, Moses, Neblett, Parker, Pico, Safford, Sheridan, Sherwin, Smith of San Bernardino, Spilman, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Warfield, Warmcastle, Young, and Mr. Speaker—47.

Mr. Lee offered the following resolution:

Resolved, That the seat of James O. Harris be and the same is hereby declared vacant, and that the whole question of the contest be referred to the legal voters of Sutter county.

Mr. Crane moved its indefinite postponement, and the House, having sustained the previous question, the resolution was indefinitely postponed, Messrs. O'Brien, Sherwin, and Hill of Nevada, demanding the ayes and noes, by the following vote:

AYES—Messrs. Briggs, Clarke, Crane, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gray, Groom, Haldeman, Hancock, Heath, Hill of Nevada, Hitchens, Holladay, Holman, Howell, Hirst, Kabler, King, Lewis, Loofbourrow, Marshall, Minis, Mitchell, O'Brien, Ormsby, Osgood, Pico, Safford, Sheridan, Simons, Stocker, Stout, Stratton, Thomas, Tipton, Tuttle, Ward, Young, and Mr. Speaker—43.

NOES—Anderson, Aud, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Curtis, Gordon, Graham, Hamlin, Havens, Hill of Sierra, Hobart, Lee, Markley, Moore, Moses, Neblett, Parker, Sherwin, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Street, Walker, Warfield, Warmcastle, and Willson—31.

Mr. Lewis gave notice of a reconsideration of the vote just taken, on to-morrow.

The following message was received from the Senate:

SENATE CHAMBER,
January 28, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day concurred in Assembly concurrent resolution relative to a territorial government in Utah.

THOS. N. CAZNEAU, Secretary of Senate.

On motion of Mr. De Long, at four o'clock P. M., the House adjourned.

IN ASSEMBLY.

SATURDAY, January 30, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Journals of yesterday read and approved.

Petitions were presented as follows:

By Mr. Briggs, of citizens of Drytown, Amador county, praying for a Sunday law.

Referred to Committee on Public Morals.

By Mr. Moore, of president and directors of the German General Benevolent Society, in the city of San Francisco, praying for an appropriation of ten thousand dollars.

Referred to Committee on State Hospitals.

By Mr. Haldeman, of citizens of Jacksonville, Tuolumne county, praying for a Sunday law.

Referred to Committee on Public Morals.

By Mr. Galbraith, of citizens of Johnstown, El Dorado county, praying for a Sunday law.

Referred to Committee on Public Morals.

Mr. Crane reported as follows:

MR. SPEAKER:—The Committee on Counties and County Boundaries have had under consideration Senate bill No. 10, entitled an act to create the county of Del Norte, to define its boundaries, and to provide for its organization, and beg leave to report the same back to the House without amendment, and recommend its passage.

CRANE, Chairman.

Mr. Ballou made the following report:

MR. SPEAKER:—The Committee on Public Expenditures and Accounts, to whom was referred Senate bill No. 51, for an act to appropriate money for expenses of state library, have had the same under consideration, and herewith report the same back, with the recommendation that it do not pass, for the following reasons, viz.:

Your committee find upon examination, that there is at the present time the sum of seven hundred and seven dollars in the library fund, subject to draft, upon application of a board of directors, composed of the Governor,

Treasurer, and Comptroller of State, president of the Senate, and speaker of the House of Assembly; which said board of directors were created by section third of an act entitled an act to provide a fund for the use of the state library, passed May 1, 1852, and have ample power in the premises to dispose of all funds in the state treasury, belonging to the library fund, for the use and benefit thereof.

Your committee find, by the last annual report of the Secretary of State, that the sum of four thousand seven hundred and seven dollars and thirty-three cents, is in the hands of a purchasing agent, in the city of New York, to be expended in the purchase of books; this, taken in connection with the fact, that upon the adjournment of the Legislature, quite an addition will be made to the library fund, has induced your committee to conclude that a prudent economy will be best subserved by making a draft upon the library fund to defray the expense of furnishing the library rooms, and the general fund left to be expended in matters of absolute necessity, and the payment of the honest debts of the state.

All of which is respectfully submitted,

S. A. BALLOU, Chairman,
B. F. MARSHALL,
W. J. MARKLEY,
D. B. CURTIS,
S. B. GORDON. } Committee.

Mr. Young made the following report:

MR SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 55, an act to amend an act entitled an act to authorize the guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, approved March 14, 1856.

Also, Assembly bill No. 48, an act to authorize the board of supervisors of Napa county to levy a tax for special purposes.

Also, Assembly concurrent resolution, relative to a territorial government in Utah.

GEO. A. YOUNG, Chairman.

Mr. Stratton made the following report:

MR. SPEAKER:—The Committee on Public Morals, to whom was referred Assembly bill No. 41, an act entitled an act for the suppression of bawdy-houses and houses of ill-fame, have had the same under consideration, and have unanimously agreed to report it back to the House, without amendment, and recommend its passage.

STRATTON, Chairman.

Mr. Stratton, from the Placer delegation, made the following report:

The Placer delegation, to whom was referred Senate bill No. 9, "An act to separate the offices of county recorder and county auditor, clerk of the board of supervisors and clerk of the board of equalization, from the office of county clerk in the county of Placer," have had the same under consideration, and recommend its passage, with the following amendment: Add to section 5—"And shall be collected and retained in the manner hereinafter provided."

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and find correctly engrossed, the following bills:

Assembly bill No. 40, an act to legalize acknowledgments of certain conveyances, and other instruments in writing;

Assembly bill No. 42, for an act to amend "An act to provide for the appointment of a reporter of the supreme court, and to define his duties and compensation," passed April 19, 1856;

Assembly bill No. 81, for an act concerning lawful fences in Contra Costa county;

Assembly bill No. 32, for an act to reduce the salary of the county judge of Klamath county;

Assembly bill No. 30, for an act to amend "An act to authorize married women to transact business in their own names as sole traders," passed April 12, 1852;

Assembly bill No. 68, for an act to provide for the payment of the debt of Humboldt county that existed upon the 31st day of December, 1857;

Assembly bill No. 36, for an "Act to repeal the sixty-ninth section of the act entitled "An act to regulate proceedings in civil cases in the courts of justice of this state."

And Assembly bill No. 62, for an act to amend an act entitled "An act to regulate fees in office in certain counties," passed April 28, 1857.

H. A. MOSES, Chairman.

Mr. Young made the following report:

MR. SPEAKER:—The special committee, consisting of the Nevada delegation, to whom was recommitted Assembly bill No. 56, have had the same under consideration, and beg leave to report the same back with an amendment, and recommend its passage.

GEO. A. YOUNG.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, Jan. 29, 1858.

To the Assembly of California:

An act to regulate the fees of county officers of Contra Costa county;

An act to change the name of William Wilson Smith to William Wilson Lawton; and,

An act to change the name of Elmer A. Clapp to Elmer A. Bennett; are herewith returned to your honorable body, without approval.

As soon as I am officially informed that these bills have received the sanction of the Senate, they will probably receive my approval.

JOHN B. WELLER, Governor.

The bills above referred to were recommitted to the enrolling committee.

The ollowing message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, Jan. 29, 1858.

To the Assembly of California:

I have this day approved an act to authorize the issuance of duplicates for certain lost war bonds.

JOHN B. WELLER, Governor.

The following message was received from the Senate:

SENATE CHAMBER,
January 29, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day adopted the following concurrent resolution relative to the establishment of a mail-route from the city of Sacramento to the town of Volcano, in the county of Amador, and respectfully ask the concurrence of the Assembly.

JAS. T. EWING,
Assistant Secretary of Senate.

The resolution referred to above was taken up, amended, and concurred in.

The following message was received from the Senate:

SENATE CHAMBER,
January 29, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 65, an act to confirm and legalize the tax list or assessment roll of the county of Marin, for the fiscal year ending June 30th, 1858, and to provide for the collection of the delinquent taxes therein.

J. T. EWING,
Assistant Secretary Senate.

Senate bill No. 65, an act to confirm and legalize the tax list or assessment roll of the county of Marin, for the fiscal year ending June 30th, 1858, and to provide for the collection of delinquent taxes therein,

Read first and second times, rules suspended, read third time, and passed.

Mr. Stakes made the following report:

The Judiciary Committee, to whom was referred Assembly bill No. 11, entitled an act for the suppression of mobs, insurrections, and other unlawful assemblages and organizations against the government of this state, and to fix the punishment of offences therein defined, have had the same under advisement and report the bill back, with certain amendments, and recommend the passage of the same as amended.

Your committee have also had under consideration Senate bill No. 21, an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20, 1850;

Also, Senate bill No. 22, an act to amend the sixth section of an act entitled an act defining the rights of husband and wife, passed April 17th, 1850;

Report both bills back, and recommend their passage.

Senate bill No. 35, entitled an act to amend an act entitled an act to fund the debt of the county of Siskiyou, approved April 29th, 1857, is reported back, with the recommendation that it be referred to the delegation from that county, and suggest an extension of the time for funding.

Your committee also herewith report the general bill entitled an act to authorize persons to change their names in certain cases, and to prohibit applications to the Legislature therefor, and recommend its passage.

A. G. STAKES,
Chairman Judiciary Committee.

The above last named bill introduced by the Judiciary Committee, an act to authorize persons to change their names in certain cases, and to prohibit applications to the Legislature therefor, read first and second times, and referred to Judiciary Committee.

Assembly bill No. 11, an act for the suppression of mobs, insurrections, and other unlawful assemblages and organizations against the government of this state, and to fix the punishment of offences therein defined, taken up and made special order for Friday next, at twelve o'clock, M.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Shepard, for an act to authorize the arrest of persons charged with crime, upon telegraphic information;

Also, an act in relation to savings, deposit, and discount associations;

By Mr. De Long, for an act authorizing Mary Lattimer to sell and convey real estate;

Also, for an act appropriating money to pay H. C. Peck and Theodore Bills, for specimen copies of school books furnished John C. Marvin, late Superintendent of Public Instruction;

By Mr. Howell, for an act to amend an act entitled an act defining the time of commencing civil actions, approved April 22, 1850;

By Mr. Edwards, for an act to authorize the board of supervisors of Sonoma county to levy a tax for a special purpose;

By Mr. Caldwell, for an act concerning the "indigent sick fund" of Nevada county;

By Mr. Thomas, for an act to reduce the road tax in the county of Stanislaus, and to alter the manner of collecting the same.

The House resolved itself into Committee of the Whole, Mr. Aud in the chair, to consider Assembly bill No. 66, an act to consolidate the several acts concerning the places of residence of county judges.

After considering and amending the same, the committee rose, reported the bill back, and recommended its passage as amended.

Amendments concurred in, and bill ordered engrossed.

The following message was received from the Senate:

SENATE CHAMBER,
January 30, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 72, entitled an act supplementary to and amendatory of an act entitled an act to authorize the issuance of duplicates of certain lost war bonds, passed January 29, 1858.

JAS. T. EWING, Ass't Sec. Senate.

Senate bill No. 72, an act supplementary to and amendatory of an act entitled an act to authorize the issuance of duplicates of certain lost war bonds, read first and second times, rules suspended, read third time, and passed.

The following message was received from the Senate:

SENATE CHAMBER,
January 29, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate,

on yesterday, passed Assembly bill No. 25, an act to legalize certain records in the county of Tulare.

Also, Assembly bill No. 17, an act to change the name of Michael Nicholas Diffendaffer to Addison Diffendaffer Martin.

Also, Assembly joint resolution No. 5, relative to donating public lands to actual settlers within the state of California, with amendment, and respectfully ask the concurrence of the Assembly.

THOS. N. CAZNEAU, Secretary of Senate.

Assembly bill No. 81, an act concerning lawful fences in the county of Contra Costa, considered engrossed, read third time, and passed.

Assembly bill No. 32, an act to reduce the salary of the county judge of Klamath county, read third time and passed.

Assembly bill No. 42, an act to amend an act entitled an act to provide for a reporter of the Supreme Court and to define his duties and compensation, passed April 19th, 1856, read third time and passed.

Assembly bill No. 30, an act to amend an act to authorize married women to transact business in their own name as sole traders, passed April 12th, 1852, read third time and passed.

Assembly bill No. 40, an act to legalize the acknowledgments of certain conveyances and other instruments in writing, made special order of the day for Thursday next, and ordered printed.

INTRODUCTION OF BILLS.

Bills were introduced as follows, by:

Mr. Burbank, for an act for the relief of D. S. Lord & Co.

Read first and second times, and referred to Committee on Claims.

Mr. Havens, for an act to provide for the payment of the claim of Henry Caperton, against the state,

Read first and second times, and referred to Committee on Claims.

Mr. Lewis, for an act supplementary to an act entitled an act to apportion the senatorial and assembly districts of the state, passed May 18th, 1853,

Read first and second times, and referred to Committee on Elections.

Mr. Smith of Nevada, for an act to create the office of township assessor, and to abolish the office of county assessor,

Read first and second times, and referred to Committee of Ways and Means.

Mr. Holladay, for an act to authorize the executor and administrator of the estate of John Ellig, deceased, to sell real estate of said deceased at public or private sale,

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

Mr. Hobart, for an act to fix the compensation of the county assessor of Alameda county,

Read first and second times.

Senate bill No. 9, an act to separate the office of county recorder and county auditor, clerk of the board of supervisors, and the clerk of the board of equalization, from the office of county clerk, in the county of Placer,

Reported with amendments, which were adopted, read third time and passed.

Assembly bill No. 58, an act to authorize the board of supervisors of Santa Cruz county to levy a special tax for building purposes, ordered engrossed.

Assembly bill No. 24, an act to establish the boundary line between the counties of Humboldt and Klamath, referred with substitute offered by Mr. Havens, to delegation from Humboldt and Klamath.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 38, an act to confirm and legalize the tax list or assessment roll of the city and county of San Francisco, for the fiscal year ending the thirtieth day of June, A. D., 1858, and to provide for the collection of delinquent taxes thereon.

GEO. A. YOUNG, Chairman.

Mr. Moses offered the following resolution, which was laid on the table:

Resolved, That the engrossing clerk be, and is hereby authorized to appoint an assistant.

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

Resolved, That the sergeant-at-arms be authorized and directed to lower the top curtain rollers of each of the windows of the Assembly hall so that they shall be twelve inches from the top of the windows.

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

Resolved, That a select committee of three, with power to send for persons and papers, be authorized by the House to proceed to San Francisco and obtain, for the information of the Assembly, reliable data respecting the fees in office of the sheriff, county clerk, county recorder, and other officers of the city and county of San Francisco, and further to examine the books and inquire into the affairs of the commissioners of the funded debt of the city of San Francisco, and report the same back to this House.

The speaker appointed Messrs. Moore, Buel, and Ely, such committee.

On motion of Mr. Davis, the House, at one and three quarters, P. M., adjourned.

IN ASSEMBLY.

MONDAY, February 1st, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all present except Messrs. Buel, Clark, Crane, Ely, Harris, Howell, Moore, Smith of San Bernardino, and those absent on leave.

Indefinite leave was granted to Messrs. Buel, Ely, Moore, and Smith of San Bernardino; to Mr. Clark, three days; to Mr. Crane, ten days; and to Mr. Harris, one day.

Journals of Saturday were read and approved.

On motion of Mr. Safford, the vote by which, on Saturday last, Senate bill No. 72, an act supplementary to and amendatory of an act entitled an act to authorize the issuance of duplicates of certain lost war bonds, was reconsidered, amended again, read third time, and passed.

Petitions were presented as follows:

By Mr. Burbank, of Erastus Bartlett, for re-issue of certain bonds of the county of Contra Costa.

Referred to Committee on Claims.

Also, of A. M. Simpson and others, against a change of the pilot laws.

Referred to Committee on Commerce and Navigation.

By Mr. Aud, of F. Forman and R. A. Thompson, for compensation as agents of the state of California in proceeding to Washington, in reference to the insurrection in the city of San Francisco.

Referred to the Committee on Claims.

Petitions for the repeal of laws in relation to the competency of negroes and mulattoes as witnesses, were presented—

By Mr. Briggs, by citizens of Amador county.

By Mr. Hill of Sierra, of citizens of Laporte, Sierra county.

By Mr. Tatman, of citizens of Mariposa county.

By Mr. Aud, of citizens of Yuba county.

Upon the last petition, Mr. Lewis moved to lay upon the table, upon which, the ayes and noes were demanded by Messrs. Sherwin, Gray, and Stakes, which was carried by the following vote:

AYES—Messrs. Anderson, Aud, Davis, De Long, Edwards, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hirst, Kabler, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moses, Neblett, Ormsby, Osgood, Parker, Pico, Safford, Smith of Nevada, Spilman, Stakes, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young, Mr. Speaker—51.

NOES—Messrs. Ballou, Banks, Briggs, Burbank, Caldwell, Cherry, Curtis, Gray, Havens, Hobart, Holladay, King, O'Brien, Palmer, Shepard, Sheridan, Sherwin, Simons—18.

The other petitions upon the same subject were similarly disposed of.

Mr. Marshall presented a petition of citizens of West Point, Calaveras county, for Sunday law.

Referred to Committee on Public Morals.

REPORTS.

The following report was made by Mr. Ballou:

The Committee on Public Expenditures and Accounts, to whom was referred the communication of the Secretary of State, making a statement of accounts payable out of the appropriation for lights and fuel, contingent fund for the office of Secretary of State and state library, for the ninth fiscal year, find, upon examination, that the charges therein contained correspond with vouchers on file in the State Comptroller's office, which said accounts have been audited by the state board of examiners, and paid out of the proper fund. Your committee, therefore, report the communication back to the House, with the following statement of the condition of the funds above referred to at the present time:

Unexpended remainder of the appropriation for lights and fuel, $861 33; Do. appropriation for contingent fund for the office of Secretary of State, $310 15; Do. library, $318 33.

S. A. BALLOU, Chairman.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed, Assembly bill No. 58, for an act to authorize the board of supervisors of Santa Cruz county to levy a special tax for building purposes;

Also, Assembly bill No. 66, for an act to consolidate the several acts concerning the places of residence of county judges.

H. A. MOSES, Chairman.

Mr. Young, from Joint Committee on Enrollment, made the following reports:

MR. SPEAKER:—The Joint Committee on Enrollment to-day have presented to his Excellency, the Governor, for his approval, the following bills:

Assembly bill No. 1;
Assembly bill No. 5;
Assembly bill No. 39;
Assembly bill No. 46;
Assembly bill No. 48;
Assembly bill No. 55;

Also, concurrent resolution of the Assembly relative to a territorial government in Utah;

Also, on Saturday last, Assembly bill No. 38, relative to legalizing certain assessment roll in San Francisco.

GEO. A. YOUNG, Chairman.

The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 8, an act to incorporate the town of Union.

GEO. A. YOUNG, Chairman.

Mr. Palmer made the following report:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 64, an act in relation to the salaries of and fees received by the county clerk, as clerk of the various courts, and the county recorder of the city and county of San Francisco, and prescribing certain of their powers and duties, report the same back, with an amendment, and recommend its passage as amended.

PALMER, for the Delegation.

Assembly joint resolution No. 5, relative to donating public lands to actual settlers within the state of California, was taken up, and Senate amendments concurred in.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Havens, for an act to amend an act entitled an act to authorize the board of supervisors of Humboldt county to levy a tax for special purposes, and to provide for the collection of the same, approved April 18th, 1857;

Also, for an act to amend section two of article four of the constitution of this state;

Also, for an act to amend article six of same instrument, relative to the judicial department;

By Mr. Ormsby, for an act to prevent certain horses from running at large in Sonoma county;

By Mr. Warmcastle, for an act to amend the seventy-first section of article 682 of an act concerning courts of justice and judicial officers;

Also, an act to incorporate the town of Martinez;

By Mr. Edwards, for an act to authorize L. Carson to sell certain real estate at private sale;

Also, an act to amend an act approved April 19, 1856, concerning estray animals;

By Mr. Pico, for an act to amend an act concerning lawful fences, approved April 27, 1855, so far as the same relates to the county of Los Angeles.

By Mr. Hill of Nevada, for an act to extend the limitation act relating to open accounts for goods, wares, and merchandise sold and delivered.

By Mr. Briggs, for an act to exempt mining claims from execution and sale.

By Mr. Hirst, for an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and to provide for its organization, approved March 2, 1857.

By Mr. Stratton, for an act to change the time of electing representatives in Congress.

By Mr. Burbank, for an act for the relief of Erastus Bartlett.

By Mr. Walker, for an act to extend the time of funding the debt of Napa county.

By Mr. McCoy, for an act concerning artesian wells in Santa Clara county.

Assembly bill No. 88, an act to fix the compensation of county assessor of Alameda county, on its third reading, rules suspended, considered engrossed, read third time and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lee, an act for the construction of a court-house and other county buildings in El Dorado county, and for the levy of a tax therefor.

Read first and second times, and referred to El Dorado delegation.

By Mr. Shepard, for an act to authorize the arrest of persons charged with crime, on telegraphic information.

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

By Mr. Anderson, for an act to provide for transcribing and transferring certain records in Sonoma and Solana counties to the county of Napa.

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

By Mr. Ormsby, for an act amendatory of an act concerning notaries public, approved April 30, 1857.

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

By Mr. De Long, for an act appropriating money to pay H. C. Peck and Theo. Bliss for specimen copies of school books furnished John G. Marvin, late Superintendent of Public Instruction.

Read first and second times, and referred to Committee on Claims.

By Mr. Shepard, an act to authorize the formation of joint stock associations for the purpose of establishing savings, deposit, and discount associations.

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

By Mr, Caldwell, for an act concerning the indigent sick fund of Nevada county.

Read first and second times, and referred to Nevada delegation.

Also, an act to amend an act entitled an act amendatory of and supplementary to an act entitled an act to regulate proceedings in civil cases in courts of justice of this state, passed May 15, 1854.

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

By Mr. Thomas, for an act to change the manner of paying officers of elections in the county of Stanislaus.

Read first and second times, and referred to Committee on Elections.

Assembly bill No. 58, an act to authorize the board of supervisors of Santa Cruz county to levy a special tax for building purposes, read third time, and passed.

Assembly bill No. 66, an act to consolidate the several acts concerning the place of residence of county judges, read third, time and passed.

Senate bill No. 41, an act to appropriate money for expenses of state library, taken up and indefinitely postponed.

Senate bill No. 21, an act to amend the first section of an act entitled an act empowering the Governor to appoint commissioners of deeds, and defining the duties of such officers, passed March 20, 1850, read third time, and passed.

On motion of Mr. De Long, the special order of to-day was continued until Monday next, February 8th, at noon.

The following communication was received from the sergeant-at-arms:

To the Hon. the Assembly:

GENTLEMEN:—In consequence of there being no postage newspaper stamps, that can be obtained for the use of the Legislature, I have made arrangements with the postmaster for the transportation of papers, and would request members of the Assembly to inform the sergeant-at-arms of the number of papers and documents they wish mailed, so that I can keep a correct account with each member.

QUIN, Sergeant-at-arms.

Mr. Lee offered the following resolution, which was referred to Committee on Accounts and Expenditures, with instructions to report to-morrow:

Resolved, That the sergeant-at-arms be and he is hereby authorized to purchase such stationery, for the use of this House, as may be needed, and that he report on the Monday of each week the amount purchased, of whom, at what price, and how distributed.

Assembly bill No. 56, an act amendatory of an act entitled an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes, approved April 22, 1857,

Amendments concurred in, and ordered engrossed.

Senate bill No. 10, an act to amend an act entitled an act to create the county of Del Norte, to define the boundaries, and to provide for its organization, passed March 2, 1857, read third time, and passed.

Assembly bill No. 61, an act to regulate the compensation of members of the Legislature, was taken from the general file.

Mr. Lewis moved to strike out the enacting clause, upon which Messrs.

Hitchens, Mitchell, and Hamlin demanded the ayes and noes, and the motion was carried, by the following vote:

AYES—Messrs. Aud, Briggs, Caldwell, Curtis, Davis, De Long, Edwards, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hancock, Havens, Holman, Hirst, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Minis, Mitchell, Moses, Neblett, O'Brien, Osgood, Palmer, Parker, Safford, Shepard, Sheridan, Simons, Smith of Nevada, Spilman, Stakes, Stocker, Stout, Tatman, Tipton, Tuttle, Walker, Ward, and Warmcastle—46.

NOES—Messrs. Anderson, Ballou, Banks, Burbank, Cherry, Gray, Hamlin, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Pico, Sherwin, Stratton, Street, Willson, Young, and Mr. Speaker—20.

Senate joint resolution No. 16, relative to memorial of Oliver Evans Wood's "Suspended Letter List," read third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 30, 1858.

To the Assembly of California:

I have this day approved an act to confirm and legalize the tax list or assessment roll of the city and county of San Francisco, for the fiscal year ending the 30th day of June, in the year 1858, and to provide for the collection of delinquent taxes thereon.

JOHN B. WELLER, Governor.

The following message was received from the Senate:

SENATE CHAMBER,
February 1, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day concurred in Assembly amendments to Senate bill No. 72, entitled an act supplementary to and amendatory of an act entitled an act to authorize the issuance of duplicates of certain lost war bonds.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 22, an act to amend the sixth section of an act entitled an act defining the rights of husband and wife, passed April 17, 1850, read third time, and passed.

Assembly bill No. 75, an act to extend the provisions of an act entitled an act concerning hogs found running at large in the counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April 21st, 1856, adopted as a substitute for Assembly bill No. 49, on its third reading, considered engrossed, read third time, and passed.

Mr. Young made the following report:

MR. SPEAKER:—The Joint Committee on Enrollment have this day presented to his Excellency the Governor, for his approval, Assembly bill No. 8.

GEO. A. YOUNG, Chairman.

Mr. Gray moved to take from the table, Assembly concurrent resolution relative to the Kansas and Nebraska question.

Mr. Stakes moved to indefinitely postpone the motion.

Mr. De Long moved the previous question, which was sustained.

On motion of Mr. Lee, a call of the House was ordered.

The roll was called by the clerk, and the following members were absent:

Messrs. Havens, Howell, Lewis, Simons, Stocker, and those absent on leave.

The sergeant-at-arms having been sent for the absentees—Messrs. Stocker and Havens appeared at the bar of the House, were admitted, and excused.

Further proceedings under the call having been dispensed with, the motion was indefinitely postponed, Messrs. Gray, Palmer, and Hobart demanding the ayes and noes, as follows:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Caldwell, Cherry, Curtis, Davis, De Long, Edwards, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Hirst, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Neblett, O'Brien, Osgood, Parker, Pico, Safford, Shepard, Sheridan, Sherwin, Spilman, Stakes, Stocker, Stratton, Street, Tatman, Tuttle, Walker, Ward, Warmcastle, Young, and Mr. Speaker—56.

NOES—Messrs. Burbank, Gray, Hobart, Holladay, Moses, Palmer, Stout, and Willson—8.

Mr. Young offered the following resolution:

Resolved, That the Enrolling Committee be authorized to provide the enrolling clerk with a room wherein to perform his duties, to be paid for out of the contingent fund of the Assembly; that the expense or rent of such room and fire shall not exceed the rate of forty dollars per month.

Mr. Parker offered the following substitute, which was adopted:

Resolved, That the sergeant-at-arms be and he is hereby instructed to provide the enrolling clerk with a proper apartment accessible to the capital, at an expense not to exceed twenty-five dollars per month.

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

Resolved, That so much of the annual report of the Superintendent of Public Instruction as relates to a state university and miltary institute be referred to the Committee on Education, with instructions to report thereon as soon as practicable

Mr. Cherry moved to take from the table the resolution allowing the engrossing clerk an assistant.

Lost.

On motion of Mr. Willson, at two o'clock P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, February 2, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called, and all were present except Mr. Warmcastle, and those absent on leave.

Indefinite leave of absence was granted Mr. Warmcastle.

Journal of yesterday was read and approved.

Pending the reading of the journal, the chair decided that the substitute offered by Mr. Parker, on yesterday, relative to renting a room for the enrolling clerk, had been finally adopted by the House.

Mr. McCoy appealed, and the decision of the chair was sustained.

Leave was granted Mr. Lewis to place his vote affirmatively in the ayes and noes, which were called on yesterday upon the motion made by Mr. Stakes, to indefinitely postpone the motion made by Mr. Gray to take from the table the resolution relative to the Kansas and Nebraska question.

Petitions in reference to an alteration in the law which disqualifies negroes and mulattoes from being competent witnesses, etc., were presented:

By Mr. Safford, of residents of Placer county, which was laid on the table.

By Mr. Moses, of residents of El Dorado county.

Referred to Judiciary Committee.

On motion of Mr. Safford, the remainder of the petitions on the same subject were taken from the table, and referred to the Judiciary Committee.

Mr. Aud, from the Committee on Claims, made the following report:

MR. SPEAKER:—The Committee on Claims, to whom was referred Assembly bill, No. 45, an act for the relief of John B. Cecil, sheriff of Klamath county, have had the same under consideration, and report the same back, with an amendment, and recommend its passage as amended.

FRANCIS L. AUD, Chairman.

Mr. Ballou made the following report:

MR. SPEAKER:—The Committee on Public Expenditures and Accounts, beg leave to report, that they have allowed the following bills for postage and expressage upon papers and documents, viz.:

Sacramento post-office, ...	$45 46
Wells, Fargo & Co., ...	125 89
Total, ...	$171 35

And also advise the passage of the following resolution:

Resolved, That all expenses for postage and express matter, for members of this House, that have accrued up to date, not already charged against members individually, be paid out of the appropriation for postage of members, and that the same be apportioned equally among the members.

S. A. BALLOU, Chairman.
W. T. MARKLEY,
D. B. CURTIS,
B. F. MARSHALL. } Committee.

On the above resolution, Mr. De Long moved the previous question, which was sustained, and the resolution adopted.

Mr. Young, from the Joint Committee on Enrollment, made the following report:

MR. SPEAKER:—Your Joint Committee on Enrollment have this day presented to his Excellency the Governor, for his approval, Assembly bills No. 17, No. 25, and also Assembly joint resolution No. 5.

Also, have examined, and found correctly enrolled, Assembly bill No. 17, an act to change the name of Michael Nicholas Diffendaffer, to Addison Diffendaffer Martin.

Also, Assembly bill No. 25, an act to legalize certain records in the county of Tulare, and also joint resolution relative to donating public lands to actual settlers within the state of California.

GEO. A. YOUNG, Chairman.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 88, for an act to fix the compensation of the county assessor of Alameda county.

H. A. MOSES, Chairman.

Mr. Stratton, from the Placer delegation, to whom was referred an act to separate the office of collector of taxes from the office of sheriff in the county of Placer, verbally reported the same back, with amendments, and recommended its passage as amended.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 2d, 1858.

To the Assembly of California:

I have this day approved an act to incorporate the town of Union.

I have also to inform the Assembly that, on yesterday, February first, I approved the following acts, to wit:

An act to change the name of Elmer A. Clapp to Elmer A. Bennett;

Also, an act to authorize the board of supervisors of Napa county to levy a tax for special purposes;

Also, an act to change the name of William Wilson Smith to William Wilson Lawton.

Also, the bill entitled an act to amend an act to authorize the guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, approved March 14th, 1856, is herewith returned for correction. In the seventh line of the enrolled bill the suffix "in" should be attached to the word "with," occurring after the word "hereditaments."

JOHN B. WELLER, Governor.

Assembly bill referred to in preceding message was referred to Engrossing Committee for correction.

The following message was received from the Senate:

SENATE CHAMBER,
February 2, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on Saturday last, passed Senate bill No. 43, an act to authorize the execu-

tors of the last will and testament of F. C. Christian Russ, deceased, to sell real estate at private sale;

Also, on yesterday, passed Senate bill No. 52, an act concerning the office of county clerk of Placer county;

Also, Senate bill No. 81, an act to amend an act to regulate fees in office, approved April 10, 1855;

Also, concurred in Assembly amendment to Senate bill No. 9;

Also, concurred in Assembly amendments to Senate concurrent resolution No. 20.

THOS. N. CAZNEAU, Sec'y of Senate.

Senate bill No. 43, an act to authorize the the executors of the last will and testament of F. C. Christian Russ, deceased, to sell real estate at private sale,

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

Senate bill No. 52, an act concerning the office of county clerk of Placer county,

Read first and second times, rules suspended, read third time, and passed.

Senate bill No. 81, an act to amend an act to regulate fees in office, approved April 10, 1855,

Read first and second time.

NOTICES OF BILLS.

Notices for the introduction of bills were given as follows:

By Mr. Stakes, for an act to prohibit the immigration of free negroes and other obnoxious persons into this state, and to protect and regulate the conduct of such persons now within this state.

By Mr. Willson, for an act authorizing executors and administrators to sell real estate at private sale in certain cases;

By Mr. Osgood, for an act fixing the time of holding courts of record in the county of San Luis Obispo;

By Mr. Lewis, for an act to provide for the support and government of the state prison.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pico, for an act amendatory of an act entitled an act to regulate rodeos, passed April 30, 1851.

Read first and second times, and referred to delegations from counties named in the bill.

By Mr. Havens, an act to amend an act entitled 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, approved April 18, 1857.

Read first and second times.

By Mr. Walker, an act to amend an act entitled an act to amend an act entitled an act to fund the debt of the county of Napa, and provide for the payment of the same, approved February 13, 1857.

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

By Mr. Holladay, an act to amend an act entitled an act to authorize the board of supervisors of the city and county of San Francisco to allow, confirm, and direct the auditing of certain claims therein mentioned.

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

Also, an act to ratify and approve order No. 46, of the board of supervisors of the city and county of San Francisco, approved August 6, 1857.

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

GENERAL FILE.

Assembly bill No. 41, an act for the suppression of bawdy-houses and houses of ill-fame,

Was laid upon the table.

Assembly bill No. 45, an act for the relief of John B. Cecil, sheriff of Klamath county,

Amendments were concurred in, and the bill ordered engrossed.

Assembly bill No. 64, an act in relation to the salaries of, and the fees received by, the county clerk and the county recorder of the city and county of San Francisco, and prescribing certain of their powers and duties,

Was laid upon the table.

Mr. Ballou, from Committee on Accounts and Expenditures, to whom had been referred on yesterday, resolution authorizing the sergeant-at-arms to purchase stationery, etc, reported back the following substitute:

Resolved, By the Assembly, the Senate concurring, that the Secretary of State be, and he is hereby, authorized to purchase, when he may deem it expedient, all stationery necessary for the use of members of this Legislature during the remainder of this session; the purchases to be made upon the most reasonable terms possible, and to be payable out of the appropriation in such cases made and provided for.

To which Mr. Ferguson offered the following amendment, which was lost:

"And that he shall report to this House, on Monday of each week, the amount so purchased, the kind of article furnished, and to whom delivered."

Whereupon the substitute offered by Mr. Ballou was adopted.

Assembly bill No. 70, an act to separate the office of collector of taxes from the office of sheriff in the county of Placer, was taken from the general file, the amendments concurred in, and the bill ordered engrossed.

Mr. Smith of Nevada offered the following resolution, which was lost:

Resolved, That the resolution, passed this House yesterday, authorizing the sergeant-at-arms to rent a room for the use of the enrolling clerk, be rescinded.

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

Resolved, That the Committee on Public Lands be instructed to inquire whether a law to indemnify actual settlers for improvements made upon lands belonging to others, without their consent, (but at the time of making such improvements, said lands supposed to belong to the general government,) can be so framed as to obviate all constitutional objections, and to report their opinion, and the reasons therefor, to this House, as soon as practicable; and also that the said committee be authorized to call upon the Attorney General and obtain his opinion thereon.

Mr. Sheridan offered a concurrent resolution, sustaining the President relative to filibustering.

Mr. Hill of Nevada moved its reference to the Committee on Public Morals.

The chair (on suggestion of Mr. Gray) decided that the resolution did not have to lie over one day, under the rules.

Mr. Gray appealed, and the chair was sustained.

Mr. Safford moved to lay the motion of Mr. Hill on the table,

Which was lost.

Pending the motion of Mr. Hill, on motion of Mr. Neblett, at quarter past 2 o'clock, P. M., the House adjourned.

IN ASSEMBLY.

WEDNESDAY, February 3, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All present, except those absent on leave.

Journals of yesterday read and approved.

Reports of standing committees were made as follows:

By Mr. Moses:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 56, for an act amendatory of an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes, approved April 22, 1857;

Also, Assembly bill No. 75, for an act to extend the provisions of an act entitled an act concerning hogs found running at large in the counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April 21, 1856;

Also, Assembly bill No. 55, for an act to amend an act to authorize the guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, approved March 14, 1856.

H. A. MOSES, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, returned bill No. 55, an act to amend an act entitled an act to authorize the guardian of Minna C. Buchanan to sell real estate, and have this day presented the same to his Excellency, the Governor, for his approval.

GEO. A. YOUNG, Chairman.

A report was received from the Superintendent of Public Instruction, in relation to the contingent expenses of his office, which was referred to the Committee on Accounts and Expenditures.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. King, for an act to exempt from execution printing materials and printing offices;

By Mr. Street, for an act to prevent the Chinese from working the gold mines within certain counties in this state;

Also, for an act to change the name of John August Stromdohl to August William Stromdohl;

By Mr. Sheridan, for an act making an appropriation for the furnishing and fitting up of the state library rooms.

Senate bill No. 81, an act to amend an act to regulate fees in office, approved April 10, 1855, was taken up and referred to Judiciary Committee.

Assembly bill No. 99, an act to amend an act entitled 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, approved April 18, 1857, was taken up, rules suspended, considered engrossed, read third time, passed, and title amended.

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

Resolved, That the usual number of copies of the annual report of the state prison commissioners be printed for the information and use of this House.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lewis, an act for the support and government of the state prison, the officers connected therewith, and to define their powers, duties, and compensation.

Read first and second times, referred to State Prison Committee, and ordered printed.

By Mr. Stout, an act for the better protection of settlers on public lands in this state, and to secure the rights of parties in certain cases.

Read first and second times, and referred to Committee on Public Lands.

By Mr. Stratton, an act fixing the times at which representatives in Congress shall be elected.

Read first and second times, and referred to Committee on Elections.

By Mr. De Long, an act to authorize Mary Latimer to sell and convey real estate.

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

By Mr. McCoy, an act concerning artesian wells.

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

By Mr. Stocker, an act amendatory of an act dividing the state into counties, and establishing the seats of justice therein, passed April 25th, 1851, and to repeal an act concerning the same, passed May 15th, 1854.

Read first and second times, and referred to Committee on Counties and County Boundaries.

By Mr. Aud, an act to amend the act to regulate proceedings in civil cases in the courts of justice of this state.

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

Mr. Stakes made the following report:

The Judiciary Committee, to whom was recommitted Assembly bill No. 82, entitled an act to authorize persons to change their names in certain cases, and to prohibit application to the Legislature therefor, have given

the same further consideration, and report the bill back, with certain amendments, and recommend its passage as amended.

Assembly bill No. 87, an act to authorize the executor and administrator of John Ellug, deceased, to sell real estate of said deceased at private or public sale;

Also, Assembly bill No. 92, entitled an act to authorize the arrest of persons charged with crime, on telegraphic information;

Your committee have had under advisement, and report both bills back, and recommend their passage.

The resolution instructing the Judiciary Committee to inquire into the expediency of abolishing the office of public administrator, has been duly considered, but your committee deem it unwise and inexpedient to abolish said office. The law may need some amendments in regard to the duties of such officers, which in due time the committee will report.

A. G. STAKES, Chairman.

By Mr. Stakes, an act supplementary to and amendatory of an act entitled an act to regulate proceedings in criminal cases, passed May 1st, 1851.

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

By Mr. Pico, an act to amend an act concerning lawful fences, approved April 27th, 1855.

Read first and second times, and referred to the Committee on Agriculture.

Mr. Graham gave notice of a bill for an act to reduce the salary of certain county officers in this state.

GENERAL FILE.

Assembly bill No. 56, an act amendatory of an act entitled an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes, approved April 22, 1857, read third time, and passed.

Assembly bill No. 92, an act to authorize the arrest of persons charged with crime, on telegraphic information, ordered engrossed.

Assembly bill No. 87, an act to authorize the executor and administrator of John Ellug, deceased, to sell real estate of said deceased at private or public sale, ordered engrossed.

Assembly bill No. 82, an act to authorize persons to change their names in certain cases, and to prohibit applications to the Legislature therefor,

Amendments concurred in, made the special order for Tuesday next, February 9th, at noon, and ordered printed.

Assembly bill No. 64, an act in relation to the salaries of, and the fees received by, the county clerks of the various courts, and county recorder of the city and county of San Francisco, and prescribing certain of their powers and duties,

Was, on motion of Mr. Palmer, taken from the table, and the amendment proposed by the committee concurred in.

Mr. Havens moved to strike out "July" in first section, and insert "May."

Mr. Gray moved to amend, by inserting "from and after its passage."

Mr. O'Brien moved to lay the whole subject on the table,

Which was lost.

Mr. Gray's amendment was lost, and that of Mr. Havens adopted.

The bill was further amended, and ordered engrossed.

Mr. Ferguson offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that a committee of six, three from each house, be appointed to confer with the supervisors of Sacramento county, to learn on what terms said county will dispose of the county court-house, (now occupied by the legislative department of state) to the state, and that said committee be instructed to report back as early as practicable to the Legislature, in order that it may take into consideration the propriety of purchasing the same on the part of the state of California, for the use and purposes it is now occupied for.

The resolution was adopted, and Messrs. Ferguson, Hill of Sierra, and McCoy, appointed on the part of the House.

Assembly concurrent resolution sustaining the President relative to filibustering, (unfinished business of the preceding day,) was taken up, and referred to the Committee on Public Morals.

Mr. Davis offered the following resolution:

Whereas, The immigration and actual settlement in our midst of sixty thousand people, from the empire of China, differing from all people in language, laws, customs, prejudices, and religion, is worthy the consideration of the government, and places upon our people duties and responsibilities which cannot be longer avoided;

And whereas, It is known that the Chinese population have been much imposed upon, through their ignorance of our language, and the government has been imposed upon through our ignorance of their customs, that it is necessary for the protection of the Chinese, that all tax receipts and other papers affecting the interests of that people, should be translated and printed in both languages, by a duly authorized officer; that for the protection of the government it should be ascertained whether Chinamen are not now enjoying the fruits of slavery denied to American citizens, and contrary to the provisions of the constitution; and that, for all the purposes of their government, it is necessary to establish a Chinese bureau;

Resolved, That a committee of six (three from the agricultural and three from the mining counties,) be appointed to inquire into the propriety of the establishment of such an office in connection with one of the departments of state, and report the result to the House at an early day.

The resolution was adopted, and Messrs. Davis, Hancock, McCoy, Lee, Briggs, and Street, were appointed by the chair.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, Feb. 2, 1858.

To the Assembly of California:

I have this day approved an act to legalize certain records in the county of Tulare.

JOHN B. WELLER, Governor.

The following messages were received from the Senate:

SENATE CHAMBER,
Feb. 3, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate

this day passed Senate bill No. 75, an act to release B. S. Gray from liabilities to the State of California on certain bonds.

THOS. N. CAZNEAU, Sec'y Senate.

SENATE CHAMBER, Feb. 3, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on Saturday, January 30, passed Senate bill No. 59, an act to authorize James G. Denniston to construct a wharf at Half Moon Bay, in San Mateo county;

And on yesterday, passed Senate bill No. 57, an act to amend an act entitled an act concerning corporations, passed April 22, A. D., 1850;

Also, Senate bill No. 53, an act defining the duties of sheriffs and tax collectors of certain counties therein named, in the collection of taxes;

Also, Senate bill No. 45, an act to change and fix the amounts of the official bonds of certain officers in the county of San Luis Obispo;

Also, Senate bill No. 48, an act to authorize Andrew J. Moulder, James Van Ness, and William McKibben, in the capacity of a board of fund commissioners, and Edmund Randolph, chairman of the board of examiners, to sign certain papers and issue certain bonds;

Also, Assembly bill No. 62, an act to amend an act entitled an act to regulate fees in office in certain counties, passed April 28, 1857.

JAS. T. EWING, Ass't Sec'y Senate.

Senate bill No. 75, an act to release B. S. Gray from liabilities to the state of California on certain bonds,

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

Senate bill No. 59, an act to authorize James G. Denniston to construct a wharf at Half Moon Bay, in San Mateo county,

Read first and second times, and referred to Committee on Commerce and Navigation.

Senate bill No. 57, an act to amend an act entitled an act concerning corporations, passed April 22, A. D., 1850,

Read first and second times, and referred to Committee on Corporations.

Senate bill No. 53, an act defining the duties of sheriffs and tax collectors of certain counties therein named, in the collection of taxes,

Read first and second times, and referred to Committee of Ways and Means.

Senate bill No. 48, an act to authorize Andrew J. Moulder, James Van Ness, and William McKibben, in the capacity of a board of commissioners, and Edmund Randolph, chairman of a board of examiners, to sign certain papers, and issue certain bonds,

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

Senate bill No. 45, an act to change and fix the amounts of the official bonds of certain officers in the county of San Luis Obispo,

Read first and second times, and referred to the Committee on Counties and County Boundaries.

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

Resolved, That the Committee on Printing be requested to inquire into the expediency of changing the present law, governing the printing of the Laws and Journals, so as to reduce the number of volumes to be printed.

On motion of Mr. De Long, at quarter past 2 o'clock, P. M., the House adjourned.

IN ASSEMBLY.

THURSDAY, February 4, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all were present except Mr. Marshall and those absent on leave.

Journal of yesterday was read and approved.

PETITIONS.

Petitions for the enactment of a Sunday law were presented:

By Mr. Smith of Nevada, of citizens of Nevada county;

By Mr. Hamlin, of citizens of Springfield, Tuolumne county;

By Mr. Briggs, of citizens of Amador county;

By the speaker, of Mrs. R. L. Robertson;

All of which were referred to the Committee on Public Morals.

Mr. Aud presented a petition of Shafter & Heydenfeldt, for the passage of an act enabling the board of supervisors of San Francisco to fulfill their contract.

Referred to Committee on Claims.

Mr. Edwards presented a remonstrance of residents of Sonoma county, against the alteration of the boundary line between the counties of Marin and Sonoma.

Referred to the Committee on Counties and County Boundaries.

Mr. Shepard presented the petition of Elliott, and Cook, and Cofran, to be remunerated for bricks used at the state prison.

Referred to Committee on Claims.

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

Resolved, That all persons holding evidences of indebtedness against the state of California, required to be audited by the present Legislature, whether in the form of Comptroller's warrants, or otherwise, be requested to present the same prior to the first day of March, A. D., 1858, to the Legislature.

Mr. Safford made the following report:

MR. SPEAKER:—The Committee on Claims have had under consideration Assembly bill No. 94, an act appropriating money to pay H. C. Peck and Theo. Bliss, for books furnished the Superintendent of Public Instruction in the year one thousand eight hundred and fifty-three, and find that by article four section eight, of an act to establish a system of common schools, the Superintendent of Public Instruction is required to examine and recommend a uniform series of school books to be used in the different schools of the state, and that all reasonable expenditures of money incurred by him in the discharge of his duties, shall be paid for, etc.

Your committee do not believe the law upon which this claim is based, authorized the Superintendent of Public Instruction to contract this debt. It will be seen by examining its provisions, that he is required to examine and recommend suitable books, but not to purchase them. We therefore report the bill back to the House, and recommend that it do not pass.

A. P. K. SAFFORD,
S. A. BALLOU.

Mr. Groom made the following report:

MR. SPEAKER:—Your Committee on Commerce and Navigation, to whom was referred Assembly bill No. 53, an act explanatory of an act entitled an act concerning passengers arriving in ports in this state, passed May 3, 1852, have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

R. W. GROOM, Chairman.

Mr. Howell made the following report, which was adopted:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred concurrent resolution relative to "pre-emption rights to settlers," have directed me to report the same back to the House, and recommend its reference to the Committee on Public Lands.

HOWELL, Chairman.
JAS. O. HARRIS,
P. S. TIPTON,
ANDRES PICO.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill 99, for an act amendatory of and supplementary to an act entitled 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, approved April 18, 1857;

Also, Assembly bill No. 70, for an act to separate the office of collector of taxes from the office of sheriff, in the county of Placer;

Also, Assembly bill No. 45, for an act for the relief of John B. Cecil, sheriff of Klamath county.

H. A. MOSES, Chairman.

Mr. Gray made the following report:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 4, entitled an act to provide for the equitable and final settlement of all outstanding unfunded claims against the city or the county of San Francisco, which accrued prior to the first day of July, eighteen hundred and fifty-six, and for the final payment and redemption of the funded debts, having assembled a portion of the delegation together, found all present opposed to the original bill; and, satisfied that the original bill is the bill that ought to pass, I do now report the same back to the House, and respectfully recommend its passage.

THOS. GRAY.

FEBRUARY 2d, 1858.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Lee, for an act to provide for the funding the debt of the city of Placerville, and for the payment thereof;

By Mr. Kabler, for an act to amend section one hundred and eleven of the revenue act, passed May 15, 1854;

By Mr. Minis, for an act to amend an act entitled an act to provide rev-

enue for the support of the government of this state, approved April 29th, 1857;

By Mr. Parker, for an act in relation to the execution of criminals;

By Mr. Sheridan, for an act to change the name of Henri Alfred Kreicer to that of Henri Miller;

By Mr. Tuttle, for an act to provide for the payment of the expenses incurred in surveying the boundary line between Tuolumne and Stanislaus counties, under the act of the Legislature of May 3, 1854;

Also, for an act to amend an act entitled an act concerning officers, passed April 28, 1851.

OPINION OF THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:

ATTORNEY GENERAL'S OFFICE,
Sacramento, February 3d, 1858.

Hon. Joseph Walkup, President of the Senate:

Hon. N. E. Whitesides, Speaker of the Assembly:

GENTLEMEN:—Concurrent resolutions of the Senate and Assembly, forbidding the drawing of warrants by the Comptroller of State, in favor of James M. Estell, on account of his contract as lessee of the state prison, and asking my opinion upon the subject, were handed me last evening.

According to the letter of the resolutions mentioned, I am required to give an opinion in regard to the prohibition contained therein, against the issuance of warrants by the Comptroller in favor of Estell.

But, from reading the remarks of gentlemen made whilst they (the resolutions) were under consideration, and from conversation with others who took an active part in their passage, I conclude that my opinion is desired in regard to the contract made between the Board of State Prison Commissioners and Estell, by which the state prison grounds and property, together with the convict labor of this state, was leased to the latter for the period of five years, which I cheerfully give

Assuming that the contract spoken of was fairly made, and is not tainted with fraud, (in regard to which I am not informed,) and that it is regular upon its face, I am compelled still to maintain that it is, and always has been, void for want of constitutional power or authority in the board of commissioners to execute it on behalf of the state. This contract was made under and by virtue of the provisions of an act entitled an act creating a board of state prison commissioners, and defining their duties, approved March 21st, 1856, which act authorizes the board of commissioners to lease the state prison grounds and property, together with the convict labor of this state, for a period of five years, at a price not exceeding $15,000 per month; and authorizes the Comptroller to draw his warrants on the Treasurer of State, for such sum per month as may be agreed in such contract.

In other words, the act authorizes the contraction of a debt or monthly liability against the state of a sum not exceeding $15,000 per month, for a period of five years.

Now, at the time said act was passed, and at the time the contract with Estell was entered into, the state had but little if any money in her treasury, and was indebted in a sum exceeding $3,000,000, not contracted in case of war, to repel invasion, nor suppress insurrection, no part of which indebtedness has been submitted to and ratified by a vote of the people as required by the constitution, neither did this act require the question of an appropriation for the pur-

poses therein specified to be submitted to a vote of the people. Then the question is presented as to whether the act of March 21, 1856, referred to, is in contravention of the eighth article of the constitution.

I think it is. It will be observed that the language of said article is that the Legislature shall not in any manner create any debt or debts, liability or liabilities, which singly or in the aggregate, etc., exceed the sum of $300,000. This language is too plain to be misunderstood, and too comprehensive for evasion; it embraces every liability of every kind and nature whatever; the necessity or importance of the object to be obtained cannot in the slightest affect it. Even though the wheels of government should thereby be stopped, yet the Legislature cannot go beyond the bounds and the limits fixed in the article from which I quote, except in the manner pointed out therein.

This subject has been so fully and ably discussed by our Supreme Court in the cases of the People *v.* Johnson *et al.*, October Term, 1856, and Nougues *v.* Douglass *et al.*, January Term, 1857, (to which I refer you,) that further comment at present is unnecessary.

In the case of the People *v.* Johnson, we are told a debt or liability may be created in many ways. It may be done by express statute, by contract, by appropriation when there is no money to meet it, by drawing on a fund which has not been set apart, or which in fact does not exist, etc., etc ,—in a word, whenever the faith of the state is pledged, either directly or indirectly, to the payment of a certain sum at a given time, or when the money may be in the treasury, for a service rendered or to be rendered, then a debt or liability has been created within the meaning of the eighth article of the constitution. And it seems to me that no argument is required to bring the act and contract under consideration within the rule which I have stated.

On Monday last, the claim of Mr. Estell, for $10,000, for his monthly payment under his contract as lessee, was presented to the board of examiners. We declined allowing it, upon the ground I have stated, and for the additional reasons, that, first, we had serious doubts as to whether an appropriation had been made by law for that purpose; and second, if an appropriation was made by the act of March 21, 1856, whether it did not exceed the constitutional limit, independent of any other indebtedness, by creating a liability for a sum exceeding $300,000.

An appropriation under the constitution, laws, and financial system of this state consists in setting apart a specific fund for a particular purpose, a named amount, which is capable of being exhausted, a fixed sum against which an account by the proper officers may be kept. (See B. B. Redding *v.* Sam. Bell, 4th Cal. Rep, page 333.) The general appropriation law made no provision for Estell's contract, and as to whether the act under which such contract was made makes an appropriation under the rule given, is questionable.

Again, this act authorized a contract for five years, at $15,000 per month, making a sum total of $900,000, and according to the reasoning in the People *v.* Johnson *et al.*, it would seem that it thereby provided for the creation of a liability in that sum. If the act of March 21, 1856, operates as an appropriation at all, it in my opinion appropriates the sum of $900,000.

It is true, that the language used is "the sum of $15,000 per month, or such sum, etc., is hereby appropriated."

But the act is for a single object or purpose, and authorizes but one contract to be made, which contract is to continue through a series of years, and the payments thereon to be made monthly.

Now suppose that such act had created a board of commissioners, and authorized them to make a contract, which contract should run for five years, and for the sum of $900,000, and had further provided as follows: "The sum of $900,000 is hereby appropriated out of any moneys not otherwise appropriated by law, for the purposes of the contract aforesaid, and the Comptroller is hereby required to

his warrant for the sum of $15,000 at the end of each month, etc., and the
is hereby required to pay the same," would such an act be constitu-
? I apprehend not. Then let me ask you, if a mere change of terms,
in fact means the same thing, and accomplishes the same purpose, can ren-
constitutional, which otherwise was not? In other words, can the Legis-
constitutionally do that indirectly which it can not directly? Can it do by
that which it can not do by express act? Can it, by the passage of
shrewdly drawn by some one having a particular affection for the stat
y, secure an end or object which plain, honest, straightforward Englis
not possibly accomplish? If so, then constitutional restrictions will ha
or effect whatever.

Respectfully yours,

THOS. H. WILLIAMS,
Attorney Gener

MESSAGE OF THE GOVERNOR.

following communication was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 4th, 1

Senate and Assembly of California:

LEMEN:—The developments made by the recent joint con
to visit the state prison, impose upon me the necessity of re
changes in our criminal code. There are now some thirty-s
in the penitentiary, under the age of twenty-one years, i
two hundred and fifty other convicts, many of whom are am
villains in the world. Their exploits and adventures
in various countries through which they have traveled, are d
terms to these youths, and make impressions upon their m
the most baneful influence upon their future career.
prison, as at present conducted, is the most efficient s
be found in any country. The boy who has perhaps
persons to commit larceny, or who, in a moment of un
k[illegible] his fellow with a deadly weapon, but whose h
impulses, will leave the institution, graduated in all th
can teach. They enter novices in crime, but come
[illegible] in the school of infamy. Such an institutior
the state, but disgraceful to the age in which we live.
provisions ought to be made at once for a hou
juvenile offenders can be kept by themselves, and f
[illegible] which now surround them—a place wher
to reclaim them from the paths of vice, and by edu
them to society, qualified to discharge the dut
increase in the number of juvenile offenders i
public interest demands a prompt movement
I recommend that the criminal code be s
of felonies, under the age of eighteen ye
jail.
this connection, I also recommend the passage
for a person of full age to bet or hazard
minor, and authorizing the parent or guard
recover back any money or valuable thing
upon this subject, I deem it proper to i
have decided that it will require a s

monthly allowance made by the act of March 21st, 1856, to the lessee of prison can be paid.

As this whole subject is now occupying the attention of the Legislature, I frain from saying anything more upon it at the present time.

JOHN B. WELLER, Governor.

The rules were suspended, and sixteen hundred and eighty copies the opinion of the Attorney General, and message of the Governor, ordered printed in English, and two hundred and forty copies in S both to be printed in one pamphlet.

The following message was also received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 3d, 1858.

To the Assembly of California:

I have this day approved an act to authorize the guardian of Minna Buchanan to sell and dispose of her real estate and chattels real, approved March 14th, 1856.

JOHN B. WELLER, Governor.

Assembly bill No. 40, an act to legalize the acknowledgments of tain conveyances and other instruments in writing, the special order this day, was considered in Committee of the Whole, Mr. McCoy n chair, reported back, with recommendations to recommit the bill to Judiciary Committee,

Which was adopted by the House.

Assembly bill No. 18, an act to authorize the administrator of J Antonio Vallejo, deceased, to sell the real estate of his intestate at pri sale, (special order,) was taken up, and laid on the table.

On motion of Mr. Stakes, at two o'clock, P. M., the House adjourned.

IN ASSEMBLY.

FRIDAY, February 5th, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all present except Mr. Marshall and those sent on leave.

Journals of yesterday read and approved.

The following resolution was offered by Mr. Young, which was refer to State Prison Committee:

Resolved, By the Assembly, the Senate concurring, that the state pr board of directors be empowered, and are hereby authorized to em one person to take charge of the state prison for the safe-keeping and prisoners contained therein until such time as the present Legislat shall take further action on state prison affairs.

Mr. Willson presented a petition of board of supervisors of Santa C county, for an act authorizing the county treasurer to become pur for benefit of county or state.

Referred to Committee on Ways and Means.

- Banks presented a petition for a Sunday law, from citizens of San

Referred to Committee on Public Morals.

r. Lee made the following report:

"E SPEAKER:—Your committee, having had under consideration Assembly bill No. 451 of the last session of the Legislature, entitled an act to pro- for the liquidation and payment of claims against the state for defi- - in appropriations heretofore made to defray the civil expenses of ...ernment prior to the first day of January, A. D., 1857, respectfully rep-..., that after a careful examination of the whole matter, they find the included in said act to have been passed upon by a former committee of this House as equitable and just, but that the bill was not passed at last session of the Legislature for the following reasons, contained in report of the Committee of Ways and Means, which will be found in House Journal of the eighth session, page 844, and signed by J. Lan- · Brent, chairman:

The Committee on Ways and Means concur in the views of that com-..., (the Committee on Accounts and Expenditures) relative to the justand validity of the claims provided for in said bill, and think that the should, in honor and good faith be liquidated, but cannot join in the ... ...dation for the passage of the bill for the following reasons: - claims stand on the same footing as other past indebtedness of the , the payment of the interest on which, as well as the principal, has decided by the Supreme Court to be unconstitutional until allowed a direct vote of the people. Under these circumstances, the Legisla- has just passed an act entitled an act to provide for paying certain "- claims against the state of California, and to contract a debt for purpose, in which act provision is made for authorizing the Legisla- to allow and audit claims of the nature contained in this bill.

If the people should not adopt this act, it is deemed inexpedient to more repudiated evidences of indebtedness, to the increased scandal the good name of the state, and if the said act should be ratified, then next Legislature will be empowered to make provision for the bonding payment of these claims."

r the purpose of preserving the proofs of the justice and equity of - claims, said committee further reported the following resolution, was adopted:

Resolved, That Assembly bill No. 451, together with the report of the ...ee on Accounts and Expenditures and of Ways and Means, to- with the Comptroller's report, and vouchers filed—be sealed up in ...ge by the clerk and directed to the speaker of Assembly of the ... session of the Legislature of California, to be by him delivered to Committee of Ways and Means of that Assembly, and that said pack- be deposited in the office of the Secretary of State, to be by him deliv- to the speaker."

ne disabilities acting as a bar to these claims, having been removed by direct vote of the people at the last election, and by a subsequent de- of the Supreme Court, would therefore report back the bill provi- for the bonding and payment of said claims, and recommend the same the consideration of the House.

our committee would also respectfully represent that they have had consideration Assembly bill No. 54, entitled an act to amend an act

to provide for issuing license to passenger brokers, passed March 1857.

Also, Assembly bill No. 22, entitled an act to make county warrants receivable in payment for county taxes, and after mature deliberation, ommend the indefinite postponement of the same.

All of which is respectfully submitted.

H. LEE, Chairman,
Committee of Ways and M

Mr. Groom made the following report:

MR. SPEAKER:—The Committee on Commerce and Navigation whom was referred Senate bill No. 59, an act entitled an act to aut James G. Denniston to construct a wharf at Half Moon Bay, in San M county, have had the same under consideration, and beg leave to r it back to the House, without amendment, and recommend its passa

R. W. GROOM, Chai

Mr. Safford made the following report:

MR. SPEAKER:—The Committee on Education have had under eration Senate concurrent resolution No. 8, relative to appropriating for school purposes, so as to allow townships not provided with lands to locate two sections of land upon any of the unappropriated cultural lands of this state, and report the same back to the House, recommend its adoption.

A. P. K. SAFFORD, Chai
J. C. WILLSON,
C. S. HOWELL.

Mr. Ballou made the following report:

The Committee on Public Expenditures and Accounts, to whom referred the report of the Superintendent of Public Instruction of t bursement of the contingent fund of his office, beg leave to report the same, and state that the same is correct, according to the vouchers file in the office of the State Comptroller.

S. W. BALLOU, Chai
D. B. CURTIS.

Mr. Stratton made the following report:

MR. SPEAKER:—The Committee on Public Morals, to whom were concurrent resolutions sustaining the President, relating to fili have had the same under consideration, and the majority of said tee respectfully submit the following report:

We have the utmost confidence in the ability and patriotism o President of the United States, and we believe that his past ex qualifies him for the high position he now holds, and that he will fait execute the neutrality and all other laws of the United States, in which he will be sustained by good citizens of all parties.

But as the duties of legislation do not require us to endorse or the course of the President, in relation to filibustering or any other we believe the passage of the said resolutions would be not only tive of no good, but a departure from the regular course of legislation

The time of the Legislature can be more profitably employed in acting upon such matters as are of interest to the people of the state, than in meddling with the affairs that pertain to the duties of the President and Congress of the United States.

And we are of the opinion that the Legislature of California is not required or authorized to legislate for the United States, or for "our weak and distracted southern sister republics;" nor do we think, according to the language of the resolutions, that the people of California would love to witness the extension of republican "*empires*," or the extension of monarchical empires.

The committee would respectfully call the attention of the House to the fact that we have assembled to legislate for the whole people of the State, and not for any particular party; and party questions should not be allowed to disturb our deliberations, nor to consume the time that should be occupied in attending to the business which has called us together.

And after a careful examination of the whole matter, the committee have concluded that the Legislature has no authority or power to pledge the Democracy of the state in support of any action that has been, or may be, taken by the President, in relation to filibustering, as the Democratic party promulgates its principles through conventions, the delegates to which are elected for that purpose, and that party would not be bound by any political resolutions which might be adopted by the Legislature; and any such resolutions would not be the expressed opinion of the Democracy of the state, but merely the opinion of the members voting for them.

In consequence of the political nature of the resolutions, and their not pertaining to the legitimate business of legislation, the committee recommend that they be indefinitely postponed.

W. C. STRATTON,
J. A. HOBART,
SOLON S. SIMONS.

And the undersigned, a minority of the committee, most respectfully beg leave to suggest to the members of the Assembly, that those whose Democracy is of so doubtful a nature that they deem it necessary to introduce political resolutions calculated to embarrass legislation and distract the party, for the purpose of proving their Democracy, had better postpone the introduction of the same until after the adjournment of the Legislature, and then hold an informal extra session for the purpose of legislating for the United States, "our weak and distracted southern sister republics," all "republican empires," and the rest of mankind generally.

W. C. STRATTON,
SOLON S. SIMONS.

Mr. Heath made the following report:

MR. SPEAKER:—The select committee, to whom were referred Assembly bills No. 33 and 98, amendatory of an act entitled an act to regulate rodeos, have had the same under consideration, report the same back with a substitute, and recommend the passage of the substitute.

RUSSEL HEATH.

Mr. Havens, from special committee on Assembly bill No. 24, made the following report:

MR. SPEAKER:—Your committee respectfully beg leave to report back

substitute for Assembly bill No. 24, entitled an act to establish the boundary line between the counties of Humboldt and Klamath, and recommend its passage.

Your committee believe that the interest of the state, as well as that of the counties named, will be promoted by the establishment of the boundary line between them. Said line is a parallel of latitude, and cannot be settled without a careful survey, and when settled, should be plainly marked by visible monuments. Upon this line are settlements and valuable improvements, which now, to a considerable extent, escape taxation, by reason of disputed jurisdiction of the revenue officers of either county; and your committee think that the increase of revenue derived by the state from a settlement of this question, will more than reimburse her for the amount expended in the survey; at the same time, the counties in question will be equally benefited by the settlement of the same question, and should contribute their share towards the expense of the survey. This division of the expense is provided for in the bill.

There are other considerations which your committee might specify in favor of the passage of the bill, but deem it unnecessary.

All of which is respectfully submitted.

H. W. HAVENS, of Humboldt,
R. P. HIRST, of Klamath,
Committee.

The following message was received from the Senate:

SENATE CHAMBER,
February 4, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on the 3d inst., passed the following bills:

Senate bill No. 58, an act to audit the claim of J. W Denver;

Assembly bill No. 32, an act to reduce the salary of the county judge of Klamath county;

Assembly bill No. 15, an act to locate the county seat of San Mateo.

THOS. N. CAZNEAU, Secretary of Senate.

Senate bill No. 58, an act to audit the claim of J. W. Denver, read first and second times, and referred to Committee on Claims.

NOTICES OF BILLS.

Notices of bills were given as follows:

By Mr. McCoy, for an act for the benefit of Jacob L. Miller and John Murphy, of Santa Clara county;

By Mr. Gordon, for an act to amend an act entitled an act to re-organize and establish the county of San Mateo, approved April 18, 1857;

By Mr. Tuttle, for an act to amend an act entitled an act to establish a standard of weights and measures, passed March 30, 1850;

By Mr. Markley, for an act concerning roads and highways;

By Mr. Stakes, for an act prescribing the form of tax deeds, and to declare the force and validity of titles derived under the revenue laws of this state, and the ordinances of municipal corporations;

Mr. Minis for an act relative to the board of supervisors of Yolo county.

Mr. Young gave notice that, on to-morrow, he would move that an additional number be added to the Committee on Enrollment.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hirst, for an act to amend an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries and provide for its organization, approved March 2d, 1857.

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

By Mr. Edwards, for an act to provide for the opening and constructing certain roads in the county of Sonoma.

Read first and second times, and referred to Sonoma delegation.

By Mr. Davis, for an act to provide for the sale and reclamation of the swamp and overflowed lands of this state.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands, and ordered printed.

By Mr. Holladay, for an act to divide the city and county of San Francisco into townships, and to provide for the election of justices of the peace and constables therein.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Sheridan, for an act to change the name of Henri Alfred Kreicer to Henri Miller.

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

By Mr Holman, for an act to amend an act entitled an act to provide for the disposal of the five hundred thousand acres of land granted this state by act of Congress, passed April 4th, 1851.

Read first and second times, and referred to the Committee on Education.

By Mr. Minis, for an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Ballou, for an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29th, 1857.

Read first and second times, and referred to Committee on Ways and Means.

Mr. Havens introduced proposed amendments to sections two, three, five, and six, of article four, of the constitution of the state.

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

Assembly bill No. 45, an act for the relief of John B. Cecil, sheriff of Klamath county, was considered in Commitee of the Whole, Mr. Safford in the chair, reported back, with recommendation that the bill pass.

Read third time, and passed.

Assembly bill No. 70, an act to separate the office of collector of taxes from the office of sheriff in the county of Placer, read third time, and passed.

Assembly bill No. 11, an act for the suppression of mobs, insurrections, and other unlawful assemblages and organizations against the government of the state, and to fix the punishment of offences therein defined, the special order of the day, was considered in Committee of the Whole, Mr. Ballou in the chair.

The committee having spent several hours in its consideration, rose, reported, and had leave to sit again at seven o'clock this evening, to

which hour, on motion of Mr. Parker, at four and a half o'clock, P. M., the House adjourned.

SEVEN O'CLOCK, P. M.

House re-assembled, and, on motion, resolved into Committee of the Whole, Mr. Ballou in the chair, to consider the special order.

Having spent several hours therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. De Long, at quarter past ten o'clock, the House adjourned.

IN ASSEMBLY.

SATURDAY, February 6, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All present except those absent on leave.

Mr. Willson had leave of absence for one week.

Journals of yesterday read and approved.

On motion of Mr. Lewis, Assembly bill No. 11, an act for the suppression of mobs, insurrections, and other unlawful assemblages and organizations against the government of this state, and to fix the punishment of offences therein defined, was taken up, and made special order for February 10, 1858, at twelve o'clock, M.

PETITIONS.

Petitions were presented as follows:

By Mr. Simons, of the students of Santa Clara college, asking for forty rifles and necessary accoutrements.

Referred to Committee on Military Affairs.

By Mr. Safford, of the citizens of Placer county, for a Sunday law.

Referred to Committee on Public Morals.

By Mr. Holladay, of John P. Reilly, for compensation as physician at state marine hospital at San Francisco.

Referred to Committee on Claims.

By Mr. Lewis, of Daniel McLaren, for compensation as draughtsman in the Surveyor General's office.

Referred to Committee on Claims.

Mr. Howell made the following report:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred Assembly bill No. 111, for an act to amend an act concerning lawful fences, beg leave to report the same back, and recommend its passage.

HOWELL, Chairman,
JAS. O. HARRIS,
J. S. TIPTON,
ANDRES PICO. } Committee.

Mr. Holladay made the following report:

MR. SPEAKER:—The committee of the San Francisco delegation, to whom

was referred Assembly bill No. 102, beg leave to report an amendment by striking out the last repealing clause, and with this amendment recommend its passage.

S. W. HOLLADAY, Chairman.

The following message was received from the Senate:

SENATE CHAMBER,
February 5, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 96, an act concerning the official bonds of public administrator and coroner in the county of Yolo;

Also, Senate bill No. 42, an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this state any property to which said wards may be entitled;

Also, Senate bill No. 87, an act to audit the claim of B. F. Hastings;

Also, Senate bill No. 86, an act for the relief of B. F. Hastings;

Also, Assembly bill No. 75, an act to extend the provisions of an act entitled an act concerning hogs found running at large in the counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April 21, 1856;

Also, Assembly bill No. 88, an act to fix the compensation of the county assessor of Alameda county.

Also, have concurred in assembly concurrent resolution relative to statehouse, and supervisors of Sacramento county.

Also, Assembly concurrent resolution relative to the purchase of stationery.

Have this day passed Senate bill No. 47, an act amendatory of and supplementary to an act to incorporate the town of Columbia, in the county of Tuolumne, approved April 9th, 1857.

JAS. T. EWING, Ass't Sec. Senate.

Senate bill No. 96, an act concerning the official bonds of public administrator and coroner of Yolo county, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 87, an act to audit the caim of B. F. Hastings, read first and second times, and referred to Committee on Claims.

Senate bill No. 47, an act amendatory of and supplementary to an aet to incorporate the town of Columbia, in the county of Tuolumne, approved April 9th, 1857, read first and second times, and referred to Tuolumne delegation.

Senate bill No. 86, an act for the relief of B. F. Hastings, read first and second times, and referred to the Committee on Claims.

Senate bill No. 42, an act to authorize the guardians of minors, idiots, and lunatics, to receive and remove from this state any property to which said wards may be entitled, read first and second times, and referred to Judiciary Committee

Assembly bill, an act to provide for the liquidation and payment of claims against the state for deficiencies in appropriations heretofore made to defray the civil expenses of government prior to the first day of January, A. D., 1857, which was referred to Committee on Ways and Means, by resolution adopted by the Assembly, at its last session, reported by that committee on yesterday, recommending it to the consideration of the House, was read first and second times, and referred to Committee on claims.

NOTICES OF BILLS.

Notices for the introduction of bills were given as follows:

By Mr. Lewis, for an act for the relief of David McLaren;

Also, for an act to legalize and amend the county records in the counties of this state;

By Mr. Anderson, for an act to legalize certain records of Napa county;

By Mr. Smith of San Bernardino, for an act to extend the time for the collection of taxes in San Bernardino county.

INTRODUCTION OF BILLS.

By the Committee of Ways and Means, for an act making appropriation for the salary of draughtsman in the Surveyor General's office, from the first day of January, A. D., 1858, to the thirtieth day of June, A. D., 1858, inclusive.

Read first and second times.

By Mr. McCoy, for an act to pay the rewards offered by the Governor of this state for the apprehension of Pancho Daniel and Leonardo Lopez, charged with the murder of the sheriff of Los Angeles county, and others.

Read first and second times, and referred to Committee on Claims.

By Mr. Ferguson, for an act amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857.

Read first and second times, and referred to Committee on Ways and Means.

Also, for an act concerning the collection of delinquent school taxes in the city of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Minis, for an act relative to the board of supervisors of Yolo county.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly bill No. 115, an act amendatory of an act entitled an act to regulate rodeos, passed April 30, 1851, was adopted as substitute for Assembly bills Nos. 33 and 98, and ordered engrossed.

Assembly bill No. 116, an act to establish the boundary line between Humboldt and Klamath counties, was adopted as substitute for Assembly bill No. 24, considered in Committee of the Whole, Mr. Ormsby in the chair, its passage recommended, and ordered engrossed.

Mr. Lewis offered the following resolution, which was referred to the Committee on Public Expenditures and Accounts:

Resolved, That the Comptroller of State is hereby authorized and empowered to draw his warrant in favor of M. Scott, Jr., for the sum of one hundred and twenty-five dollars, for services rendered as clerk of the joint visiting state prison committee, and be paid out of the contingent fund of the Assembly.

Assembly bill No. 22, an act to make county warrants receivable in payment for county taxes, was taken from the general file, and referred to special committe of three, composed of Messrs. Hill of Nevada, Ballou, and Neblett.

Mr. Ward was excused from serving on Committee on Mines and Mining Interests, and the committee increased to eleven members, and one member added to the Committee on Enrollment.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 62, an act to amend an act entitled an act to regulate fees in office in certain counties, passed April 28, 1857;

Also, Assembly bill No. 32, an act to reduce the salary of the county judge of Klamath county;

Also, Assembly bill No. 15, an act to locate the county seat of San Mateo county;

Also, Assembly bill No. 75, an act to extend the provisions of an act entitled an act concerning hogs found running at large in the counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April 21, 1856;

Also, Assembly bill No. 88, an act to fix the compensation of the county assessor of Alameda county.

The committee have also this day presented the above-named bills to his Excellency the Governor, for his approval.

GEO. A. YOUNG, Chairman.

The following message was received from the Senate:

SENATE CHAMBER,
February 6, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this passed Senate bill No. 99, an act entitled an act to regulate fees of office, approved April 10, 1855.

THOS. N. CAZNEAU, Secretary Senate.

Senate bill No. 99, above referred to, was read first and second times, and referred to the delegations from the counties of Alameda, Santa Clara, San Joaquin, and San Mateo.

Mr. Holman introduced a bill for an act to fix the compensation of certain officers in the counties of Santa Clara, San Joaquin, and Alameda.

Read first and second times, and referred to the delegations from the counties named in the bill.

Assembly bill No. 94, an act appropriating money to pay H. C. Peck and Theodore Bliss, for specimen copies of school books furnished John G. Marvin, late Superintendent of Public Instruction, was, on motion of Mr. De Long, recommitted to the Committee on Claims.

Assembly bill No. 102, an act to ratify and approve order No. 46, of the board of supervisors of the city and county of San Francisco, approved August 6, 1857, was taken up, amendments concurred in, and referred to the Judiciary Committee.

On motion of Mr. O'Brien, at two o'clock P. M., the House adjourned.

IN ASSEMBLY.

MONDAY, February 8, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All were present except Messrs. Cherry, Graham,. Hitchens, Mitchell, and Palmer, and those absent on leave.

Messrs. Cherry, Hitchens, Lewis, and Mitchell, had leave of absence for one day.

Journals of Saturday last were read and approved.

On motion of Mr. Ferguson, the House ordered the usual number of copies printed of Assembly bill No. 126, an act amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857.

The speaker announced the following addition to the Committee on Mines and Mining interests, viz.:—Messrs. McCoy, Hitchens, Haldeman, Marshall, and Ormsby;

Also, added Mr. Anderson to the Committee on Enrollment;

Also announced that he had appointed Charles Cushing postmaster of the House.

PETITIONS.

Petitions for a Sunday law were presented as follows:

By Mr. Ormsby, of the citizens of Petaluma;

By Mr. Stratton, of the citizens of Wisconsin Hill, Placer county;

Which were referred to the Committee on Public Morals.

REPORTS.

Mr. Ballou made the following report:

MR. SPEAKER:—Your Committee on Accounts and Public Expenditures, to whom were referred Assembly resolutions setting apart money from the contingent fund for the payment of state prison committee clerk hire, report that they find the said committee had no authority to employ a clerk.

Much as your committee deprecate, in general terms, the assumption of power by committees in employing clerks, yet your committee can conceive of exigencies under which a committee would be warranted and justified in assuming such a responsibility, and thereby a real good be accomplished, and the state receive an equivalent for the payment of demands so incurred.

Your committee therefore report the resolution back to the House, without recommendation, not doubting that upon a proper showing, the House will ratify such informal action of the committee, and liquidate all reasonable demands necessarily incurred in pursuit of their investigations.

S. M. BALLOU, Chairman.

Mr. Moses made the following report:

MR. SPEAKER:—The Engrossing Committee have examined, and found correctly engrossed, Assembly bill No. 92. for an act to authorize the arrest of persons charged with crime, on telegraphic information.

H. A. MOSES.

Mr. Edwards made the following report:

MR. SPEAKER:—The Sonoma county delegation, to whom was referred

Assembly bill No. 118, have had the same under consideration, report it back, with amendments, and recommend its passage.

U. EDWARDS.

Mr. Clarke made the following report:

MR. SPEAKER:—The special committee composed of the Sierra delegation, to whom were referred Assembly bills Nos. 73 and 74, have had the same under consideration, report the same back, and recommend their passage.

J. H. CLARKE,
R. D. HILL.

NOTICES OF BILLS.

Notices for the introduction of bills were given as follows:

By Mr. Hill of Nevada, for an act to suppress secret political orders; also, to prevent renegade Know Nothings from being elected to Congress until they shall have been members of the Democratic party twenty-one years;

By Mr. Haldeman, for an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856;

By Mr. Stakes, for an act amendatory of and supplementary to an act entitled an act concerning attorneys and counselors at law, passed February 19, 1851;

Also, for an act amendatory of an act entitled an act to provide revenue for the government of this state;

Also, for an act amendatory of the act entitled an act to regulate proceedings in civil cases;

Mr. Gray gave notice that he would, when it suited the Democratic majority of this House, move to take from the table the resolution endorsing the principles contained in Mr. Douglas' Kansas bill.

Assembly bill No. 123, an act making appropriation for the salary of draughtsman in the Surveyor General's office, from the first day of January, A. D., 1858, to the thirtieth day of June, A. D., 1858, inclusive, taken up, and referred to the Committee on Public Expenditures and Accounts.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Warmcastle, for an act to amend section seventy-one of article [illegible] hundred and eighty-two of an act concerning courts of justice and judicial officers.

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

By Mr. Parker, for an act to abolish public executions.

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

By Mr. Stakes, for an act to declare the force and validity of titles derived under the revenue laws of this state and the ordinances of municipal corporations.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Burbank, for an act authorizing the commissioners of the funded debt of the county of Contra Costa, to re-issue certain bonds to Erastus [illegible] debt.

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

By Mr. Stakes, for an act to provide for taking the depositions of witnesses in civil cases.

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

By Mr. Young, for an act amendatory of an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in this state, approved April 25, 1857.

Read first and second times, and referred to Committee on Indian Affairs.

By Mr. Smith of San Bernardino, for an act to extend the time for collection of taxes in San Bernardino county.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. De Long offered the following resolution, which, on motion of Mr. Safford, was laid on the table.

Resolved, That on and after this time, during the present session of this House, that any and all resolutions of a political nature, approving or disapproving of any of the positions or course of policy pursued by any men, or by the national administration, or by any party, as a national political party, that are now or may hereafter be introduced into this House from any source, be declared by this resolution to be out of order as a departure from the legitimate business of this House, and that the same are hereby declared to be indefinitely postponed, and ignored by this House.

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

Resolved, That the sergeant-at-arms be and is hereby directed to purchase a clock for the use of the Assembly, not to cost more than twenty-five dollars, and be authorized at the same time to dispose of the old clock at the best advantage.

Assembly bill No. 92, an act to authorize the arrest of persons charged with crime, on telegraphic information, read third time, and recommitted to the Judiciary Committee, with special instructions.

GENERAL FILE.

Assembly bill No. 111, an act to amend act concerning lawful fences, approved April 27, 1855, taken up, and ordered engrossed.

Senate bill No. 59, an act to authorize James G. Denniston to construct a wharf at Half Moon Bay, in San Mateo county, read third time.

Mr. Havens moved to recommit to the Judiciary Committee, with special instructions to inquire into the constitutionality of the bill.

The speaker declared the motion to be out of order,

Whereupon Mr. Havens appealed, and the chair was sustained, and the bill passed.

The following message was received from the Senate:

SENATE CHAMBER,
Feb. 8, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate on the 5th inst., passed Assembly bill No. 99, an act amendatory of and

supplementary to an act entitled 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, approved April 18, 1857;

Also, on Saturday last, passed Assembly bill No. 45, an act for the relief of John B. Cecil, sheriff of Klamath county;

Also, Senate bill No. 95, an act to audit the claim of H. W. Larkin;

Also, a substitute for Senate bill No. 63, an act to audit the claim of William Ford;

Also, appointed, on the part of the Senate, Messrs. Ferguson of Sacramento, Goodwin, and Anderson, to confer with Assembly committee relative to the purchase of state-house.

JAS. T. EWING,
Assistant Secretary of Senate.

Mr. Parker made the following report:

MR. SPEAKER:—The Calaveras and Amador county delegations, to whom were referred Senate bill No. 16, and Assembly bill No. 7, have taken the same under consideration, and recommend the accompanying substitute.

PARKER.

Senate bill No. 95, an act to audit the claim of H. W. Larkin, read first and second times, and ordered on file.

Senate bill No. 63, an act to audit the claim of William Ford, read first and second times, and ordered on file.

Mr. Sherwin offered the following resolution:

Resolved, That a special committee of seven, to consist of three from mining counties, two from counties of mixed avocations, and two from agricultural, be appointed by the speaker, whose duty it shall be to take under consideration so much of the Governor's Inaugural as relates to the equalization of taxes in this state, and that said committee be allowed to report thereon by bill or otherwise.

The previous question was demanded by Messrs. Young, Ely, and De Long, sustained, and the resolution adopted.

Special order for this day at twelve o'clock, noon, Assembly concurrent resolution relative to the relinquishment of the mineral lands by the general government to this state, taken up, and laid on the table

Assembly bill No. 53, an act explanatory of an act entitled an act concerning passengers arriving in ports in this state, passed May 3, 1852, ordered engrossed.

Senate concurrent resolution No. 8, relative to the sixteenth and thirty-sixth sections of land donated to each township by Congress, was concurred in.

Assembly bill No. 54, an act to provide for the equitable adjustment, and final settlement of all outstanding unfunded claims against the city or county of San Francisco, which accrued prior to the first day of July, A. D., 1856, and for the final payment and redemption of the funded debt, recommitted to Judiciary Committee.

Assembly bill No. 54, an act to amend an act entitled an act to provide for the issuing licenses to passenger brokers, passed March 25, 1857, was indefinitely postponed.

Assembly concurrent resolution sustaining the President relative to fili-

bustering was taken up, and Messrs. Edwards, Sheridan, and Stout, demanded the previous question, which was sustained.

On the motion to indefinitely postpone, Messrs. Sherwin, Gray, and Sheridan, demanded the ayes and noes, with the following result:

AYES—Messrs. Anderson, Ballou, Banks, Briggs, Buel, Clarke, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Groom, Haldeman, Hamlin, Harris, Havens, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Howell, Hirst, Kabler, King, Loofbourrow, Markley, Marshall, McCoy, Minis, O'Brien, Ormsby, Osgood, Parker, Pearis, Safford, Sherwin, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warmcastle, and Young—54.

NOES—Messrs. Aud, Burbank, Caldwell, Curtis, Gray, Neblett, Shepard, Sheridan, Smith of Nevada, Stout, and Mr. Speaker—11.

The House having refused to excuse Mr. Shepard from voting, by permission of the House, his protest, as follows, was spread upon the minutes:

"On the vote to indefinitely postpone these resolutions, Mr. Shepard, not being excused from voting, returns his vote "No," under protest that the said resolutions, pledging the support of the Democracy of the state to this national administration are not, and cannot be a legislative act in the vote upon which a Republican is obliged to participate."

Mr. De Long gave notice that on to-morrow he would move a reconsideration of the vote by which the House voted to indefinitely postpone the filibustering resolution.

Mr. De Long offered the following resolution, which was laid on the table:

Resolved, By this House, that P. J. Malone and Mr. Sumner, (the present reporters of the Sacramento Union,) be employed by this House, to act in the capacity of official reporters for this House during this session, at a salary of nine dollars per day each.

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

Resolved, That the clerk of the House be and he is hereby directed not to spread upon the archive Journal, the annual reports of the different state officers, except that of Governor

Mr. Parker introduced a bill for an act to amend an act entitled an act concerning corporations, passed April 22, 1850. Read first and second times, and referred to Committee on Corporations.

On motion of Mr. Harris, at half-past two o'clock P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, February 9, 1858.

House met pursuant to adjournment.
The speaker in the chair.

Roll called.

All present, except those absent on leave.

Indefinite leave of absence was granted to Mr. Spilman.

Journals of yesterday read and approved.

The speaker announced, as the committee to take under consideration so much of the Governor's Inaugural as relates to the equalization of taxes, Messrs. Sherwin, McCoy, Tuttle, Aud, Hancock, Edwards, and Hirst.

PETITIONS.

Petitions for a Sunday law were presented as follows:

By Mr. Lewis, of the citizens of Colusa, Colusa county, and Red Bluffs, of Tehama county;

By Mr. Briggs, of the citizens of Volcano, Amador county, and also of twenty-three ladies of the same place;

Which petitions were referred to the Committee on Public Morals.

REPORTS.

Mr. Havens made the following report:

MR. SPEAKER:—The Committee on Corporations, to whom was referred Senate bill No 57, an act to amend an act entitled an act concerning corporations, passed April 22, 1850, report the same back to the House, and recommend its indefinite postponement, upon the ground that its provisions are in conflict with the constitution.

HAVENS, Chairman.

FEBRUARY 9th, 1858.

Mr. Edwards made the following report:

MR. SPEAKER:—The Committee on Public Lands, to whom were referred Assembly concurrent resolutions relative to pre-emption claims in California, have had the same under consideration, report the same back, and recommend their passage.

U. EDWARDS.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 64, for an act in relation to the salaries of and the fees received by the county clerk, as clerk of the various courts, and the county recorder of the city and county of San Francisco, and to prescribe certain of their powers and duties;

Also, Assembly bill No. 87, for an act to authorize the executor and administrator of the estate of John Ellug deceased, to sell real estate of said deceased at public or private sale.

H. A. MOSES, Chairman.

Mr. Aud made the following report:

MR. SPEAKER:—The Committee on Claims, to whom were referred the claims of D. S. Lord & Co. for stationery, have had the same under consideration, and report the same back to this House, and *unanimously* recommend its rejection. We find, by the most indisputable testimony, that so far from the said firm having any just claim against this state, they have

now received from the state three hundred and eighty-one dollars and twelve cents ($381 12-100) more than they should have received.

FRANCIS L. AUD, Chairman.

Mr. Walker made the following report:

MR. SPEAKER:—The undersigned, to whom was referred Senate bill No. 35, an act to amend an act entitled an act to fund the debt of the county of Siskiyou, approved April 29, 1857, asks leave to report the same back, with the accompanying amendments, and recommend its passage as amended.

A. B. WALKER.

Mr. Stakes made the following report:

MR. SPEAKER:—The Committee to whom the bill was referred to fix the compensation of certain officers in the counties of Santa Clara, San Joaquin, and Alameda, beg leave to report the same back, and recommend its passage.

J. A. HOBART,
G. C. HOLMAN,
W. W. McCOY,
A. G. STAKES.

Mr Shepard made the following report:

MR. SPEAKER:—The special committee, consisting of the San Francisco delegation, to whom were referred the several bills for funding the outstanding unfunded indebtedness of the city and of the county of San Francisco, have had the same under consideration, and report back to the House, bill No. 37, with the accompanying amendments, and recommend the passage of the same as amended.

WM. W. SHEPARD,
CALEB BURBANK,
JOHN W. CHERRY,
C. PALMER,
S. W. HOLLADAY,
JAS. A. BANKS,
J B. MOORE.

The bill referred to in the above report, was referred to the Judiciary Committee.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Havens, for an act to amend an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State, approved April 25, 1857.

By Mr. Lee, for an act to provide places of deposit for the safe keeping and return of all moneys, gold-dust, and other valuables of individuals.

By Mr. Holman, for an act for the protection of settlers upon Mexican grants.

By Mr. Haldeman, for an act concerning county recorders.

By Mr. Ferguson, for an act to form a new county from portions of Sacramento, El Dorado, and Placer counties.

By Mr. Curtis, for an act to define the boundaries between Placer, Sutter, and Sacramento counties, and to provide for the surveying of the same.

By Mr. Stakes, for an act amendatory of and supplementary to the act entitled an act to prohibit gaming, approved April 27, 1857.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. McCoy, for an act to fix the compensation of the county judge and district attorney of Santa Clara county.

Read first and second times.

By Mr. Lewis, for an act to legalize and amend the county records in the counties of this state.

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

By Mr. Edwards, for an act to authorize Lindsey Carson, to sell real estate in certain cases.

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

Also, for an act to amend an act entitled an act concerning estray animals, approved April 19, 1856

Read first and second times, and referred to delegations from Marin, Sonoma, and Napa counties.

By Mr Stocker, an act to secure the confinement in the state prison of persons under sentence of imprisonment therein.

Read first and second times, and referred to the State Prison Committee.

By Mr. Sheridan, an act to appropriate money for expenses of the state library.

Read first and second times, and referred to the Committee of the Whole.

By Mr. Ballou, an act fixing the time of holding the court of sessions and county court in the county of Plumas.

Read first and second times, and referred to the delegation from Plumas county.

By Mr. Tuttle, an act amendatory of an act concerning officers, passed April 28, 1851.

Read first and second times, and referred to Committee on Counties and County Boundaries.

By Mr. Banks, an act to amend an act entitled an act for securing liens to mechanics and others, passed April 19, 1856

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

By Mr. Gordon, an act to amend an act entitled an act to re-organize and establish the county of San Mateo, approved April 18, 1857.

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

Assembly bill No. 87, an act to authorize the executor and administrator of the estate of John Ellug deceased, to sell real estate of said deceased at public or private sale, was taken up, read third time, and passed.

Mr. Lewis presented the report of the Joint Committee on State Prison Affairs. (See appendix).

On motion of Mr. Lewis, the rules were suspended, in order that the House might now consider the motion made by that gentleman to print

eight hundred and forty copies of the report in English, and one hundred and twenty copies in Spanish.

Mr. Buel moved to also print one hundred and twenty copies in French.

Mr. Ely moved the previous question, which was sustained.

Mr. Buel's amendment was lost, and a division of the question having been called, one hundred and twenty copies were ordered printed in Spanish.

Messrs. Ballou, Lee, and Neblett, demanded the ayes and noes, as follows:

AYES—Messrs. Anderson, Aud, Briggs, Buel, Burbank, Clarke, Crane, Curtis, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Groom, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Howell, Hirst, Kabler, King, Lee, Lewis, Loofbourrow, Marshall, McCoy, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Palmer, Pearis, Pico, Safford, Sheridan, Simons, Smith of San Bernardino, Stakes, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Walker, Ward, Warmcastle, Young, and Mr. Speaker—60.

NOES—Messrs. Ballou, Banks, Caldwell, Cherry, Ferguson, Graham, Haldeman, Hill of Nevada, Holman, Markley, Shepard, Sherwin, Smith of Nevada, Stout, and Tuttle—15

On printing in English, Messrs. Sherwin, Hill of Nevada, and Smith of Nevada, demanded the ayes and noes, and it was ordered by the following vote:

AYES—Messrs. Anderson, Aud, Briggs, Buel, Burbank, Cherry, Clarke, Crane, Curtis, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, Kabler, King, Lee, Lewis, Loofbourrow, Marshall, McCoy, Minis, Mitchell, Neblett, O'Brien, Osgood, Palmer, Pearis, Pico, Safford, Sheridan, Simons, Smith of San Bernardino, Stakes, Stocker, Street, Thomas, Tipton, Walker, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—61.

NOES—Messrs. Ballou, Banks, Caldwell, Ferguson, Hill of Nevada, Markley, Moses, Ormsby, Shepard, Sherwin, Smith of Nevada, Stout, Tatman, and Tuttle—14.

Resolution relative to account of Moses Scott, Jr., for services with State Prison Committee, was taken up and recommitted to State Prison Committee.

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

Resolved, That the sergeant-at-arms be required to place upon the desks of members the proportion to which each member is entitled of all documents ordered to be printed by this House

Assembly bill No. 64, an act in relation to the salaries of and the fees received by the county clerk (as clerk of the various courts) and the county recorder of the city and county of San Francisco, and to prescribe certain of their powers and duties, was taken up, and referred to the Judiciary Committee, with instructions.

Assembly bill No. 82, an act to authorize persons to change their names in certain cases, and to prohibit applications to the Legislature therefor,

the special order of the day, was considered in Committee of the Whole, Mr. Street in the chair, and after spending several hours in its consideration and amending the same, the committee rose, reported to the House, and asked leave to sit again, which the House refused, and the committee were discharged.

On motion of Mr. Holladay, at quarter-past three o'clock, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, February 10, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all present except those absent on leave.

Journals of yesterday read and approved.

Mr. Aud presented a petition of the agent of the Marysville Express, for payment of bill for advertising.

Referred to Committee on Printing.

Mr. Safford made the following report:

The Committee on Claims have had under consideration Senate bills numbers 86 and 87, to audit and allow claims of B. F. Hastings, and report the same back, and recommend their passage.

We have also again considered Assembly bill No. 94, an act to appropriate money to pay H. C. Peck and Theodore Bliss, and have seen no cause to change our previous report. We, therefore, report it back, and recommend that it be rejected.

We have, also, had under consideration Assembly bill No. 125, for an act to pay the rewards offered by the Governor for the apprehension of Pancho Daniel and Leonardo Lopez, and report it back, with a substitute, and recommend the passage of the substitute.

A. P. K. SAFFORD, Chairman *pro tem.*

Mr. Stakes made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom were referred Assembly bill No. 148, entitled an act to amend an act entitled an act to re-organize and establish the county of San Mateo, approved April 18, 1857;

Also, Senate bill No. 48, an act to authorize Andrew J. Moulder, James Van Ness and William McKibben, in the capacity of a board of fund commissioners, and Edmund Randolph, chairman of the board of examiners, to sign certain papers and issue certain bonds;

Also, Senate bill No 75, an act to release B. S. Gray from liabilities to the state of California on certain bonds;

Also, Senate bill No. 43, an act to authorize the executors of the last will and testament of F. C. Christian Russ, deceased, to sell real estate at private sale;

Also, Assembly bill No. 134, an act to provide for taking the deposition of witnesses in civil cases;—have had the same under consideration, report the bills back, and recomend their passage.

Assembly bill No. 107, an act concerning artesian wells, is reported back, with the recommendation that it be referred to the delegation from Santa Clara.

Senate bill No. 81, an act to amend an act to regulate fees in office, is

also herewith reported back, with the recommendation that it be referred to the member from Tulare.

Your committe, to whom was referred Assembly bill No. 92, an act to authorize the arrest of persons charged with crime, on telegraphic information, with special instructions to amend the same, report the bill back as so amended.

The committee have also had under advisement Assembly bill No. 93, an act to provide for transcribing and transferring certain records in Sonoma and Solano counties to the county of Napa, and report the same back, with a substitute, and recommend the adoption of the substitute.

Assembly bill No. 117, entitled an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and provide for its organization, approved March 2, 1857, has also been under consideration, and the bill is reported back amended, and the committee recommend its passage as so amended.

A. G. STAKES,
Chairman Judiciary Committee.

Assembly bill No. 107, referred to in the above report, was referred to the delegation from Santa Clara.

Senate bill No. 81, also therein described, was referred to the Tulare delegation.

Mr. Crane made the following report:

The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 128, entitled an act relative to the board of supervisors of Yolo county, and beg leave to report the same back, without amendment, and recommend its passage;

Also, Assembly bill No. 146, entitled an act amendatory of an act concerning offices, and beg leave to report the same back, without amendment, and recommend its passage;

Also, Assembly bill No. 80, entitled an act to extend the provisions of an act entitled an act to organize the county of Buena Vista, and beg leave to report the same back, and recommend its passage.

CRANE, Chairman.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 111, for an act to amend an act concerning lawful fences, approved April 27, 1855;

Assembly bill No. 53, for an act explanatory of an act concerning passengers arriving in ports in this state, passed May 31, 1852;

Assembly bill No. 127, for an act concerning the collection of delinquent school taxes in the city of Sacramento;

Assembly bill No. 136, for an act to extend the time for collection of taxes in San Bernardino county;

And Assembly bill No. 115, for an act amendatory of an act entitled an act to regulate rodeos, passed April 30, 1851.

H. A. MOSES, Chairman.

The claim of D. S. Lord & Co., for stationery, was recommitted to the Committee on Claims.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 9, 1858.

To the Assembly of California:

I have this day approved of an act to extend the provisions of an act entitled an act concerning hogs found running at large in the counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April 21, 1856;

Also, an act to locate the county seat of San Mateo county.

JOHN B. WELLER, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, Feb. 10, 1858.

To the Assembly of California:

I have this day approved an act to fix the compensation of the county assessor of Alameda county;

Also, an act to reduce the salary of the county judge of Klamath county;

Also, an act to amend an act entitled an act to regulate fees in office in certain counties, passed April 28, 1857.

JOHN B. WELLER, Governor.

The following messages were received from the Senate:

SENATE CHAMBER,
February 9, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, reconsidered its vote on the passage of concurrent resolution No. 18, relative to the adoption of measures for the security of the vaults and passage of the Treasurer's office, and have this day adopted the following substitute, reported by the special joint committee of both Houses, relative to the rooms and vaults of the State Treasurer's office, and respectfully ask the concurrence of the Assembly therein:

SUBSTITUTE.

Resolved, By the Senate, the Assembly concurring, that his Excellency John B. Weller, the Secretary of State, and the Attorney General, who constitute the board of examiners, are hereby authorized to enter into contract with some competent workman or workmen for the purpose of planning, constructing, and completing all necessary works for the effectual protection of the treasury of the state, within the building and rooms at present occupied by the State Treasurer.

SAMUEL B. BELL,
A. R. MELONY,
JAMES ANDERSON.
GEO. W. THOMAS, Chair. House Com.
THOS. N. CAZNEAU, Secretary of Senate.

The House concurred in the resolution above reported.

SENATE CHAMBER,
Feb. 9, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate,

on yesterday, passed Senate bill No. 71, an act to amend section twenty of an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29, 1851;

Also, Senate bill No. 103, an act supplementary to and amendatory of an act to authorize the issuance of duplicates for certain lost war bonds, passed January 29, 1858;

Also, Assembly bill No. 58, an act to authorize the board of supervisors of Santa Cruz county to levy a special tax for building purposes;

Also, have this day passed Senate concurrent resolution requesting the Governor to return Senate bill No. 24, an act concerning lawful fences in Marin county.

And ask the concurrence of the Assembly.

JAS. T. EWING, Ass't Sec'y Senate.

Senate bill No. 71, above reported, was read first and second times, and referred to the Judiciary Committee.

Senate bill No. 103, above reported, was read first and second times, rules suspended, read third time, and passed.

Senate concurrent resolution No. 24, requesting the Governor to return to the Senate, Senate bill No. 24, an act concerning lawful fences in Marin county, was concurred in.

NOTICES OF BILLS.

Notices for the introduction of bills were given as follows:

By Mr. Stakes, for an act to provide for a survey of the harbor of San Francisco, in order to determine the expediency of erecting a bulk-head therein.

By Mr. Holman, for an act concerning public pounds;

Also, for an act in relation to the office of county assessor of the county of San Joaquin.

By Mr. Sheridan, for an act for the segregation, survey, and sale of swamp and overflowed lands belonging to the state of California.

By Mr. Havens, for an act to provide for the mode in which private property may be appropriated for public uses, and to compensate the owners thereof;

Also, for an act to provide for the preservation of school sections numbers sixteen and thirty-six, from waste and other injuries.

By Mr. Haldeman, for an act to separate the office of collector of taxes from the office of sheriff, in the county of Tuolumne.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tuttle, for an act to provide for the payment of the expenses incurred in the survey of the boundary lines between the counties of Tuolumne and Stanislaus, in the year one thousand eight hundred and fifty-four.

Read first and second times, and referred to the Committee on Claims.

By Mr. Clarke, for an act concerning the collection of poll-taxes, license taxes, and foreign miners' licenses, in the county of Sierra;

Also, an act to amend an act entitled an act to fix the compensation of district attorneys for the several counties in this state, approved May 4, 1855;

Both of which were read first and second times, and referred to Sierra delegation.

By Mr. Havens, for an act to amend an act entitled an act to authorize the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857.

Read first and second times, and referred to Committee on Indian Affairs.

Assembly bill No. 111, an act to amend an act concerning lawful fences, approved April 27, 1855, read third time, and passed.

Assembly bill No. 53, an act explanatory of an act entitled an act concerning passengers arriving in ports in this state, passed May 3, 1852, read third time, and passed.

GENERAL FILE.

Senate bill No. 63, an act to audit the claim of William Ford, read third time, and passed.

Senate bill No. 95, an act to audit the claim of H. W. Larkin, read third time, and passed.

Senate bill No. 35, an act to amend an act entitled an act to fund the debt of the county of Siskiyou, approved April 29, 1857, amendments concurred in, read third time, and passed.

Senate bill No. 57, an act to amend an act entitled an act concerning corporations, passed April 22, A. D., 1850, indefinitely postponed.

The House resolved itself into Committee of the Whole, Mr. Ballou in the chair, to consider the special order of the day, Assembly bill No. 11, an act for the suppression of mobs, insurrections, and other unlawful assemblages and organizations against the government of this state, and to fix the punishment of offences therein defined.

After considerable debate, the committee rose, and had leave to sit again, at seven o'clock this evening, to which time, on motion of Mr. Buel, at half past two o'clock, P. M., the House took a recess.

SEVEN O'CLOCK, P. M.

House re-assembled.

Quorum present.

Mr. Burbank gave notice that he would, on to-morrow, move to reconsider the vote by which Senate bill No. 57, an act to amend an act entitled an act concerning corporations, was indefinitely postponed.

The House resolved itself into Committee of the Whole, Mr. Ballou in the chair, to further consider Assembly bill No. 11.

After considerable debate, the committee rose, and had leave to sit again to-morrow evening at seven o'clock.

On motion of Mr. Buel, at quarter past nine o'clock, P. M., the House adjourned.

IN ASSEMBLY.

THURSDAY, February 11, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called.

All were present except those absent on leave.

Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Hobart, of A. H. Broder, ex-sheriff of Alameda county, for relief.

Referred to the Committee on Claims.

By Mr. Curtis, of citizens of Ophir, Placer county, for a Sunday law.

Referred to Committee on Public Morals.

REPORTS.

Mr. Parker made the following report:

MR. SPEAKER:—Your Committee on Elections, to whom was referred Assembly bill 85, an act supplementary to an act entitled an act to apportion the Senatorial and Assembly districts of this state, passed May 18th, 1853, have taken the same under consideration, and report it back, recommending its passage.

PARKER, Chairman.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 45, an act for the relief of John B. Cecil, Sheriff of Klamath county;

Also, Assembly bill No. 99, an act amendatory of and supplementary to an act entitled 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, approved April 18, 1857;

Also, Assembly bill No. 58, an act to authorize the board of supervisors of Santa Cruz county to levy a special tax for building purposes; and have presented the same to the Governor for his approval.

GEORGE A YOUNG, Chairman.

Mr. Howell made the following report:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred Assembly bill No. 52, an act amendatory of an act to incorporate a state agricultural society, and appropriate money for its support, have had the same under consideration, and recommend its passage

HOWELL,
J. S. ORMSBY,
J. S. TIPTON,
ANDRES PICO.

Mr. Ballou made a verbal report from the Committee on Public Expenditures and Accounts, recommending the passage of Assembly bill No. 123, an act making appropriation for the salary of draughtsman in the Surveyor General's office, from the first day of January, A. D. 1858, to the thirtieth day of June, A. D. 1858, inclusive.

The following message was received from the Senate:

SENATE CHAMBER,
February 10, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate on yesterday passed Senate bill No. 39, "an act to provide for the relinquishment to the United States in certain cases, of title to land sites for light-houses, and for other purposes, on the coasts and waters of this state;"

Also, Senate bill No. 27, "an act to amend an act entitled an act concerning sheriffs, passed April 29, 1851;"

Also, Senate bill No. 106, "an act to regulate fees in office in and for the counties of Colusi and Tehama;"

Also, substitute for Senate bill No. 18, "an act amendatory of and supplementary to an act, approved April 27, 1857, entitled an act submitting to the people of El Dorado and Sacramento counties a proposition to appropriate money for the construction of a wagon road;"

Also, on Monday, the 8th instant, passed Senate bill No. 89, "an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose.

J. T. EWING,
Assistant Secretary Senate.

Senate bills No. 39, No. 27, and No. 106, above reported, were read first and second times, and referred to the Judiciary Committee.

Senate bill No. 18, above reported, was read first and second times, and referred to Sacramento and El Dorado delegations.

Senate bill No. 89, above reported, was read first and second times, and referred to El Dorado delegation.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Crane, an act to divide the county of Monterey and to form a new county of a portion thereof;

Also, for an act supplemental to an act entitled an act to regulate rodeos, passed April 30, 1851;

Also, an act for the protection of livery-stable and drove-yard keepers.

By Mr. Ferguson, an act to authorize the board of supervisors of the various counties to place "guide-boards" at the various crossings of the legal highways outside the limits of any incorporated city or town in the respective counties where said supervisors have authority.

By Mr. Warfield, an act to amend an act entitled an act to amend an act entitled an act concerning the courts of justice of this state and judicial officers, passed April 19, 1856.

By Mr. Tatman, an act authorizing the board of supervisors of Mariposa county to levy an additional tax to that already provided for by statute, upon all foreign miners in said county.

By Mr. Hobart, an act to legalize the roads and highways in the county of Alameda.

By Mr. Heath, an act amendatory of an act entitled an act to provide for the payment of the debt of the counties of San Luis Obispo and Santa Barbara, approved March 31, 1857.

By Mr. Aud, an act to authorize and admit Samuel Plomer Semper (a foreigner) to practice as an attorney and counselor at law in the courts of record of this state.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Anderson, an act to legalize certain records of Napa county.

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

By Mr. Havens, an act to provide for the preservation of school sections, numbers sixteen and thirty-six from waste and other injuries.

Read first and second times, and referred to the Committee on Education.

By Mr. Ormsby, an act to legalize and confirm the assessment roll, the publication of the same, and to extend the time for the collection of revenue in the county of Sonoma.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Holman, for an act in relation to the office of the county assessor of the county of San Joaquin.

Read first and second times, and placed on general file.

By Mr. Safford, for an act to audit the claim of D. W. Gilmore.

Read first and second times, and referred to Committee on Claims.

GENERAL FILE.

Assembly bill No. 115, an act amendatory of an act entitled an act to regulate rodeos, passed April 30, 1851, recommitted to southern county delegations, with special instructions.

Assembly bill No 41, an act for the suppression of bawdy-houses and houses of ill-fame, taken up, and made the special order for Monday next, February fifteenth, at twelve o'clock M

Senate bill No. 75, an act to release B. S. Gray from liabilities to the state of California in certain bonds, read third time, and passed.

Mr. Ferguson gave notice that he would, on to-morrow, move a reconsideration of the vote by which the above bill was passed.

Assembly bill No. 150, an act for the relief of John M. Murphy and Jacob L. Miller, for the apprehension of Pancho Daniel and Leonardo Lopez, charged with the murder of the sheriff of Los Angeles county and others, was considered in Committee of the Whole, Mr. Ballou in the chair, considered engrossed, read third time, and passed.

The following message was received from the Senate:

SENATE CHAMBER,
February 11, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate on yesterday passed Senate bill No. 68, an act fixing the salary of the district judge of the first judicial district.

Also, Assembly bill No. 136, an act to extend the time for the collection of taxes in San Bernardino county.

Also, have amended and passed Assembly bill No. 70, an act to separate the office of collector of taxes from the office of sheriff, in the county of Placer, and ask the concurrence of the Assembly.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 68, above reported, was read first and second times, and referred to the delegations from the first judicial district.

Assembly bill No. 70, also above reported, was referred to Placer delegation.

Senate bill No. 87, an act to audit the claim of B. F. Hastings, read third time, and passed.

Senate bill No. 86, an act for the relief of B. F. Hastings, was considered in Committee of the Whole, amended, read third time, and passed.

Senate bill No. 99, an act to amend an act entitled an act to regulate fees of office, approved April 10, 1855, taken from file, and laid on the table.

Mr. Crane presented the claim of J. Meyer, for supplies furnished the state marine hospital at San Francisco.

Referred to Committee on Claims.

Also, of the Pacific Sentinel newspaper at Santa Cruz, for publishing advertisements.

Referred to Committee on Printing.

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

Resolved, That the Committee on Mileage are hereby instructed to report to the House the amount of mileage due each member of the special committee appointed to visit the state hospital, including other special committees.

The following message was received from the Senate:

SENATE CHAMBER,
February 11, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Assembly bill No. 150, an act for the relief of John M. Murphy and Jacob L. Miller, for the apprehension of Pancho Daniel and Leonardo Lopez, charged with the murder of the sheriff of Los Angeles county, and others.

J. T. EWING,
Assistant Secretary Senate.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 150, an act for the relief of John M. Murphy and Jacob L. Miller, for the apprehension of Pancho Daniel and Leonardo Lopez, charged with the murder of the sheriff of Los Angeles county, and others, and have presented the same to his Excellency the Governor, for his approval.

G. A. YOUNG, Chairman.

On motion of Mr. De Long, at quarter to three o'clock, P. M., the House took a recess until seven o'clock this evening.

SEVEN O'CLOCK, P. M.

House met, and a quorum present.

Mr. Hobart gave notice that whenever Senate bill No. 99, (laid on the table this day,) was taken up, he would move a reconsideration of the vote by which the House refused to strike out "Alameda" from the bill.

On motion of Mr. Buel, the House resolved itself into Committee of the Whole, Mr. Ballou in the chair, to consider Assembly bill No. 11, the special order of the day.

After spending some three hours in its consideration, the committee

rose, and had leave to sit again at 2 o'clock, P. M., to-morrow, for which hour the bill was made the special order.

On motion of Mr. Buel, at quarter past ten o'clock, P. M., the House adjourned.

IN ASSEMBLY.

FRIDAY, February 12, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All present except those absent on leave.

Mr. Stocker had leave of absence for four days.

Journals of yesterday read and approved.

Mr. Moore presented the account of Thomas Boyce, for advertising in sundry papers.

Referred to Committee on Claims.

Mr. Stout presented account of Hammond & Co., for articles furnished Assembly, January, 1857.

Referred to Committee on Claims.

REPORTS.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No 116, an act to establish the boundary line between Humboldt and Klamath counties;

Also, Assembly bill No. 157, for an act to legalize and confirm the assessment roll, the publication of the same, and to extend the time for the collection of revenue in the county of Sonoma.

H. A. MOSES, Chairman.

Mr. O'Brien, from majority of Committee on Mileage, made the following report:

MR. SPEAKER:—The Committee on Mileage, having had under consideration the amount of mileage due the members of the committee appointed to visit the state insane asylum, and of members of the committee appointed to investigate matters connected with the county officers of the county of San Francisco, beg leave to report as follows:

STATE INSANE ASYLUM VISITING COMMITTEE.

Names.	Miles.	Mileage.
Thomas, - - - - - - - - - -	110	$22 00
Ormsby, - - - - - - - - - -	110	22 00
Warfield, - - - - - - - - - -	110	22 00

COMMITTEE TO INVESTIGATE MATTERS AT SAN FRANCISCO.

Names.	Miles.	Mileage.
Moore, - - - - - - - - - -	240	$48 00
Buel - - - - - - - - - -	240	48 00
Ely, - - - - - - - - - -	240	48 00

All of which is respectfully submitted.

O'BRIEN, Chairman.

Mr. Palmer, from minority of said committee, made the following report:

MR. SPEAKER:—Believing that the delegation from each county should come here with a full knowledge of the wants of their constituents, and that the funds of the state should not be applied to sending special committees to investigate strictly local matter, except in extraordinary cases, and believing that it was not really necessary to send the special committee to San Francisco, for the reason that all the facts that they have ascertained were already in the possession of that delegation,

Therefore, as a minority of the Committee on Mileage, I would most respectfully recommend that mileage do not be allowed to the special committee appointed to investigate the offices of the city of San Francisco.

C. PALMER.

On motion of Mr. Palmer, the question on the adoption of the majority report was divided and separately put, and the same adopted.

Mr. Buel, of a portion of the El Dorado delegation, made the following report:

MR. SPEAKER:—The undersigned, members of the El Dorado delegation, to whom was referred Senate bill No. 89, an act to provide for the construction of a branch wagon road in El Dorado county, and authorize the supervisors of said county to levy a special tax for that purpose, having had the same under consideration, herewith report the same back, and recommend its passage.

H. A. MOSES,
CHAS. W. PEARIS,
J. D. GALBRAITH,
D. E. BUEL.

Mr. Loofbourrow, of another portion of the El Dorado delegation, reported as follows:

The undersigned, members of the El Dorado delegation, to whom was referred Senate bill No. 89, an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose, have had the same under consideration, and refuse to concur in a recommenda-

tion for its passage, unless it shall provide for its submission to the people for ratification or rejection at the next general election.

D. T. LOOFBOURROW,
J. S. TIPTON,
A. G. GRAHAM,
H. LEE.

Mr. Loofbourrow moved to lay the reports on the table, which was lost.

On motion of Mr. Buel, the rules were suspended, and the House considered the bill above reported, in Committee of the Whole, Mr. De Long in the chair, after which the bill was read third time, and passed by the following vote, Messrs. Loofbourrow, Graham, and Lee, demanding the ayes and noes:

AYES—Messrs. Anderson, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Davis, Edwards, Ely, Galbraith, Gordon, Gray, Haldeman, Hamlin, Hancock, Havens, Hill of Nevada, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, King, Loofbourrow, Marshall, McCoy, Minis, Mitchell, Moore, Moses, Neblett, O'Brien, Ormsby, Osgood, Palmer, Pearis, Pico, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of San Bernardino, Stout, Tatman, Walker, Ward, and Warfield—51.

NOES—Messrs. Clarke, De Long, Graham, Hill of Sierra, Lee, Lewis, Spilman, Tipton, Warmcastle, Young, and Mr. Speaker—11.

Mr. Loofbourrow gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Buel made the following report:

MR. SPEAKER:—The undersigned, members of the special committee to whom was referred Senate bill No. 18, an act amendatory of and supplementary to an act approved April 27, 1857, entitled an act submitting to the people of El Dorado and Sacramento counties a proposition to appropriate money for the construction of a wagon road, have had the same under consideration, and respectfully report the bill back to the House, and recommend its passage, without amendment.

D. E. BUEL,	El Dorado Delegation.
D. S. LOOFBOURROW,	
A. J. GRAHAM,	
H. LEE,	
J. S. TIPTON,	
CHARLES W. PEARIS,	
J. D. GALBRAITH,	
H. A. MOSES,	
R. D. FERGUSON,	Sacramento.
J. E. SHERIDAN,	
CHARLES S. HOWELL,	
MOSES STOUT,	

Senate bill No. 18, an act amendatory of and supplementary to an act, approved April 28, 1857, entitled an act submitting to the people of El Dorado and Sacramento counties a proposition to appropriate money for the construction of a wagon road, was read third time, and passed.

Mr. Buel gave notice that he would, on to-morrow, move to reconsider the vote by which the bill passed.

Mr. Hancock made the following report:

MR. SPEAKER:—The delegation from the first judicial district, to whom was referred Senate bill No. 68, have had the same under consideration, and herewith report the same back, and recommend its passage.

ANDRES PICO,
R. W. GROOM,
J. W. SMITH,
HENRY HANCOCK.

Assembly bill No. 117, an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and provide for its organization, approved March 2d, 1857, was, on motion of Mr. Hirst, taken from the general file, committee amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Parker, at quarter before two o'clock, P. M., the House took a recess for fifteen minutes.

TWO O'CLOCK, P. M.

House re-assembled, considered the special order—Assembly bill No. 11—in Committee of the Whole, Mr Davis in the chair, and again took a recess till seven o'clock, this evening.

SEVEN O'CLOCK, P. M.

Re-assembled, considered special order in Committee of the Whole, Mr. Ballou in the chair, and, on motion of Mr. Ely, the committee having leave to sit again at two o'clock, P. M., to-morrow, the House, at nine and a quarter o'clock, P. M., adjourned.

IN ASSEMBLY.

SATURDAY, February 13, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all were present except those absent on leave. Mr. Howell had leave of absence for one day, Mr. De Long for two days, and Mr. Heath until Tuesday next.

Journal of yesterday was read and approved.

Mr. Hancock presented the claim of Leandro Ransom for maps, etc., furnished the state.

Referred to the Committee on Claims.

REPORTS.

Mr. Edwards made the following report:

MR. SPEAKER:—The Sonoma, Marin, and Napa delegations, to whom was referred Assembly bill No. 142, an act concerning estray animals,

have had the same under consideration, report it back, without amendment, and recommend its passage.

URIAH EDWARDS.
T. H. ANDERSON.
J. S. ORMSBY.

Mr. Clarke made the following report:

MR. SPEAKER:—The Sierra delegation to whom was referred Assembly bill No. 149, have had the same under consideration, report the same back to the House, and recommend its passage, without amendment.

J. A. CLARKE,
R D. HILL.

MESSAGES.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 11, 1858.

To the Assembly of California:

I have this day approved an act for the relief of Jno. B. Cecil, sheriff of Klamath county;

Also, for an act to authorize the board of supervisors of Santa Cruz county to levy a special tax for building purposes;

Also, an act amendatory of and supplementary to an act entitled 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, approved April 18, 1857.

JNO. B. WELLER, Governor.

The following message was received from the Senate:

SENATE CHAMBER,
February 13, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate on Thursday, the 11th instant, passed Senate bill No. 115, an act to change and fix the time of holding the court of sessions and the county court of Yuba county;

Also, Senate bill No. 93, an act to amend an act entitled an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852;

Also, Senate concurrent resolution relating to the payment of John Voorhees for services in constructing platform for inaugural ceremonies, and respectfully ask the concurrence of the Assembly.

THOS. N. CAZNEAU,
Secretary of Senate.

Senate bill No. 115, above reported, was read first and second times, and referred to the Yuba delegation.

Senate bill No. 93, also above reported, was read first and second times, and referred to the Judiciary Committee.

Senate concurrent resolution No. 25, also above reported, was referred to the Committee on Public Accounts and Expenditures.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Holladay, an act to authorize the treasurer of the city and county of San Francisco to pay certain demands on the school fund;

Also, an act to authorize the city and county of San Francisco to convey to the United States a site for a light-house;

Also, an act amendatory of and supplementary to an act defining the duties of the state librarian, and prescribing rules for the government of the state library, passed April 9, 1850;

Also, an act providing for an examination of the accounts of S. A. McMeans, late State Treasurer.

By Mr. Hill of Sierra, an act to amend an act entitled an act to regulate proceedings in civil cases in courts of justice in this state.

By Mr. Caldwell, an act to amend an act entitled an act to prohibit gaming, approved April 27, 1857;

By Mr. Moore, an act to authorize the board of supervisors of the city and county of San Francisco to allow, confirm, and direct the auditing of certain claims therein mentioned;

By Mr. Edwards, an act for the protection of stock raisers.

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

Resolved, That the State Printer be and he is hereby requested to certify to this House all cost for printing and material ordered by the House up to date, (except the Laws and Journals,) together with the items, including cost for translation into Spanish.

Mr. Harris offered the following resolutions, which were laid on the table:

Resolved, That this Assembly will leave off all unnecessary debate, and especially those questions of a doubtful legislative character;

And further resolved, That all future debate shall be conducted in a true spirit of friendship and charity, thereby giving due consideration to all who may wish to be heard in reference to proper legislation.

Resolved, That this Assembly make a final adjournment on the 15th of March, 1858.

Mr Loofbourrow moved to reconsider the vote by which Senate bill No. 89 was passed yesterday.

Upon which, Messrs. Loofbourrow, Graham, and Buel, demanded the ayes and noes, with the following result:

Ayes—Messrs. Clarke, De Long, Ferguson, Graham, Hill of Sierra, Kabler, Lee, Lewis, Loofbourrow, Spilman, Stout, Tipton, and Mr. Speaker —14.

Noes—Messrs. Anderson, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Davis, Edwards, Ely, Galbraith, Gordon, Gray, Haldeman, Hamlin, Hancock, Harris, Havens, Hill of Nevada, Hitchens, Hobart, Holladay, Hirst, King, Marshall, McCoy, Minis, Mitchell, Moore, Moses, Neblett, O'Brien, Ormsby, Osgood, Palmer, Parker, Pearis, Pico, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Tatman, Thomas, Walker, Warfield, and Young—51.

Excused—Messrs. Aud and Curtis were excused from voting.

So the House refused to reconsider.

The Speaker presented the petition of Joseph Nougues for relief,

Referred to the Judiciary Committee.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, Feb. 13, 1858.

To the Assembly of California:

I have this day approved an act for the relief of Jno. M. Murphy and Jacob L. Miller, for the apprehension of Pancho Daniel and Leonardo Lopez, charged with the murder of the sheriff of Los Angeles county, and others.

JOHN B. WELLER.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Crane, an act supplemental to an act to regulate rodeos, passed April 30, 1851.

Read first and second times, and referred to Committee on Agriculture.

By Mr. Ormsby, an act to abolish the office of superintendent of common schools in the county of Sonoma, and to provide for the distribution of the moneys belonging to the same.

Read first and second times, and referred to Committee on Education.

By Mr. Havens, proposed amendment to article six of the Constitution of the state.

Read first and second times, and referred to the Judiciary Committee, and ordered printed.

By Mr. Warfield, an act to amend an act entitled an act to amend an act concerning the courts of justice in this state and judicial officers, approved April 17, 1856.

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

By Mr. Aud, an act to authorize the courts of record of this state to admit Samuel Plomer Semper as an attorney and counsellor at law.

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

Assembly bill No. 116, an act to establish the boundary line between Humboldt and Klamath counties, read third time, and, on its passage, the bill was lost by the following vote, Messrs. Crane, Mitchell, and Lewis, demanding the ayes and noes:

AYES—Messrs. Anderson, Briggs, Buel, Clarke, Davis, De Long, Ely, Galbraith, Hancock, Havens, Hobart, Holladay, Hirst, Loofbourrow, McCoy, Minis, Neblett, Ormsby, Osgood, Pearis, Pico, Simons, Smith of San Bernardino, Tipton, Young, and Mr. Speaker—26.

NOES—Messrs. Ballou, Banks, Caldwell, Crane, Curtis, Gordon, Haldeman, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Kabler, Lewis, Mitchell, O'Brien, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Spilman, Stout, Stratton, Street, Tatman, Thomas, Tuttle, and Ward—30.

On motion of Mr Sheridan, at quarter past one o'clock, P M., the House took a recess until two o'clock, P. M.

TWO O'CLOCK, P. M.

House re-assembled.

Mr. Sheridan gave notice that, on Monday next, he would move a re-

consideration of the vote by which Assembly bill No. 116, an act to establish the boundary line between Humboldt and Klamath counties, was lost.

Mr. De Long moved a call of the House, which was sustained.

The clerk called the roll, and the following members were absent:

Messrs. Anderson, Banks, Briggs, Ferguson, Gray, Graham, Hamlin, Hancock, Harris, Heath, Holman, Hirst, Kabler, King, Lewis, Markley, Moore, Moses, Osgood, Parker, Pearis, Pico, Sherwin, Smith of Nevada, Stakes, Stratton, Tatman, Tipton, and those absent on leave.

The House resolved itself into Committee of the Whole, Mr. Ballou in the chair, further to consider Assembly bill No. 11.

After expending some time in its consideration, the committee rose and had leave to sit again.

At half past three o'clock, P. M., on motion of Mr. McCoy, the House took a recess until 7 o'clock this evening, Messrs. Buel, Safford, and Ferguson, demanding the ayes and noes, with the following result:

AYES—Messrs. Aud, Ballou, Banks, Buel, Burbank, Cherry, Curtis, Davis, Edwards, Ferguson, Galbraith, Gordon, Gray, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, McCoy, Minis, Moore, Neblett, Palmer, Pearis, Safford, Shepard, Sheridan, Sherwin, Smith of San Bernardino, Stakes, Stout, Street, Thomas, Tipton, Warmcastle, and Mr Speaker—38.

NOES—Messrs. Briggs, Clarke, Crane, De Long, Ely, Groom, Haldeman, Hancock, Havens, Kabler, Lee, Lewis, Loofbourrow, Marshall, Mitchell, Moses, O'Brien, Parker, Simons, Spilman, Stratton, Tatman, Tuttle, Ward, and Young—25.

SEVEN O'CLOCK, P. M.

The House re-assembled.

Mr. Lee moved that the House adjourn.

Upon which, Messrs. Safford, Stout, and Cherry, demanded the ayes and noes, with the following result:

AYES—Messrs. Aud, Briggs, Clarke, Crane, De Long, Ely, Gray, Groom, Haldeman, Harris, Havens, Kabler, Lee, Loofbourrow, Marshall, Mitchell, O'Brien, Ormsby, Osgood, Shepard, Simons, Smith of Nevada, Spilman, Stakes, Stratton, Tatman, Thomas, Tuttle, Walker, Ward, and Young—31.

NOES—Messrs. Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Davis, Edwards, Ferguson, Galbraith, Gordon, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Hirst, McCoy, Moore, Moses, Neblett, Palmer, Safford, Sheridan, Sherwin, Stout, Street, Tipton, Warmcastle, and Mr Speaker—30.

So the House adjourned.

IN ASSEMBLY.

MONDAY, February 15, 1858.

House met pursuant to adjournment.

The speaker in the chair.

The roll was called, and all were present except Messrs. Anderson, Briggs, Hancock, Holman, Markley, Osgood, and Pico.

Leave of absence was granted Mr. Anderson, three days; Mr. Briggs, one week; Messrs. Haldeman, Hancock, Holman and Osgood, one day each.

Journal of Saturday was read and approved.

Mr. Havens offered the following resolution, upon which he moved the previous question:

Resolved, That the Assembly bill No. 11, for the suppression of mobs, etc., be taken up, recommitted to the Committee on the Judiciary, with instructions to amend the same as follows:

First—So to amend section first as to leave judgment, that the defendant be civilly disfranchised, discretionary with the court having jurisdiction, and to strike out the words "or of the United States," where they occur.

Second—To strike out section third.

Third—So to amend sections fourth, fifth, and sixth, that the complaint or affidavit of the commission of any of the offences enumerated in section first shall be filed with the clerk of the district court of the county in which the offence is alleged to have been committed, and if, in opinion of the judge of said court, a fair and impartial trial cannot be had in said county, he shall transmit the complaint or affidavit to the office of the clerk of the district court of the nearest adjoining county where, in his opinion, a fair and impartial trial can be had for further proceedings, and that the like change of venue may be had at any time before trial, until, in the opinion of the court having jurisdiction, such fair and impartial trial can be had

Fourth—To report the bill, as amended, with the amendments heretofore reported, complete.

Mr. Hill of Nevada, moved a call of the House, which was sustained.

The roll was called, and the following members were absent: Messrs. Graham, Groom, Howell, Moses, Tatman and Pico; and the sergeant-at-arms was dispatched for the absentees.

Mr. Ferguson moved to dispense with further proceedings under the call, which was lost.

Mr. Buel moved that the House adjourn, which was ruled out of order, from which Mr. Safford took an appeal, and the decision of the chair was sustained.

On motion of Mr. Ballou, further proceedings under the call were dispensed with, and the previous question was sustained by the following vote, Messrs. Ballou, Lee, and Sheridan, demanding the ayes and noes:

AYES—Messrs. Aud, Caldwell, Clark, Crane, Curtis, Davis, De Long, Ely, Gordon, Gray, Haldeman, Hamlin, Havens, Hitchens, Kabler, King, Lee, Lewis, Loofbourrow, Marshall, Mitchell, O'Brien, Ormsby, Parker, Pearis, Simons, Spilman, Stakes, Thomas, Tuttle, Ward, Young, and Mr. Speaker—34.

NOES—Messrs. Ballou, Banks, Buel, Burbank, Cherry, Edwards, Ferguson, Galbraith, Harris, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Hirst, McCoy, Minis, Moore, Neblett, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stout, Stratton, Street, Tipton, Walker, and Warmcastle—31.

On the adoption of the resolution, Messrs. Lewis, O'Brien, and Havens, demanded the ayes and noes, and it was lost by the following vote:

AYES—Messrs Aud, Clarke, Crane, Curtis, Davis, De Long, Ely, Gordon, Gray, Groom, Haldeman, Havens, Kabler, King, Lee, Lewis, Loofbourrow, Marshall, Mitchell, O'Brien, Ormsby, Parker, Pearis, Simons, Spilman, Stakes, Stratton, Tatman, Tuttle, Ward, Young, and Mr. Speaker—32.

NOES—Messrs. Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Edwards, Ferguson, Galbraith, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Hirst, McCoy, Minis, Moore, Moses, Neblett, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stout, Street, Thomas, Tipton, Walker, and Warmcastle—34.

The House refused Mr. Ely leave to read his proposed substitute.

On motion of Mr. Buel, the motion was reconsidered, and the House again refused leave.

Mr. Ely then moved to suspend the rules in order to take up Assembly bill No. 11.

Agreed to.

The House then resolved itself into Committee of the Whole, Mr. Davis in the chair, to consider the bill

After spending several hours in debate, the committee rose, and reported the bill back to the House, without recommendation.

At five o'clock, P. M., on motion of Mr. Ferguson, the House took a recess until seven o'clock, P. M., Messrs. O'Brien, Parker, and Street, demanding the ayes and noes:

AYES—Messrs. Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Davis, Edwards, Galbraith, Gordon, Gray, Hill of Sierra, Hitchens, Hobart, Holladay, Howell, Hirst, McCoy, Minis, Neblett, Ormsby, Palmer, Safford, Sheridan, Sherwin, Stout, Street, Tipton, and Warmcastle—30.

NOES—Messrs. Clarke, Crane, De Long, Ely, Graham, Haldeman, Hamlin, Harris, Hill of Nevada, Lee, Lewis, Loofbourrow, Marshall, Mitchell, Moses, O'Brien, Parker, Simons, Smith of Nevada, Spilman, Stakes, Stratton, Tatman, Tuttle, Ward, Young, and Mr. Speaker—27.

SEVEN O'CLOCK, P. M.

House re-assembled.

Mr. De Long moved to adjourn, Messrs. Stratton, Buel, and Graham, demanding the ayes and noes:

AYES—Messrs Clarke, Crane, Davis, De Long, Ely, Gray, Groom, Haldeman, Hamlin, Howell, Kabler, Loofbourrow, Marshall, Mitchell, O'Brien, Parker, Simons, Spilman, Stakes, Tatman, Tuttle, Ward, and Mr. Speaker—23

NOES—Messrs Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Curtis, Edwards, Ferguson, Galbraith, Gordon, Graham, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Hirst, McCoy, Moore, Neblett, Ormsby, Palmer, Safford, Sheridan, Sherwin, Smith of Nevada, Stratton, Street, Thomas, Tipton, Walker, Warmcastle, and Young—35.

So the House refused to adjourn.

Mr. Sheridan moved to suspend the rules, and that the House resolve

itself into Committee of the Whole to consider Assembly bill No. 11. Upon which Messrs. De Long, Groom, and Tatman, demanded the ayes and noes, with the following result—a two-third vote being necessary:

AYES—Messrs. Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Edwards, Ferguson, Galbraith, Gordon, Graham, Hamlin, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Hurst, McCoy, Moore, Neblett, Palmer, Safford, Sheridan, Sherwin, Smith of Nevada, Stratton, Street, Thomas, Tipton, Walker, and Warmcastle—32.

NOES—Messrs. Clarke, Crane, Curtis, Davis, De Long, Ely, Gray, Groom, Haldeman, Harris, Howell, Kabler, Loofbourrow, Marshall, Mitchell, O'Brien, Ormsby, Parker, Simons, Spilman, Stakes, Tatman, Tuttle, Ward, Young, and Mr. Speaker—26.

So the House refused to suspend the rules.

Mr. Crane presented a petition of citizens of Pajaro and San Juan to divide Monterey county.

Referred to the Committee on Counties and County Boundaries.

Mr. Ferguson moved to adjourn, which was lost by the following vote—Messrs. Stratton, Galbraith, and Ferguson, demanding the ayes and noes:

AYES—Messrs. Gray, Graham, Hill of Nevada, Hobart, Howell, Loofbourrow, Mitchell, Simons, Ward, and Mr. Speaker—10.

NOES—Messrs. Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Clarke, Crane, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Groom, Haldeman, Hamlin, Harris, Hill of Sierra, Hitchens, Holladay, Kabler, Marshall, McCoy, Moore, Neblett, O'Brien, Ormsby, Palmer, Parker, Safford, Sheridan, Sherwin, Smith of Nevada, Spilman, Stakes, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Warmcastle, and Mr. Young—47.

Mr. De Long moved to suspend the rules, and take up Assembly bill No. 82, an act to authorize persons to change their names in certain cases, and to prohibit applications to the Legislature therefor.

Lost.

Mr. Buel made the following report:

MR. SPEAKER: The El Dorado delegation, to whom was referred Assembly bill No. 90, an act to construct a court-house and other county buildings in said county, and to levy a tax therefor, herewith report a substitute for the same, and recommend its passage.

J. D. GALBRAITH,
J. S. TIPTON,
H. A. MOSES,
CHAS. W. PEARIS,
D. E. BUEL.

The following message was received from the Senate:

SENATE CHAMBER,
February 15, 1858.

MR. SPEAKER:—The Senate have this day passed resolution requesting the Assembly to return Assembly bill No. 127, an act concerning the collection of delinquent school taxes in the city of Sacramento.

J. T. EWING, Ass't Sec'y Senate.

Assembly bill No. 127 was ordered returned, in compliance with the request of the Senate.

The following messages were received from the Senate:

SENATE CHAMBER,
February 15, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on Saturday, the 13th inst., passed Senate bill No. 100, an act making appropriation for the payment of A. J. F. Phelan, for services rendered by him;

Also, Senate bill No. 120, an act to authorize the board of supervisors of Siskiyou county to levy an additional tax for county expenditures;

Also, Senate bill No. 79, an act to authorize the State Treasurer to endorse certain warrants;

Also, Assembly bill No. 127, an act concerning the collection of delinquent school taxes in the city of Sacramento.

J. T. EWING, Ass't Sec'y Senate.

SENATE CHAMBER,
February 13, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate have this day passed Senate bill No. 74, an act for the relief of the Mountain Lake Water Company;

Also, Senate bill No. 107, an act to audit the claim of Augustin Ainsa, for translating the Laws of 1856 into the Spanish language.

THOS. N. CAZNEAU, Sec'y Senate.

Senate bill No. 100, above reported, was read first and second times, and referred to the Committee on Claims.

Senate bills Nos. 120 and 79, above reported, were read three times, and passed.

Senate bill No. 74, above reported, was read first and second times, and referred to San Francisco delegation.

Senate bill No. 127, above reported, was read first and second times, and ordered on file.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hill of Sierra, an act authorizing the Sierra Nevada Lake Water and Mining Company to change its principal place of business

Read first and second times, and referred to Committee on Corporations.

Also, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, and of certain acts amendatory thereof.

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

By Mr. Crane, an act for the protection of keepers of livery stables and wagon and drove-yards.

Read first and second times, and referred to Committee on Agriculture.

Mr. Safford moved to adjourn, which was lost by the following vote, Messrs. O'Brien, Stratton, and Street, demanding the ayes and noes:

AYES—Messrs. Ballou, Clarke, Davis, Ferguson, Galbraith, Gordon, Haldeman, Hill of Nevada, Hill of Sierra, Hobart, Howell, Marshall, Neblett, Palmer, Safford, Simons, Smith of Nevada, Thomas, Tipton, Walker, Warmcastle, and Mr. Speaker—22.

NOES—Messrs. Banks, Buel, Burbank, Caldwell, Cherry, Crane, Curtis, De Long, Edwards, Ely, Gray, Graham, Groom, Hamlin, Harris, Hitchens, Holladay, Kabler, Lee, Lewis, Loofbourrow, McCoy, Mitchell, Moore, O'Brien, Ormsby, Parker, Sheridan, Sherwin, Spilman, Stakes, Stratton, Street, Tatman, Tuttle, Ward, and Young—37.

By Mr. Lee, an act to provide for funding the debt of the city of Placerville, and for the payment thereof.

Read first and second times, and ordered on file.

Also, an act to provide places of deposit for the safe-keeping and return of all moneys, gold dust, and other valuables of individuals.

Read first and second times, and referred to Committee on Ways and Means, and ordered printed.

By Mr. Tuttle, an act to provide for the collection of licenses of billiard tables, billiard and drinking-saloons, restaurants and eating-saloons;

Also, an act to amend an act to establish a standard of weights and measures, passed March 30, 1853.

Which were read first and second times, and referred to Committee on Ways and Means.

By Mr. Holladay, an act providing for an examination and settlement of the accounts of S. A. McMeans, late State Treasurer.

Read first and second times, and referred to Committee on Ways and Means.

Also, an act to authorize the city and county of San Francisco to convey to the United States a site for a light-house.

Read first and second times, and referred to the Committee on Federal Relations.

Also, an act to authorize the treasurer of the city and county of San Francisco to pay certain demands on the school fund.

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

Also, an act supplementary to and amendatory of an act defining the duties of State Librarian, and prescribing rules for the government of the state library, passed April 9, 1850.

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

NOTICES OF BILLS.

Notices for the introduction of bills were given as follows:

By Mr. Ely, an act for the suppression of illegal organizations to resist or usurp the administration of justice, and fix the punishment therefor.

By Mr. Mitchell, an act amending and explaining an act entitled an act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands lying in Tulare valley.

By Mr. Hill of Sierra, an act for the suppression of mobs, and other unlawful assemblages.

By Mr. Loofbourrow, an act amendatory of and supplemental to an act to separate the office of collector of taxes from the office of sheriff in the county of El Dorado.

Mr. Sheridan moved to suspend the rules, to consider Assembly bill No. 144, an act to appropriate money for the expenses of the state library.

Lost.

On motion of Mr. Harris, at nine o'clock, P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, February 16, 1858.

House met pursuant to adjournment.

The speaker in the chair.

The roll was called.

All were present except Messrs, Heath, Osgood, and Pico, and those absent on leave.

Leave of absence, for one day each, was granted to Messrs. Heath, Osgood, and Pico.

Journals of yesterday read and approved.

Mr. Gray offered exceptions to the ruling of the chair while the House was in Committee of the Whole on Assembly bill No. 11, and asked that the same might be spread upon the journal, which the House refused. He then gave notice that he would, at an early day, ask leave to have placed on the journal of this House his protest against the ruling of the chair, and the vote of this House in regard to certain rulings in the shape of exceptions to the ruling of the chairman of the Committee of the Whole, when Mr. Lee's bill to suppress mobs was under consideration.

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

Resolved, That so much of Governor Johnson's message, as relates to finance and revenue, be referred to the Committee on Ways and Means, with instructions to report to this House at the earliest practicable moment, a revenue bill establishing the amount of taxes to be collected for state purposes for this year.

Mr. Warmcastle presented the claim of Wm. H. McNeil and others for compensation for arresting escaped convicts.

Referred to Committee on Claims.

Mr. Banks presented petition of citizens of Sacramento for a Sunday law.

Referred to Committee on Public Morals.

Mr. Ballou, from the Committee on Public Expenditures, verbally reported Senate concurrent resolution No. 25, to pay Jno. Voorhees for labor performed in the construction of platform for inaugural ceremonies, without recommendation.

Mr. Ferguson presented the claim of D. Maddux & Co., for rent of committee rooms for 1857, amounting to $24, which was referred to Committee on Claims.

REPORTS.

Reports were made as follows—

By Mr. Moses:

MR. SPEAKER:—The Committee on Engrossment have examined, and *found correctly* engrossed, Assembly bill No. 117, for an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries and provide for its organization, approved March 2, 1857.

H. A. MOSES, Chairman.

By Mr. Thomas:

Mr. Speaker:—The Committee on State Hospital, to whom was referred the petition of the president and directors of the German General Benevolent Society, praying for a donation of ten thousand dollars from the funds of the state to enable them to discharge the debts now standing against said society, respectfully offer the following report:

From the information your committee have been enabled to obtain, they are satisfied that the German General Benevolent Society of San Francisco is nearly, or entirely, exclusive in its character, admitting to its benefits none but Germans, or those with whom they are closely connected, which of itself, in the opinion of the committee, is sufficient reason why the prayer of the petitioners should be rejected. The committee, therefore, recommend its rejection.

GEO. W. THOMAS, Chairman.

Which report was adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Mitchell, an act to authorize the supervisors of Tulare county to levy a special tax for the purpose of erecting a county jail.

By Mr. Tuttle, an act regulating the terms of the county court and court of sessions for Tuolumne county.

By Mr. Ward, an act concerning gaming.

By Mr. Lewis, an act to appropriate money to pay the troops called out under the proclamation of Governor Johnson, for the suppression of the insurrection in San Francisco in 1856.

By Mr. Hancock, an act to authorize the board of supervisors of Los Angeles county to contract a loan for the purpose of erecting a court-house, and completing the jail.

By Mr. Minis, an act to grant the right to open the channel of Cache Creek, from Clear Lake to the mouth of the Cañon, in Sacramento Valley.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ely, an act for the suppression of illegal organizations to resist or usurp the administration of justice, and fix the punishment therefor.

Read first and second times, and laid on the table.

By Mr. Hill of Sierra, an act for the suppression of mobs, riots, and unlawful assemblages against the government of this state, and to fix the punishment of offences therein defined.

Read first and second times, and laid on the table.

By Mr. Edwards, an act for the better protection of stock raisers.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Loofbourrow, an act amendatory of and supplementary to an act entitled an act to separate the office of collector of taxes from the office sheriff in the county of El Dorado, approved April 29th, 1857.

Read first and second times, and referred to the El Dorado delegation.

On motion of Mr. Galbraith, Assembly bill No. 11 was taken from the general file.

Mr. Sheridan moved its indefinite postponement.

Mr. Galbraith moved to recommit the bill to a select committee of seven.

Mr. Safford moved to lay the bill on the table, which was lost.

Mr. Buel moved the previous question, which was sustained.

A call of the House, on motion of Mr Parker, having been sustained, the roll was called, and Messrs Curtis, Graham, Hancock, Hirst, Moore, Stakes, and Warmcastle, were absent, besides those absent on leave.

The sergeant-at-arms having been dispatched for the absentees, Messrs. Hancock, Warmcastle, Stakes, Curtis, and Moore, were admitted, and excused.

On motion of Mr. Ballou, further proceedings under the call were dispensed with.

The question recurring on the motion to recommit, Messrs. O'Brien, De Long, and Young, demanded the ayes and noes, and it was ordered by the following vote :

AYES—Messrs. Aud, Buel, Clark, Crane, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Hill of Sierra, Holman, Howell, Kabler, King, Lee, Lewis, Loofbourrow, Marshall, McCoy, Minis, Mitchell, Moses, O'Brien, Ormsby, Parker, Pearis, Simons, Smith of San Bernardino, Spilman, Stakes, Stratton, Tatman, Tuttle, Walker, Ward, Warmcastle, Young, and Mr. Speaker—48.

NOES—Messrs Ballou, Banks, Burbank, Caldwell, Cherry, Hill of Nevada, Hitchens, Hobart, Holladay, Moore, Neblett, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Stout, Street, Thomas, Tipton, and Willson—22.

On motion of Mr Warmcastle, the rules were suspended, and Assembly bills No. 177 and 178 were taken from the table, and referred to the same select committee.

Mr. Pearis, on leave, introduced a bill for an act for the suppression of mobs, insurrections, and other unlawful assemblages and organizations against the government of this state, and to fix the punishment of offences therein defined.

Read first and second times, and referred to the select committee above referred to.

Mr. Galbraith introduced the following resolution, which was adopted.

Resolved, That Assembly bill No. 11, and also all bills, substitutes, and other papers containing matters upon the subject of Assembly bill No 11 be referred to the select committee of seven, to be appointed by the speaker.

On motion of Mr. De Long, at half-past three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

WEDNESDAY, February 17, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all present except those absent on leave.

Journals of yesterday read and approved.

The speaker announced, as the special committee to whom was referred Assembly bill No. 11, and other bills on the same subject: Messrs. *Davis, Ormsby, Ely,* Tuttle, Briggs, Crane, and Pearis.

PETITIONS.

Petitions were presented, as follows:

By the speaker, of Denton Offutt, in relation to diseases of cattle.

Referred to the Committee on Agriculture.

By Mr. Willson, of citizens of Santa Cruz, Santa Cruz county, for a Sunday law.

Referred to Committee on Public Morals.

REPORTS.

Mr. Stakes, from the Judiciary Committee, reported as follows:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 42, an act to authorize guardians of minors, idiots, and lunatics to receive and remove from this state, any property to which said wards may be entitled, have had the same under consideration, report the bill back, and recommend its passage.

Assembly bill No. 89, an act amendatory of an act concerning notaries public, approved April 30th, 1857, is reported back, with a substitute, with a recommendation that the substitute be adopted.

Assembly bill No. 141, an act to authorize Lindsey Carson to sell real estate in certain cases, your committee have had under advisement, report the same back, and recommend its rejection.

Your committe have also had referred to them the petition of Joseph Nougues, for relief, and an enactment of a law to complete state capitol but report the same back, and recommend it be referred to the Committee on Claims.

Assembly bill No. 102, an act to ratify and approve order No. 46, of the board of supervisors of the city and county of San Francisco, approved August 6th, 1857, is reported back, amended.

Also, Assembly bill No. 176, an act supplementary to and amendatory of an act defining the duties of State Librarian, and prescribing rules for the government of the state library, passed April 9th, 1850, is also reported back, amended, and your committee recommend the passage of both bills, as amended.

The committee have also had under advisement Assembly bill No 37, entitled an act to provide for the funding and payment of the outstanding and unfunded indebtedness of the city of San Francisco, and of the county of San Francisco, as they existed prior to the first day of July, 1856, and report the bill back, with an amendment to the amendments of section two of the same, and also by appending two additional sections to the bill, and recommend its passage as so amended.

A. G. STAKES,
Chairman Judiciary Committee.

Mr. Lewis made the following report:

MR. SPEAKER:—The State Prison Committee, to whom was referred the resolution appropriating $125 out of the contingent fund of the Assembly

for the payment of M. Scott, for services rendered to the state prison visiting committee, have had the same under consideration, and report the same back to the House, and recommend its adoption.

E. J. LEWIS, Chairman.

Mr. Safford made the following report:

MR. SPEAKER:—The Committee on Claims have had under consideration the claim of J. Meyer, for services rendered and materials furnished the state marine hospital, and recommend its rejection;

Also, Senate bill No. 100, an act making appropriation for the payment of A. J. F. Phelan, for services rendered by him as clerk of the board of war commissioners for eight months, ending on the ninth day of February, 1858, and recommend its passage;

Also, Assembly bill No. 159, an act to audit the claim of D. W. Gilmore, for services rendered in the Governor's office for the year 1856, and recommend its passage.

A. P. K. SAFFORD, Chairman *pro tem.*

Mr. Clarke made the following report:

MR. SPEAKER:—The Sierra delegation, to whom was referred Assembly bill No. 153, an act to amend an act entitled an act to fix the compensation of district attorneys for the several counties of this state, approved May 4, 1855, beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

J. A. CLARKE,
R. D. HILL.

Mr. Loofbourrow made the following report:

MR. SPEAKER:—We, the undersigned, members of the El Dorado delegation, to whom was referred Assembly bill No. 180, an act amendatory of and supplementary to an act entitled an act to separate the office of collector of taxes from the office of sheriff, in the county of El Dorado, have had the same under consideration, and respectfully report the same back, without amendment, and recommend its passage.

LOOFBOURROW,
J. D. GALBRAITH,
H. LEE,
J. S. TIPTON,
CHAS. W. PEARIS,

NOTICES OF BILLS.

Notice of the introduction of bills were given as follows:

By Mr. Holman, an act for the improvement of the navigation of the San Joaquin river, and for reclaiming certain swamp and overflowed lands;

By Mr. De Long, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 28, 1857;

By Mr. Ferguson, an act to district the state of California into Congressional districts, and to defer the time for the election of the next representatives;

By Mr. Stakes, an act to create the office of superintendent of public printing, and to define his duties, and fix his compensation.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Holman, an act to define the head of navigation on the Mokelumne river.

Read first and second times, and referred to San Joaquin delegation.

By Mr. Haldeman, an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856.

Read first and second times, and referred to Committee on Counties and County Boundaries.

By Mr. Ward, for an act concerning gaming.

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

GENERAL FILE.

Assembly bill No. 148, an act to amend an act entitled an act to reorganize and establish the county of San Mateo, approved April 18, 1857, ordered engrossed.

Assembly bill No 165, an act to establish the county seat of El Dorado county, to fix the place of holding courts in said county, to authorize the improvement and erection of certain buildings in said county, and requiring a removal of the public archives, records, and property, reported as a substitute for Assembly bill No. 90, was made the special order of the day for Wednesday next, February twenty-fourth, at twelve o'clock, M.

Assembly bill No. 74, an act to provide for a monthly statement of receipts and disbursements of the county treasurer of the county of Sierra, ordered engrossed.

Assembly bill No. 118, an act to provide for the opening and constructing of certain roads in the county of Sonoma, amendments concurred in, and ordered engrossed.

Assembly bill No. 73, an act fixing the times of holding the several courts authorized to be held by the county judge of the county of Sierra, and to change the manner of summoning jurors for the county courts of said county.

And Assembly bill No 128, an act relative to the board of supervisors of Yolo county;

Also, Assembly bill No. 80, an act to extend the provisions of an act entitled an act to organize the county of Buena Vista, approved April 30, 1855;

Were, the rules having been suspended, considered engrossed, read third time, and passed.

Assembly bill No. 94, an act appropriating money to pay H. C. Peck and Theodore Bliss, for specimen copies of school-books furnished John G. Marvin, late Superintendent of Public Instruction, recommitted to Committee on Public Expenditures and Accounts.

The House, in Committee of the Whole, Mr. Howell in the chair, amended Assembly bill No. 137, substitute for Assembly bill No. 7, and Senate bill No. 16, and recommitted it to Committee on Counties and County Boundaries, and, as amended, was ordered printed.

Assembly bill No. 18, an act to authorize the administrator of Juan Antonio Vallejo, deceased, to sell the real estate of his intestate at private sale, on motion of Mr. Crane, was taken from the table, and indefinitely postponed.

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

Resolved, That two additional members be added to the committee appointed for the purpose of taking into consideration so much of the Governor's inaugural address as relates to the equalization of taxes throughout this state.

Mr. Ferguson, on leave, introduced a bill for an act for the relief of Daniel J. Thomas.

Read first and second times, and referred to the Committee on Claims.

Mr. De Long gave notice that he would, on to-morrow, move to reconsider the vote by which the resolution offered by Mr. McCoy, this day, was adopted.

Mr. Stout presented the claim of T. Penney, for crockery and glassware for Supreme Court.

Referred to Committee on Claims.

Mr. Mitchell moved that the House adjourn, on which Messrs. Smith of Nevada, De Long, and Ferguson, called the ayes and noes, with the following result:

AYES—Messrs. Anderson, Edwards, Ely, Gray, Groom, Haldeman, Harris, Heath, Hill of Nevada, Hitchens, Hobart, Hirst, Mitchell, Pearis, Pico, Shepard, Simons, Smith of San Bernardino, Spilman, Stakes, Thomas, Walker, Ward, and Willson—24.

NOES—Messrs. Aud, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Clarke, Crane, Curtis, Davis, De Long, Ferguson, Galbraith, Gordon, Graham, Hamlin, Hancock, Havens, Hill of Sierra, Holladay, Holman, Howell, Kabler, Loofbourrow, Markley, Marshall, McCoy, Minis, Ormsby, Osgood, Palmer, Parker, Safford, Sheridan, Sherwin, Smith of Nevada, Stout, Stratton, Street, Tatman, Tipton, Tuttle, Warfield, Warmcastle, Young, and Mr. Speaker—47.

So the House refused to adjourn.

Mr. Tuttle introduced a bill for an act to amend an act entitled an act fixing the time of holding the several courts authorized to be held by the county judge in the county of Tuolumne, approved April 16, 1855.

Read first and second times, and referred to Committee on Counties and County Boundaries.

On motion of Mr. Holman, Senate bill No. 99, an act to amend an act entitled an act to regulate fees of office, approved April 10, 1855, was taken from the table, amended, read third time, and passed.

Assembly bill No. 123, an act making appropriation for the salary of draughtsman in the Surveyor General's office, from the first day of January, A. D. 1858, to the thirtieth day of June, A. D. 1858, inclusive, was considered in Committee of the Whole, Mr. Clarke in the chair, considered engrossed, read third time, and passed.

Senate bill No. 68, an act fixing the salary of the district judge of the first judicial district, read third time, and passed.

On motion of Mr. Loofbourrow, at 3 o'clock, P. M., the House adjourned.

IN ASSEMBLY.

THURSDAY, February 18, 1858.

House met pursuant to adjournment.
Speaker in the chair.
The roll was called, and all present except those absent on leave.
Journal of yesterday was read and approved.
Mr. Safford had leave to withdraw the claim of J. Meyer.

REPORTS.

Reports were made as follows:
By Mr. Edwards:

MR. SPEAKER:—The Committee on Public Lands, to whom was referred Assembly bill No. 106, an act for the better protection of settlers on public lands, have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

U. EDWARDS.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 136, an act to extend the time for the collection of taxes in San Bernardino county;

Also, Assembly bill No. 157, an act to legalize and confirm the assessment roll, the publication of the same, and to extend the time for the collection of revenue in the county of Sonoma;

Also, Assembly bill No. 81, an act concerning lawful fences in the county of Contra Costa.

GEO. A. YOUNG, Chairman.

By Mr. Moses, of minority of the El Dorado delegation:

MR. SPEAKER:—We, the undersigned members of the El Dorado delegation of the House of Assembly, beg leave most respectfully to submit the following minority report relative to Assembly bill No. 180, and recommend herewith the indefinite postponement of the same, for the following reasons, to wit:

At the last session of this honorable body, to wit: in 1857, a law was enacted separating the office of tax collector from the office of sheriff of the said county, and defining the duties and requirements of the said officer. In accordance with the requirements of the said law, the people of the said county elected M. R. Elstner to fill the said office, and for the performance of said duties said Elstner has filed his bonds, as required by law, in the sum of forty thousand dollars. And your committee would further state, the bill at present before the House, upon which this report is based, purposes to take from the duties of the said office that of the collection of foreign miners' license tax, without reducing the amount of the bonds required by law, whereas your committee beg leave most respectfully to state that said collection of foreign miner's licenses is worth more to the officer than all the other duties of the said office, as a source of revenue and profit to him. Upon this showing of facts, as one of the reasons, your committee base their report.

But further, your committee beg leave to suggest whether there is

not a constitutional objection existing thereto, for the following reasons: Your committee consider that in the election by the people of a man to an office, the duties and requirements are at the time provided for by law, and known both to the individual and the people; that this act creates in fact an implied contract between the two parties, and that unless the said officer shall fail to enter upon the duties of the said office, by neglecting or refusing to file his official bonds, or in any other manner becomes disqualified from filling the said position, that it is at least inequitable, if not unconstitutional, to take from the duties or emoluments of said office any part thereof during or previous to the occupancy of the said office by the officer duly elected according to law, as well as it would be equally unjust to add to the duties of an officer after the election of an incumbent, without adding a recompense for said duties; more particularly illegal does it appear when the bonds required by the act sought to be amended are allowed to remain the same. In consideration of the above reasons, your committee, being a minority, respectfully submit this report, and recommend the indefinite postponement of the bill.

H. A. MOSES,
D. E. BUEL.

Mr. Moore, of special committee appointed to investigate affairs of San Francisco county officers, presented the report of the committee, which was referred to San Francisco delegation, and ordered printed.

The following communication was received from the State Printer, and referred to the Committee on Printing:

STATE PRINTING OFFICE,
Sacramento, February 15th, 1858.

Hon. N. E. Whitesides, Speaker of the House of Assembly:

DEAR SIR:—In compliance with the resolution passed on the 13th instant, by the House over which you preside, I beg leave to report that the entire cost of printing for the House of Assembly up to date of this communication is $766 99, which includes all charges. The items are annexed:

Copies.	Documents.	Amount.
1000	Roll-call,	$15 00
1000	Per Diem Certificates,	7 50
500	Mileage Certificates,	7 50
500	Roll-call,	10 00
240	Assembly Rules and Orders,	59 28
240	Assembly Bill No. 11,	22 61
240	Assembly Bill No. 26,	17 57
240	Standing Committees,	35 00
240	Assembly Bill No. 31,	17 57
240	Joint Resolution No. 6,	10 00
240	Opinion of the Attorney General,	26 92
240	Assembly Bill No. 51,	41 41
	Carried forward,	$270 36

Copies.	Documents.	Amount.
	Brought forward,	$270 36
3000	Per Diem Certificates,	25 00
240	Carson Valley Petition,	26 92
240	Assembly Bill No. 76,	22 61
240	Assembly Bill No. 40,	13 82
240	Assembly Bill No. 91,	48 95
240	Assembly Bill No. 82,	13 82
240	Assembly Bill No. 109,	22 61
240	Assembly Bill No. 103,	22 61
1680	Opinion of Attorney General and Governor's Message on State Prison Affairs,	84 13
240	Assembly Bill No. 132,	8 78
240	Assembly Bill No. 112,	27 64
240	Assembly Bill No. 126,	13 82
240	Annual report of State Prison Commissioners,	14 73
840	Report of Joint Committee on State Prison,	151 19
	Total,	$766 99

I would also state that the cost of printing, including all charges, ordered by concurrent resolution of Senate and Assembly, for the use of both Houses, amounts to the sum of $3,857 30, as per following items:

Copies.	Documents.	Amount.
4000	Governor's Annual Message,	$473 03
4000	Governor Weller's Inaugural Address,	162 33
1000	Quartermaster General's Report,	77 82
2500	Comptroller's Annual Report,	1064 37
2500	Report Superintendent of Public Instruction,	207 15
600	Inaugural Address in Spanish,	63 70
1000	Annual Report Secretary of State,	41 55
1500	Annual Report Trustees Insane Asylum,	325 14
2500	Annual Report Treasurer of State,	807 68
600	Governor's Annual Message, Spanish,	228 23
1500	Annual Report Surveyor General,	405 30
	Total,	$3857 30

Respectfully,
JOHN O'MEARA, State Printer.

The following message from the Senate, on yesterday, was taken up:

SENATE CHAMBER,
February 17, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate

on Monday, the 15th instant, passed Senate bill No. 85, an act to further extend the act concerning corporations, passed April 22d, 1850.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 85, above reported, was read first and second times, and referred to Committee on Corporations.

The following message, also received from the Senate on yesterday, was taken up.

SENATE CHAMBER,
February, 17, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on Monday, the 15th instant, passed Senate bill No. 30, an act to provide for binding minors as apprentices, clerks and servants;

Also, on yesterday, passed substitute for Senate bill No. 104, an act to provide for the authentication of certain evidence in relation to swamp and overflowed lands heretofore sold by this state;

Also, substitute for Senate bill No. 24, an act to amend the act of April 27th, 1855, concerning lawful fences;

Also, substitute for Senate bill No. 67, an act to amend an act concerning marks and brands, passed May 1st, 1851, and an act amendatory thereof, passed March 30th, 1857;

Also, Assembly bill No. 157, an act to legalize and confirm the assessment roll, the publication of the same, and to extend the time for the collection of revenue in the county of Sonoma;

Also, Assembly bill No. 81, an act concerning lawful fences in the county of Contra Costa;

Also, Assembly bill No. 23, an act to authorize Peter Davidson to convey certain real estate.

JAS. T. EWING, Assistant Secretary of Senate.

Senate bill No. 30, above reported, was read first and second times, and referred to the Judiciary Committee.

Senate bill No. 104, above reported, read first and second times, and referred to Committee on Swamp and Overflowed Lands;

Senate bills No. 24 and No. 67, also above reported, were read first and second times, and referred to Committee on Agriculture;

Senate amendments to Assembly bill No. 23, also above reported, were concurred in.

The following message was received from the Senate:

SENATE CHAMBER,
February 18, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, amended and passed Assembly joint resolution No. 4, asking Congress to cede to this state the Monterey Redoubt for the purpose of establishing a military academy.

J. T. EWING, Assist. Sec. Senate.

Senate amendments to Assembly joint resolution No. 4, above reported, were concurred in.

The chair announced Messrs. Ferguson and Shepard as the two additional members of the committee appointed for the purpose of considering so much of the Governor's inaugural address as relates to the equalization of taxes throughout this state.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Clarke, an act supplementary to an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857;

By Mr Willson, an act authorizing Sedgwick J. Lynch and Frederick A. Hihm to construct a wharf at Soquel, on the bay of Monterey;

By Mr. Moore, an act to provide for the registration of marriages, births, divorces and deaths, in the state of California;

By Mr. Shepard, an act for the relief of purchasers at sales for delinquent taxes;

By Mr. Havens, an act supplementary to the revenue act of 1857, and to equalize taxes.

INTRODUCTION OF BILLS.

Bills for acts were introduced as follows:

By Mr. De Long, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 28, 1857.

Read first and second times, and referred to the Yuba delegation.

By Mr. Moore, an act to authorize the board of supervisors of the city and county of San Francisco to allow, confirm, and direct the auditing of certain claims therein mentioned;

Also, an act to authorize George H. Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

GENERAL FILE.

Assembly bill No. 144, an act to appropriate money for the expenses of the state library, was considered in Committee of the Whole, Mr. Ely in the chair, and indefinitely postponed.

Assembly concurrent resolution relative to pre-emption rights to settlers, substitute and amendments offered, and the whole subject matter recommitted to the Committee on Public Lands, with instructions to report on or before Thursday next, 26th instant.

Mr. Smith of Nevada was excused from serving on the Committee on Public Lands, and Mr Crane substituted.

Assembly bill No 82, an act to authorize persons to change their names in certain cases, and to prohibit applications to the Legislature therefor, amended, and ordered engrossed.

Assembly bill No. 148, an act to amend an act entitled an act to reorganize and establish the county of San Mateo, approved April 18th, 1857, read third time, and passed.

Assembly bill No. 92, an act to authorize the arrest of persons charged with crime on telegraphic information, amendments concurred in, read third time, and passed.

Assembly bill No. 146, an act amendatory of an act concerning offices, passed April 28, 1851.

Also, Assembly bill No. 134, an act to provide for taking depositions of witnesses in civil cases, was ordered engrossed.

Senate bill No. 43, an act to authorize the executors of the last will and testament of F. C. Christian Russ, deceased, to sell real estate at private sale;

Also, Senate bill No. 48, an act to authorize Andrew J. Moulder, James Van Ness, and William McKibben, in the capacity of fund commissioners, and Edmund Randolph, chairman of the board of examiners, to sign certain papers and issue certain bonds;

Also, Senate bill No. 107, an act to audit the claim of Augustin Ainsa, for translating the Laws of 1856 into the Spanish language;

Were read third time, and passed.

Assembly bill No. 151, an act to provide for the transcribing and transferring certain records in Sonoma and Solano counties to the county of Napa, substitute for Assembly bill No. 93, was adopted, and ordered engrossed.

Assembly bill No. 158, an act in relation to the office of the county assessor of the county of San Joaquin, referred to the San Joaquin delegation.

The following message was received from the Senate:

SENATE CHAMBER, February 18, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day amended and passed Assembly bill No. 56, an act amendatory of an act entitled an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes, approved April 22d, 1857.

THOS. N. CAZNEAU, Secretary of Senate.

Senate amendments to Assembly bill No. 56, above reported, concurred in.

Assembly bill No. 37, an act to provide for the funding and payment of the outstanding and unfunded indebtedness of the city of San Francisco, and of the county of San Francisco, as they existed prior to the first day of July, 1856, laid on table, and, with the amendments, ordered printed.

Mr. Ormsby offered the following resolution:

Resolved, That a special committee of three be appointed by the speaker of the Assembly, to inquire the amount of moneys now due the state from the city of San Francisco, on account of auction licenses; also, the reasons why the same was not collected. Also, to report such measures as, in their opinion, are necessary to collect the amount now due, as well as all accruing licenses

Which was adopted by the following vote—Messrs. Ballou, Sherwin, and Hitchens, demanding the ayes and noes:

AYES—Messrs. Clarke, Crane, Davis, De Long, Edwards, Ely, Ferguson, Gray, Graham, Hancock, Havens, Heath, Hill of Nevada, Hitchens, Howell, Hirst, King, Loofbourrow, Marshall, McCoy, Mitchell, Neblett, Ormsby, Osgood, Parker, Pico, Sheridan, Spilman, Stakes, Stout, Street, Thomas, Tipton, Walker, Ward, Warmcastle, Young, and Mr. Speaker—38.

NOES—Messrs. Anderson, Aud, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Curtis, Galbraith, Hamlin, Harris, Hill of Sierra, Hobart, Holla-

day, Kabler, Markley, Moses, O'Brien, Palmer, Shepard, Sherwin, Smith of Nevada, Stratton, Tatman, Warfield, and Willson—27.

Mr. Hill gave notice of a reconsideration of the vote just taken.

At half past three o'clock, P. M., Mr. Stakes moved to adjourn, upon which Messrs. Young, Havens, and Ely, demanded the ayes and noes, with the following result:

AYES—Messrs. Anderson, Aud, Burbank, Clarke, Davis, Edwards, Galbraith, Gray, Graham, Harris, Hill of Sierra, Hitchens, Howell, Hirst, King, Loofbourrow, Markley, Marshall, Moses, Neblett, Spilman, Stakes, Stout, Walker, Ward, and Willson—26.

NOES—Messrs. Ballou, Banks, Buel, Caldwell, Cherry, Crane, Curtis, De Long, Ely, Ferguson, Gordon, Hamlin, Hancock, Havens, Heath, Hill of Nevada, Hobart, Holladay, Holman, Kabler, McCoy, Mitchell, O'Brien, Ormsby, Osgood, Palmer, Parker, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Stratton, Street, Tatman, Thomas, Tipton, Warfield, Warmcastle, Young, and Mr. Speaker—41.

Assembly bill No. 52, an act amendatory of an act to incorporate a state agricultural society, and appropriate money for its support, approved May 14, 1854, was considered in Committee of the Whole, amended, and made the special order for to-morrow, at one o'clock, P. M.

Mr. Havens gave notice of a motion to increase the number of the standing Committee on Public Lands by adding two, so that said committee shall consist of nine members.

On motion of Mr. Ferguson, at half past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

FRIDAY, February 19, 1858.

House met pursuant to adjournment.

The speaker in the chair.

The roll was called, and all were present except those absent on leave.

Mr. Spilman had indefinite leave of absence.

Journal of yesterday read and approved.

PETITIONS.

Petitions relative to negro testimony were presented:

By Mr. Moore, of residents of San Francisco;

By Mr. Hill of Nevada, of residents of Nevada;

By Mr. Ferguson, of residents of Sacramento;

Which were referred to the Judiciary Committee.

Mr. Ballou presented remonstrances of the citizens of Plumas county, against the passage of wagon road bill.

Referred to Plumas delegation.

REPORTS.

Reports were made as follows:

By Mr. Havens, from Committee on Corporations:

MR. SPEAKER:—The Committee on Corporations have had under consideration Senate bill No. 85, entitled an act to further extend the act concerning corporations, passed April 22, 1850, and report the same back, without amendment, and recommend its passage.

HAVENS, Chairman.

FEBRUARY 19, 1858.

By Mr. Safford, from Committee on Claims:

MR. SPEAKER:—The Committee on Claims have had under consideration Senate bill No. 58, an act to audit the claim of J. W. Denver, for services rendered as one of the board of commissioners of the California war debt, and report it back, and recommend its passage.

A. P. K. SAFFORD, Chairman *pro tem.*

By Mr. Caldwell, from Committee on Ways and Means:

MR. SPEAKER:—Your Committee on Ways and Means have had under consideration Senate bill No. 53, entitled an act defining the duties of the sheriffs and tax collectors of certain counties therein named, and, having examined the same, report it back to the House, and recommend its passage, with such other and additional counties as the Assembly may deem proper to include in its provisions.

CALDWELL, Chairman *pro tem.*

By Mr. Ely, from Committee on Federal Relations:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Assembly bill No. 173, to authorize the city and county of San Francisco to convey to the United States sites for light-houses, respectfully report the same back, and recommend its passage, without amendment.

BEN. E. S. ELY, Chairman.

By Mr. Thomas:

MR. SPEAKER:—The Joint Committee of the Senate and Assembly, appointed to visit the state insane asylum, at Stockton, respectfully offer the following report:

That, in accordance with the duties assigned them, the committee visited the asylum, and, during two days, devoted that time to its examination that was necessary to a full understanding of its management and wants. This examination resulted in an unqualified approval, on our part, of the whole management. Every attention is bestowed on its unfortunate inmates, that the most humane could desire. The resident and visiting physicians, in our opinion, possess, in an eminent degree, all the qualities necessary that one should have in their position, and cannot be too highly commended for the faithful manner in which they have discharged their arduous duties. Indeed, it can be said of all connected with this institution, that they seem to fully appreciate the importance of the trust imposed upon them, and to endeavor, by a faithful performance of their duties, to make this place a spot where only kindness and genuine sympathy should reign, and where all that is possible to be done should be done to mitigate the sufferings of their unfortunate fellow-beings. For the improvements and changes that have been made under the present

administration of the asylum, we would respectfully refer your honorable body to the reports of the trustees and resident physician, all of which we found had been truly laid before you in their reports.

The committee entirely agree with that portion of the report of the physician where he says: "The insane asylum of California has never been supplied with the fixtures, conveniences, and accommodations necessary to the well-being of its patients."

The wants of this institution have been very fairly set forth by him in his report, to all of which we would call your earnest attention, and the reasons there assigned why we should meet those wants. We would, without going into details, earnestly recommend an appropriation, for the following measures: For the construction of a brick wall; two mad-houses for the male and female patients; the houses for the males should contain at least forty cells, and that for the females, fifteen; bathing-rooms and privies for each of the wards; store-house; iron bars for the windows, and a thorough repair of the southern wing. The inner portion of this wing is in so dilapidated a condition, that there is absolute danger of its falling entirely in. The iron bedsteads now in use are of so frail a structure, that they can be easily torn to pieces by a maniac, and furnish him with a very formidable instrument of destruction. We would recommend their entire substitution by others of a more substantial make.

Appropriations for the above purposes, we deem absolutely necessary for the safe-keeping and comfort of the patients. Insanity prevails to an alarming extent in this state. The statistics show that it is steadily on the increase. We believe that the causes of it operate more strongly here than in any other portion of the world. It is no respecter of persons; it falls alike upon the high and low, and we know not how soon one of ourselves, or some dear friend, may be the victim of this dreadful malady. We should not, then, be parsimonious in our efforts to relieve and ameliorate their condition. California has already just cause to be proud of this institution. It stands as a lasting monument of her philanthropy and humanity. Let us so manage it, then, that it may ever continue to be the pride and boast of our state.

We would suggest here, that in the event of the state coming in possession of the state prison, the expenses in making these improvements could be considerably lessened. The bricks, iron bedsteads, and bars, could all be made at the prison, at a comparatively little cost. We unanimously agree in recommending that the act of 1853, establishing an insane asylum, should be so amended as to extend the term of office of the physician from two years to the full constitutional limits. In most, if not in all other institutions of this kind, these offices are held during good behavior, because more experience and practice are needed to fill them efficiently than in probably any other vocation. We would have recommended a similar practice, but for the barrier our constitution imposes, which limits the term of office to four years.

For the purpose of carrying out the various recommendations of this report, we will, at an early day, introduce a bill, and will earnestly recommend it to your favorable consideration.

GEO. W. THOMAS, Chair. House Com.
J. S. ORMSBY,
J B. WARFIELD.

Mr. Davis, from the Committee on Swamp and Overflowed Lands, made the following report:

MR. SPEAKER:—Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, having duly considered the same, report it back, with amendments, and recommend its passage as amended.

And the committee also report, and recommend the passage, without amendment, of Senate bill No. 104, an act to provide for the authentication of certain evidence in relation to swamp and overflowed lands heretofore sold by this state.

N. H. DAVIS, Chairman.

SACRAMENTO, Feb. 19, 1858.

Senate bill No. 104, an act to provide for the authentication of certain evidence in relation to swamp and overflowed lands heretofore sold by this state, was considered in Committee of the Whole, Mr. Parker in the chair, read third time, and passed.

The following message was received from the Senate:

SENATE CHAMBER,
February 19, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate, on yesterday, passed Senate bill No. 90, 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, Senate bill No. 109, an act to amend an act concerning forcible entries and unlawful detainers, passed April 22, 1850.

J. T. EWING, Ass't Sec'y Senate.

Senate bills No. 90 and No. 109, above reported, read first and second times, and referred to Judiciary Committee.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Groom, for an act to provide for the payment of troops, called out by the Governor of this state, to quell the insurrection in the year one thousand eight hundred and fifty-six;

By Mr. Clarke, for an act supplementary to an act entitled an act to apportion the senatorial and Assembly districts of this state, passed May 18, 1853;

By Mr. Hancock, for an act authorizing the auditing and payment of certain claims for advertising.

Mr. Lewis gave notice of a resolution, fixing the day of adjournment *sine die*.

Mr. McCoy gave notice that he would move to amend the seventy-third standing rule of the Assembly.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Sheridan, an act to legalize the assessment, and enforce the collection, of taxes within the city of Sacramento, for the municipal year commencing April, 1857;

Read first and second times, and referred to Sacramento delegation.

ONE O'CLOCK, P. M.—SPECIAL ORDER.

Assembly bill No. 52, an act amendatory of an act to incorporate a state agricultural society, and appropriate money for its support, approved May 14, 1854, the special order of the day, was considered in Committee of the Whole, Mr. Cherry in the chair, and amended.

Mr. De Long moved the previous question, which was sustained, amendments concurred in, and bill ordered engrossed.

Mr. Young gave notice that he would move to reconsider the vote by which the bill was ordered engrossed.

The following message was received from the Senate:

SENATE CHAMBER,
February 19, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 127, an act to amend an act to provide revenue for the support of the government of this state, approved April 29, 1857.

THOS. N. CAZNEAU, Secretary of Senate.

Senate bill No. 127, above reported, was read first and second times, considered in Committee of the Whole, Mr. Warfield in the chair, amended, read third time, and passed.

INTRODUCTION OF BILLS—CONTINUED.

By Mr. Buel, an act authorizing and auditing certain claims for advertising.

Read first and second times, and referred to Committee on Claims.

By Mr. Hill of Nevada, an act to amend an act entitled an act defining the time of commencing civil actions, passed April 22, 1850.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Shepard, an act for the relief of purchasers at sales for delinquent taxes.

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

By Mr. Minis, an act to grant the right to open the channel of Cache Creek, from Clear Lake to the mouth of the cañon, in Sacramento Valley.

Read first and second times, and referred to Committee on Internal Improvements.

By Mr. Caldwell, an act to prohibit gaming.

Read first and second times, referred to Committee on Public Morals, and ordered printed.

By Mr. Street, an act to separate the office of collector of taxes from the office of sheriff and assessor, in the county of Shasta.

Read first and second times, and ordered on file.

By Mr. Heath, an act to change the time of holding the court of sessions, county court, and probate court, in the county of Santa Barbara.

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

The speaker announced, as the special committee to visit the city of San Francisco on the resolution passed yesterday, Messrs. Ormsby, Hill of Nevada, and Cherry.

Senate bill No. 42, an act to authorize guardians of minors, idiots, and lunatics, to receive and remove from this state any property to which said wards may be entitled, read third time, and passed.

Petition of Joseph Nougues, for law to complete state capitol.

Referred to Committee on Claims.

Resolution relative to account of Moses Scott, Jr., for services with State Prison Committee, adopted.

Senate concurrent resolution No. 25, to pay John Voorhees for labor performed in the construction of platform for inaugural ceremonies.

Upon the adoption of the resolution, Mr. De Long moved the previous question, which was sustained, and upon which Messrs. Sherwin, Aud, and Sheridan, demanded the ayes and noes, with the following result:

AYES—Messrs. Anderson, Davis, Groom, Hancock, Hill of Nevada, King, Lewis, Mitchell, O'Brien, Parker, Pico, Simons, Smith of Nevada, Tatman, Ward, Warmcastle, Young, and Mr. Speaker—18.

NOES—Messrs. Aud, Ballou, Banks, Buel, Caldwell, Cherry, Clarke, Crane, Curtis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Haldeman, Hamlin, Havens, Heath, Hobart, Holladay, Holman, Howell, Kabler, Loofbourrow, Markley, McCoy, Minis, Moses, Neblett, Ormsby, Osgood, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of San Bernardino, Stout, Stratton, Street, Thomas, Tuttle, Walker, Warfield, and Willson—48.

So the resolution was lost.

Mr. De Long moved that a committee of conference, consisting of three members, be appointed by the speaker.

Adopted.

The speaker appointed Messrs De Long, Young, and Safford, as such committee.

Mr. Stakes offered the following resolution:

Resolved, By the Assembly, that a committee of three be appointed by the speaker, with authority to visit the city of San Francisco, and inquire into the title to the wharf and slip property in said city, to report to this House whether the title to said property is in the state, or in said city, and what amount, if any, is now due from the several wharf companies in said city, to this state. Also, with authority to inquire into and ascertain the amount, if any, due from the several telegraph companies to this state, with authority to send for persons and papers, to examine the books of said companies, and report the result of their investigation to the House, at the earliest practicable period.

Mr Ferguson offered the following amendment, which was lost:

"But said committee shall first acquire such information as may be obtained by letter, without incurring any expense to the state, and report back for the further action of this House."

Mr. Ballou moved to lay the resolution on the table, which was carried.

Mr. Havens offered the following resolution:

Resolved, That the number of the standing Committee on Public Lands

be increased by the addition of two members, so that said committee shall consist of nine members.

Upon which, Mr. Lewis moved the previous question, which was sustained.

Messrs. Ferguson, Stout, and Sheridan, demanded the ayes and noes, with the following result:

AYES—Messrs Aud, Banks, Caldwell, Cherry, Clarke, Crane, Davis, Ely, Gray, Groom, Haldeman, Hancock, Havens, Heath, Hill of Nevada, Hitchens, Holladay, Holman, Kabler, Lewis, Markley, Marshall, McCoy, Minis, Mitchell, O'Brien, Osgood, Pico, Sherwin, Simons, Smith of San Bernardino, Street, Thomas, Walker, Ward, Warfield, Warmcastle, and Mr. Speaker—38.

NOES—Messrs. Ballou, Curtis, De Long, Edwards, Ferguson, Galbraith, Gordon, Howell, Loofbourrow, Moses, Neblett, Ormsby, Safford, Shepard, Sheridan, Smith of Nevada, Stout, Stratton, Tatman, and Tuttle—20.

So the resolution was lost, it requiring a two-third vote.

Mr. Ballou offered the following resolution, upon which the previous question was demanded by Mr. Clarke, and sustained:

Resolved, That from and after this date, the engrossing clerk of this House be allowed an assistant.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Safford, Stratton, and Sheridan, with the following result:

AYES—Messrs. Aud, Ballou, Buel, Caldwell, Clarke, Crane, Davis, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Groom, Haldeman, Hancock, Havens, Heath, Hill of Nevada, Hitchens, Howell, Kabler, King, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Palmer, Parker, Pico, Shepard, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, and Mr. Speaker—54.

NOES—Messrs. Cherry, Curtis, De Long, Graham, Holladay, Holman, Safford, Sheridan, Stout, and Stratton—10.

On motion of Mr. Smith of Nevada, at three quarters past three o'clock, the House adjourned until to-morrow morning, at ten o'clock.

IN ASSEMBLY.

SATURDAY, February 20, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all were present, except those absent on leave.

Mr. Loofbourrow had leave of absence for two days.

Journal of yesterday was read and approved.

Mr. McCoy offered the following addition to the seventy-third standing rule of the House:

"*Provided*, That not more than two hours shall be devoted to the consideration of business on general file, after which the other orders of business shall come up in their regular order."

Lost

Mr. Hobart presented a communication from the board of supervisors of Alameda county.

Laid on the table.

The speaker presented a petition of citizens of Alameda for a Sunday law.

Referred to Committee on Public Morals.

REPORTS.

Mr. Crane made the following report:

MR. SPEAKER:—The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 185, entitled an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, and beg leave to report the same back, without amendment, and recommend its passage;

Also, Assembly bill No 188, entitled an act to amend an act entitled an act fixing the time of holding the several courts authorized to be held by the county judge in the county of Tuolumne, and beg leave to report the same back, without amendment, and recommend its passage;

Also, Assembly bill No. 137, an act to extend the terms of office of the boards of supervisors of the counties of this state, and beg leave to report the same back, with amendments;

And ask concurrence therein.

CRANE, Chairman

Mr. Aud made the following report:

MR. SPEAKER:—The special committee, consisting of the delegation from Yuba county, to whom was referred Senate bill No. 115, being an act to change and fix the time of holding the courts of sessions and the county court of Yuba county, have had the same under consideration, and report the same back, and recommend its passage, without amendment.

FRANCIS L. AUD.

FEBRUARY 20th, 1858.

Mr. Sheridan made the following report:

MR. SPEAKER:—Your committee, to whom was referred Assembly bill No. 102, an act to legalize and enforce the collection of taxes within the city of Sacramento, have had the same under consideration, and beg leave to report the same back to the House, without amendment, and recommend its passage.

J. E. SHERIDAN,
CHAS. S. HOWELL,
MOSES STOUT.

Mr. Stakes made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom were referred

Senate bill No. 93, an act to amend an act entitled an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852;

And Assembly bill No. 110, an act supplementary to and amendatory of an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

Have had the same under advisement, report both bills back, and recommend their passage;

Your committee have also had under consideration Senate bill No. 106, entitled an act to regulate fees in office in and for the counties of Colusa and Tehama, and report the same back, and recommend it be referred to the delegation from those counties.

A. G. STAKES, Chairman.

Senate bill No. 106, above reported, was referred to the delegations from Colusa and Tehama.

Mr. Moses, from the Committee on Engrossment, reported as follows:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 148, for an act to amend an act to re-organize and establish the county of San Mateo, approved April 18, 1857;

Also, Assembly bill No. 118, for an act to provide for the opening and constructing of certain roads in the county of Sonoma;

Also, Assembly bill No. 146, for an act amendatory of an act concerning offices, passed April 28, 1851;

Also, Assembly bill No. 134, for an act to provide for taking the depositions of witnesses in civil cases.

H. A. MOSES, Chairman.

Mr. Young, from the Committee on Enrollment, made the following report:

MR. SPEAKER.—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 56, an act amendatory of an act entitled an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes, approved April 22, 1857;

Also, Assembly bill No. 23, an act to authorize Peter Davidson to convey certain real estate;

Also, Assembly joint resolution No. 4, asking Congress to cede to this state the Monterey Redoubt, for the purpose of establishing a military academy, or for other educational purposes.

GEO. A. YOUNG, Chairman.

Mr Safford made a verbal report from the Committee on Claims, reporting Assembly bill No 193, an act authorizing the auditing and payment of certain claims for advertising, with amendments, and recommended its passage.

NOTICES OF BILLS.

Notices of the introduction of bills were given:

By Mr. McCoy, an act to amend an act restricting the herding of sheep on certain pastures in the counties of Sonoma and Marin;

By Mr. Davis, an act to grant the privilege to J. C. Owen and R. B. Cannon, of conducting water into Suisun city, in the county of Solano, and supplying the inhabitants therewith;

By Mr. De Long, an act to ascertain the indebtedness of Nevada county to the county of Yuba, and to provide for the payment of the same;

Also, an act to ascertain the indebtedness of Sierra county to the county of Yuba, and to provide for the payment of the same.

INTRODUCTION OF BILLS.

By Mr. Stakes, an act amendatory of and supplementary to the act entitled an act to prohibit gaming, approved April 27, 1857.

Read first and second times, and referred to Committee on Public Morals.

By Mr. Groom, an act to provide for the pay of troops called out by the Governor of this state to quell insurrection in the year 1856.

Read first and second times, and referred to the Committee on Military Affairs.

Mr Lewis offered the following resolution, which was made the special order for March 1, 1858, at twelve o'clock, M.

Resolved, By the Assembly, the Senate concurring, that the Legislature do adjourn *sine die* on Monday, the fifth day of April, 1858, at twelve o'clock, M.

THIRD READING OF BILLS.

Assembly bill No 118, an act to provide for the opening and constructing of certain roads in the county of Sonoma, read third time, and passed.

Assembly bill No. 134, an act to provide for taking the depositions of witnesses in civil cases, read third time, and lost.

Mr. Buel gave notice of motion to reconsider.

Assembly bill No. 146, an act amendatory of an act concerning offices, passed April 28, 1851, read third time, laid on table, and ordered printed.

GENERAL FILE.

Assembly bill No. 192, an act to legalize the assessment, and enforce the collection of taxes within the city of Sacramento, for the municipal year commencing April, 1857, was taken from the general file.

Mr. Ferguson moved to lay the bill on the table.

Lost.

Mr. Havens offered the following amendment:

Strike out all of the second section, after the word "described," in the eleventh line of the bill.

Upon which, Mr. Clarke moved the previous question, which was sustained, and the amendment adopted, rules suspended, bill considered engrossed, and read third time.

On its final passage, Mr. De Long moved the previous question, which was sustained, and the bill passed.

Mr. Ferguson gave notice that on to-morrow he would move to reconsider the vote just taken.

Mr. O'Brien offered the following resolution:

Whereas, The annual recurrence of the twenty-second of February brings to the minds of American citizens the hallowed memory of George Washington—his wisdom, patriotism, goodness of purpose, and exemplary

administration of government, as the first President of the United States, by means of which we were, in a great measure, secured the blessings of life, liberty, and the pursuit of happiness; and to whom we are, in a similar degree, indebted for a system of government which is the admiration and envy of the whole civilized world;

And whereas, It is meet and proper that the birthday of the Father of his Country should be commemorated as a national holiday; therefore, in order to testify our respect for the occasion, be it—

Resolved, That the Assembly, when it adjourns, will adjourn to meet on Tuesday next, the twenty-third instant.

Mr. Davis moved to strike out the preamble, and the previous question having been sustained, Messrs. Harris, Sherwin, and Ballou, demanded the ayes and noes, as follows:

AYES—Messrs. Aud, Ballou, Crane, Davis, Hill of Nevada, Markley, Minis, Mitchell, Palmer, Shepard, Smith of Nevada, Thomas, Warmcastle, and Willson—14.

NOES—Messrs. Anderson, Caldwell, Clarke, De Long, Edwards, Ely, Galbraith, Gray, Graham, Groom, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Hobart, Holman, Howell, Hirst, Kabler, King, McCoy, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pico, Sheridan, Sherwin, Simons, Stakes, Stout, Tatman, Tuttle, Walker, Ward, Warfield, and Mr. Speaker—41.

On its adoption, Messrs. Hill of Nevada, Ballou, and Warmcastle, demanded the ayes and noes, as follows:

AYES—Messrs. Caldwell, Clarke, Davis, Edwards, Ely, Ferguson, Galbraith, Gray, Graham, Hancock, Harris, Heath, Hitchens, Holman, Hirst, Kabler, King, Markley, Marshall, McCoy, Mitchell, Moses, O'Brien, Ormsby, Osgood, Palmer, Parker, Pico, Simons, Smith of Nevada, Stakes, Stout, Street, Tatman, Tipton, Tuttle, Walker, Ward, and Young—39.

NOES—Messrs. Aud, Ballou, Buel, Crane, De Long, Groom, Hamlin, Havens, Hill of Nevada, Hill of Sierra, Hobart, Minis, Shepard, Sheridan, Sherwin, Stratton, Thomas, Warfield, Warmcastle, Willson, and Mr. Speaker—21.

So the resolution was adopted.

On motion of Mr. De Long, at half past one o'clock, P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, February 23, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All present, except those absent on leave, and Messrs. Aud, Ely, Gordon, Holladay, Hirst, Kabler, Marshall, Moore, and Pearis.

Messrs. Ely and Kabler had leave of absence for three days each, and Messrs. Aud and Gordon, one day each.

Journals of Saturday read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Thomas, of residents of Stanislaus county, relative to the navigation of the San Joaquin River.

Referred to the delegations from Tulare, Merced, and Stanislaus.

By Mr. Buel, of citizens of El Dorado county, for removal of county seat back to Coloma.

Referred to the El Dorado delegation.

REPORTS.

Reports were made, as follows:

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

MR SPEAKER:—The Committee of Ways and Means, to whom was referred Assembly bill No. 175, entitled an act to amend an act entitled an act to establish a standard of weights and measures, passed March 13th, 1850, beg leave to report, that, after an examination of the same, they respectfully recommend its passage.

H. LEE, Chairman.

Mr. McCoy made the following report:

MR. SPEAKER:—The committee, to whom was referred Assembly bill No. 107, an act concerning artesian wells, have had that subject under consideration, and have instructed me to report a substitute therefor, and ask the concurrence of the Assembly therein, and ask to be discharged from the further consideration of the subject.

W. W. McCOY.

Mr. Loofbourrow made the following report:

MR. SPEAKER:—The undersigned, members of the El Dorado delegation, to whom was referred Assembly bill No. 90, an act to provide for the erection of public buildings at the county seat of El Dorado county, have had the same under consideration, report the same back, and recommend its indefinite postponement.

LOOFBOURROW,
H. LEE,
A. J. GRAHAM.

Mr. Holman made the following report:

MR SPEAKER:—Your Committee to whom was referred Assembly bill No 158, entitled an act in relation to the office of the county assessor of the county of San Joaquin, have had the same under consideration, and respectfully beg leave to present accompanying substitute, and recommend the passage of the same.

HOLMAN, Chairman.

Mr. Holman presented the following report:

MR. SPEAKER:—Your committee to whom was referred Assembly bill No. 184, entitled an act to define the head of navigation on the Mokelumne River, have attentively considered the same, and recommend its passage.

HOLMAN, Chairman.

The following message, received from the Senate on Saturday last, was taken up:

SENATE CHAMBER,
February 22, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29th, 1857;

Also, Assembly bill No. 128, an act relative to the board of supervisors of Yolo county, with an amendment.

JAS. T. EWING, Assistant Secretary of Senate.

Senate bill No. 36, above reported, was read first and second times, and referred to Committee on Ways and Means.

Senate amendment to Assembly bill No. 128, also above reported, was concurred in.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Warmcastle, an act concerning roads and highways;

Also, an act to more clearly define the boundaries of Contra Costa county;

Also, an act to create a sinking fund to liquidate the outstanding indebtedness of Contra Costa county;

By Mr. Stocker, an act in relation to building a wharf at Point San Quentin, in Marin county;

By Mr. Lewis, an act to authorize the board of supervisors of Tehama county to levy a special tax for building purposes, and to provide for the payment of the indebtedness of the county, contracted prior to March 1, 1858;

Also, an act fixing the salary of the district attorney in the county of Tehama;

By Mr. Mitchell, an act for the relief of W. G Poindexter, sheriff of Tulare county;

By Mr. De Long, an act concerning divorces;

By Mr. Davis, an act for the taxation and protection of mining claims in this state;

By Mr. Groom, an act to authorize the sale of real estate by guardians;

By Mr. Warfield, an act supplementary to an act to provide revenue for the support of the government of this state;

By Mr. McCoy, an act amendatory of and supplementary to an act entitled an act to re-incorporate the city of San Jose;

Also, an act to amend section one hundred and eleven of the revenue law of this state.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. De Long, an act to ascertain the indebtedness of Sierra county to the county of Yuba, and to provide for the payment of the same.

Read first and second times, and referred to Sierra and Yuba delegations.

Also, an act to ascertain the indebtedness of Nevada county to the county of Yuba, and to provide for the payment of the same.

Read first and second times, and referred to delegations from Nevada and Yuba

By Mr. Mitchell, an act to provide for the erection of a jail in Tulare county.

Read first and second times, and referred to Committee on Counties and County Boundaries.

By Mr. Havens, an act supplementary to and amendatory of an act entitled an act to provide revenue for the support of the government of this state, passed April 29, 1857;

And by Mr. Davis, an act for the taxation and protection of mining claims in this state;

Which were read first and second times, and referred to the Committee on equalization of taxes, and ordered printed.

By Mr. Holman, an act for the improvement of the navigation of the San Joaquin River, and for reclaiming certain swamp and overflowed lands.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands.

By Mr Clarke, an act supplementary to an act to provide revenue for the support of the government of this state, approved April 29, 1857;

By Mr. McCoy, an act to amend an act entitled an act restricting the herding of sheep to certain pastures in the counties of Sonoma and Marin;

By Mr. Street, an act to separate the offices of county recorder, county auditor, and clerk of the probate court, from the office of county clerk, in the county of Shasta;

The preceding three bills were read first and second times, and ordered on file.

By Mr Haldeman, an act to legalize certain statements in the form of affidavits made before the county recorders of this state.

Read first and second times, and referred to Judiciary Committee

GENERAL FILE.

Assembly bill No. 142, an act amendatory of an act entitled an act concerning estray animals, approved April 19, 1856;

And Assembly bill No. 149, an act concerning the collection of poll-taxes, license taxes, and foreign miners' licenses, in the county of Sierra;

And Assembly bill No. 169, an act to provide for funding the debt of the city of Placerville, and for the payment thereof;

And Assembly bill No. 159, an act to audit the claim of D. W. Gilmore;

Were ordered engrossed.

Assembly bill No. 180, an act amendatory of and supplementary to an act entitled an act to separate the office of collector of taxes from the office of sheriff, in the county of El Dorado, approved April 29, 1857.

Mr. Lee moved to strike out fifty cents and insert one dollar.

Lost.

On motion of Mr Moses, the bill was indefinitely postponed.

Mr. Ferguson moved to reconsider the vote by which was lost on Saturday last, Assembly bill No. 192, an act to legalize the assessment and enforce the collection of taxes within the city of Sacramento, for the municipal year commencing April, 1857.

Carried.

Mr Ferguson moved to amend by adding an additional section as follows, which was adopted:

Section three—Delinquents for taxes in the city of Sacramento, for the fiscal year of 1857, shall be allowed, and they are hereby granted the further time until the twentieth day of March next, to pay such delinquent taxes; and such delinquent tax-payers shall be exonerated and relieved from the payment of the per centage imposed by the existing laws upon delinquent tax-payers, where property has been sold for such taxes; *Provided*, Such taxes be paid within the time herein limited.

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Buel, the vote by which Assembly bill No. 134, an act to provide for taking the depositions of witnesses in civil cases was lost, on Saturday last, was reconsidered, bill amended, and passed.

Assembly bill No. 193, an act authorizing the auditing and payment of certain claims for advertising, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Mr. Stratton gave notice that he would move to amend standing rule No. 38 of this House.

Assembly bill No. 129, an act to fix the compensation of certain officers in the counties of Santa Clara, San Joaquin, and Alameda.

Mr. McCoy offered the following amendment, which was adopted:

"Add to the first section the following proviso: *Provided*, That the compensation of the assessor of Santa Clara county shall be fixed by the board of supervisors of said county."

Mr. Simons offered the following amendment, which was adopted:

"Strike out Santa Clara wherever it occurs in the bill."

Pending the consideration of the bill, Mr. Moses made the following report:

Mr. Speaker:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 159, entitled an act to audit the claim of D. W. Gilmore.

H. A MOSES, Chairman.

On motion of Mr. Hamlin, at a quarter of four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

Wednesday, February 24, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all were present, except those absent on leave.

Mr. Gordon had leave of absence for one day.

Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented :

By Mr. Galbraith, of citizens of El Dorado county, in relation to the removal of county seat ;

By Mr. Tipton, of the same ;

By Mr. Graham, of the same;

By Mr. Loofbourrow, of the same ;

Referred to El Dorado delegation.

Mr. Holman presented claims of Alta California newspaper, for advertising.

Referred to Committee on Claims.

On motion of Mr. Warmcastle, the rules were suspended, and Senate bill No. 85, an act to further extend the act concerning corporations, passed April 22, 1850, was taken up, read third time, and passed.

Mr. Ballou presented the claims of Frank Soule & Co., for advertising ; Chas. Binney, for stationery ; Britton & Rey, for engraving and printing ; and C. Hubbard, for wages as porter in State Treasurer's office.

Referred to Committee on Claims.

Mr. Ballou also presented remonstrance of citizens of Plumas county against the passage of any road bill involving taxation.

Referred to Plumas delegation.

Mr. Sheridan presented a petition of citizens of Plumas county, praying the passage of a wagon road bill.

Referred to Plumas delegation.

REPORTS.

Mr. Parker, chairman of Committee on Elections, made the following report :

Mr. Speaker :—Your Committee on Elections, to whom was referred Assembly bill No. 97, an act to change the manner of paying officers of elections in the county of Stanislaus, have taken the same under consideration, and respectfully recommend its indefinite postponement. They have also taken into consideration Assembly bill No. 104, an act fixing the times at which representatives to Congress shall be elected, and recommend the passage of the same.

PARKER, Chairman.

Mr. Hamlin, from the Committee on Roads and Highways, made the following report :

Mr. Speaker :—The Committee on Roads and Highways, to whom was referred Assembly bill No 9, an act to repeal an act entitled 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, approved April 28, 1857, have had the same under consideration, and would report the same back, with an amendment, and recommend its passage.

T. T. HAMLIN.

Mr. King, chairman of the Committee on Printing, made the following report :

MR. SPEAKER:—The Committee on Printing, to whom was referred certain claims of the Pacific Sentinel for advertising, have had the same under consideration, and after examination, find them correct, and recommend that they be allowed.

KING, Chairman.

Mr. Stakes, the chairman of the Judiciary Committee, made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 90, 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, Senate bill No. 109, an act to amend an act entitled an act concerning forcible entries and unlawful detainers, passed April 22, 1850;

Also, Assembly bill No. 147, an act to amend an act entitled an act for securing liens to mechanics and others, passed April 19, 1856;

Have had the same under consideration, report the three bills back, and recommend their passage.

Senate bill No. 71, an act to amend section twenty 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 Assembly bill No. 105, an act entitled an act to authorize Mary Latimer to sell and convey real estate;

Your committee report back, and recommend that the same be indefinitely postponed

Assembly bill No. 195, an act for relief of purchasers at sales for delinquent taxes, is herewith reported back with a substitute, with the recommendation that the substitute be adopted.

Your committee have also had under consideration Assembly bill 209, an act to legalize certain statements in the form of affidavits, made before the county recorders of this state;

Also, Assembly bill No. 119, proposed amendments to the constitution of the state of California;

Which they report back, with certain amendments to each, and recommend the passage of the same, as so amended.

Assembly bill No. 186, entitled an act concerning gaming, your committee report back, and recommend that the same be referred to the Committee on Public Morals.

A. G. STAKES, Chairman.

Mr. Safford, chairman of the Committee on Education, made the following report:

MR. SPEAKER:—The Committee on Education have had under consideration Assembly bill No. 156, an act to provide for the preservation of school sections Nos 16 and 36, from waste and other injury, and report it back, with an amendment, and recommend its passage, as amended.

Mr. Lewis, chairman of the Committee on State Prison, made the following report:

MR. SPEAKER:—The Committee on State Prison, to whom was referred Assembly bill No. 103, an act to provide for the support and government of the state prison, have had the same under consideration, and report the same back to the House, and recommend its passage, as amended by the

committee, and ask that it may be made the special order for to-morrow, at twelve o'clock, M.

E. J. LEWIS, Chairman.

The bill was made the special order for to-morrow, at twelve o'clock, M.

A communication was received from the Comptroller of State, relative to the expenditure of the contingent fund of his office, from January 1, 1857, to January, 1858.

Referred to Committee on Public Expenditures and Accounts.

INTRODUCTION OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Lewis, for an act to legalize the assessment roll of Tehama county;

By Mr. Ballou, for an act authorizing and requiring the tax collector of Plumas county, to deduct from the tax for the year 1858, certain taxes illegally collected in said county in the year 1857;

Also, an act authorizing the board of supervisors of Plumas county to levy a special tax for building purposes.

By Mr. Groom, for an act to regulate the fees of the county clerk, in and for the county of San Diego.

By Mr. Stakes, for an act to prohibit the sale of adulterated and drugged liquors;

Also, an act to repeal the act entitled an act to prescribe the mode of drawing grand jurors and trial jurors, in the city and county of San Francisco;

Also, an act to authorize the funding of the outstanding indebtedness of the county of San Joaquin, and to provide for the gradual liquidation of the same.

By Mr. Stratton, for an act to constitute the Secretary of State *ex officio* Quartermaster General.

By Mr. Safford, for an act to provide for the trial and punishment of persons accused of double voting, ballot-box stuffing, or the destruction or mutilation of any papers having an official relation to the lawful exercise of the elective franchise within this state, and to repeal any similar act or acts.

By Mr. Harris, for an act to authorize the recorder of Sutter county to transcribe certain books, (records of deeds,) of said county, and also to fix the price per folio for such services.

By Mr. Warmcastle, for an act to amend section twelve of an act for the incorporation of towns

Assembly bill No. 119, proposed amendments to the constitution of the state of California, reported by the Judiciary Committee, was ordered printed, with amendments

On motion of Mr. Stratton, the rules were suspended, and he offered the following amendment to the thirty-eighth standing rule of the House:

After the word "speak," to add "for a longer time than ten minutes nor".

Upon which, Mr Thomas moved the previous question, which was sustained, and the amendment adopted by the following vote, Messrs. Crane, Thomas, and De Long, demanding the ayes and noes:

AYES—Messrs. Anderson, Banks, Buel, Caldwell, Crane, Davis, Ferguson, Graham, Hamlin, Hancock, Havens, Heath, Hitchens, Hobart, Hol-

man, Howell, King, Lee, Lewis, Markley, Marshall, McCoy, Minis, O'Brien, Osgood, Palmer, Parker, Pearis, Pico, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stocker, Stout, Stratton, Thomas, Tipton, Tuttle, Walker, Ward, and Willson—45.

NOES—Messrs. Ballou, Clarke, De Long, Edwards, Galbraith, Gray, Groom, Haldeman, Harris, Hill of Sierra, Holladay, Loofbourrow, Mitchell, Moses, Spilman, Stakes, Street, Tatman, Warfield, Warmcastle, and Young—21.

Mr. Lewis gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

On motion of Mr. De Long, the special order of the day, Assembly bill No. 165, was postponed until Monday next, March 1st, 1858, at 12 o'clock, M.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 73, entitled an act fixing the times of holding the several courts authorized to be held by the county judges of the county of Sierra, and to change the manner of summoning jurors for the county courts of said county;

Also, Assembly bill No. 193, entitled an act authorizing the auditing and payment of certain claims for advertising;

Also, Assembly bill No. 74, entitled an act to provide for a monthly statement of receipts and disbursements by the county treasurer of the county of Sierra;

Also, Assembly bill No. 192, entitled an act to legalize the assessment and enforce the collection of taxes within the city of Sacramento for the municipal year commencing April, 1857.

H. A. MOSES, Chairman.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Crane, concurrent resolution asking Congress to establish a weekly land mail-route in certain counties in this state, and to locate post-offices therein.

Adopted.

By Mr. Neblett, concurrent resolution relative to weekly mail from Weaverville *via* mouth of Cañon Creek to Cañon City, in Trinity county.

Adopted.

By Mr. Pico, concurrent resolution relative to translation of laws into Spanish, and the appointment of a translator

Adopted, and Messrs. Pico, McCoy, and Tatman, appointed committee on the part of the House.

By Mr Tatman, providing for joint convention for election of Quartermaster General.

Laid on the table

By Mr. Lewis, providing that no new business be introduced after the 15th of March next.

Laid on the table.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. McCoy, an act supplementary to and amendatory of an act entitled an act to re-incorporate the City of San Jose, approved March 27, 1857.

Read first and second times, and referred to Committee on Corporations.

By Mr. Lewis, an act to authorize the board of supervisors of the county of Tehama to levy a special tax for building purposes, and to provide for the payment of the indebtedness of the county, contracted prior to March 1, 1858.

Read first and second times, and ordered on file.

By Mr. McCoy, an act to amend section one hundred and eleven of the revenue law of this state.

Read first and second times, and referred to the Committee on Ways and Means, and ordered printed.

By Mr. Warmcastle, an act concerning roads and highways.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Osgood, an act to change the time of holding the court of sessions, county court, and probate court, in the county of San Luis Obispo.

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

By Mr. Warfield, an act supplementary to an act to provide revenue for the support of the government of this state, passed April 29, 1857.

Read first and second times, referred to the Committee on Ways and Means, and ordered printed.

By Mr. Ballou, an act authorizing and requiring the tax collector of Plumas county to deduct from the tax for the year 1858, certain taxes illegally collected in the year 1857, in said county.

Read first and second times, and ordered on file.

By Mr. King, an act to exempt from execution printing presses and printing materials.

Read first and second times, and referred to the Committee on Printing.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, Feb. 23, 1858.

To the Assembly of California:

I have this day approved an act to legalize and confirm the assessment roll, the publication of the same, and to extend the time for the collection of revenue in the county of Sonoma.

JOHN B. WELLER.

The following message was received from the Senate:

SENATE CHAMBER,
February 24, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 62, an act for the relief of the San Francisco Gas Company.

J. T. EWING, Assistant Secretary of Senate.

Senate bill No. 62, above reported, read first and second times, and referred to the San Francisco delegation, with instructions to report to-morrow morning.

THIRD READING OF BILLS.

Assembly bill No. 74, an act to provide for a monthly statement of re-

ceipts and disbursements by the county treasurer of the county of Sierra, read third time, and passed.

GENERAL FILE.

Assembly bill No. 85, an act supplementary to an act entitled an act to apportion the Senatorial and Assembly districts of this state, passed May 18, 1853, recommitted to Committee on Elections.

On motion of Mr. Lee, at three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

THURSDAY, February 25, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called.

All present except Mr. Marshall, and those absent on leave.

Journal of yesterday was read and approved.

Assembly bill No. 159, an act to audit the claim of D. W. Gilmore, was taken up, read third time, and passed.

Mr. De Long offered a resolution to take all state prison property belonging to the state from the possession of J. M. Estell.

Mr Lewis presented a memorial of the sub-lessee of the state prison, which, together with resolution offered by Mr. De Long, was laid upon the table, to be taken up with the special order of the day.

PETITIONS.

Petitions were presented as follows:

By Mr. Ballou, of citizens of Cold Springs, El Dorado county, for enactment of law to remove bodies from grave-yards.

Referred to El Dorado delegation.

By Mr. Loofbourrow, of citizens of Placerville, and of the Jewish persuasion, for enactment of a Sunday law.

Referred to Committee on Public Morals.

Mr Loofbourrow presented a remonstrance against the removal of county seat of El Dorado county.

Referred to El Dorado delegation.

REPORTS.

Mr. King made the following report:

MR. SPEAKER:—The Committee on Public Printing, to whom was referred the claim of Luther Laird & Co., for printing, have had the same under consideration, and beg leave to report a bill appropriating the sum of two hundred and seven dollars and twenty-five cents in full payment of said company for said claim, and recommend the passage of the same.

H. KING, Chairman.

The bill above reported, an act for the relief of Luther Laird & Co., was read first and second times, and ordered on file.

Mr. Stakes made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 100, an act to amend an act entitled an act to amend an act entitled an act to fund the debt of the county of Napa, and provide for the payment of the same, approved February 13, 1857;

Also, Assembly bill No. 140, an act to legalize and amend the county records in the counties of this state;

Also, Assembly bill No. 164, an act to authorize the courts of record of this state to admit Samuel Plomer Semper as an attorney and counsellor at law;

Also, Assembly bill No. 131. an act to abolish public executions,

Have had the same under advisement, report the four bills back, and recommend their passage.

Senate bill No. 39, entitled an act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses, and for other purposes, on the coast and waters of this state, your committee have also had under consideration, and report the same back, with certain amendments, and recommend its passage as amended.

Assembly bill No. 194, an act to amend an act entitled an act defining the time of commencing civil actions, passed April 22, 1850, is reported back, with the recommendation it be indefinitely postponed.

A. G. STAKES,
Chairman Judiciary Committee.

By Mr. Crane:

MR. SPEAKER:—The Committee on Counties and County Boundaries have had under consideration Senate bill No 45, entitled an act to change and fix the amounts of the official bonds of certain officers in the county of San Luis Obispo, and beg leave to report the same back with certain amendments, to which they ask the concurrence of the Assembly;

Also, Assembly bill No. 108, entitled an act amendatory of an act dividing the state into counties and establishing the seats of justice therein, passed April 25, 1851, and to repeal an act concerning the same, passed May 15, 1855;

And Assembly bill No. 204, entitled an act to provide for the erection of a jail in the county of Tulare; report the same back, without amendment, and recommend their passage.

CRANE, Chairman.

MR. SPEAKER:—The undersigned, a majority of the Committee on Counties and County Boundaries, to which was referred Assembly bill No. 13, entitled an act to amend an act to re-organize and establish the county of San Mateo, approved April 18, 1857, after due consideration, beg leave to report the same back, without amendment, and recommend its passage.

CRANE,
HITCHENS,
SHERWIN,
J. N. WARD,
B. B. SPILMAN.

By Mr. Ballou:

MR. SPEAKER:—The Committee on Public Expenditures and Accounts have compared the vouchers on file in the State Comptroller's office with his written statement made to this House, of disbursements made by him from the contingent fund of his office, from the first day of January, 1857, to the first day of January, 1858, inclusive, and find the same correct—*unexpended* balance of contingent fund for said office on the 25th day of February, 1858, $1,069 10-100.

S. A. BALLOU, Chairman.

By Mr. Palmer:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Senate bill No. 62, an act for the relief of the San Francisco Gas Company, report the same back, with amendments, and recommend its passage, as amended.

PALMER, for the Delegation.

Amendments to Senate bill No. 62, above reported, concurred in, rules suspended, bill read third time, and passed.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 151, entitled an act to provide for the transcribing and transferring certain records in Sonoma and Solano counties to the county of Napa;

Also, Assembly bill No. 52, for an act amendatory of an act to incorporate a state agricultural society, and appropriate money for its support, approved May 14, 1854;

Also, Assembly bill No. 82, for an act to authorize persons to change their names in certain cases, and to prohibit applications to the Legislature therefor.

H. A. MOSES, Chairman.

Mr. Heath made the following report:

MR. SPEAKER:—The select committee, to whom was referred Assembly bill No. 115, an act amendatory of an act entitled an act to regulate rodeos, with special instructions, have had the same under consideration, and report the same back to the House, with an amendment in conformity with instructions, and recommend the passage of the bill, as amended.

RUSSEL HEATH,
J. W. SMITH,
HENRY M. OSGOOD,
ANDRES PICO,
HENRY HANCOCK,
R. W. GROOM.

NOTICES OF BILLS.

Notice of the introduction of bills were given as follows:

By Mr. Holman, an act to authorize the board of supervisors of San Joaquin county to levy an additional tax for school purposes;

Also, an act respecting the pay of the board of supervisors in the county of San Joaquin.

By Mr. Davis, an act to amend an act to regulate the settlement of the estates of deceased persons, passed May 1, 1851.

By Mr. Moore, an act to confer further powers upon the board of supervisors of the city and county of San Francisco, and to authorize expenditures;

Also, an act to confer further powers upon the board of education of the city and county of San Francisco.

By Mr. Ferguson, an act to authorize the board of supervisors of Sacramento county to dispose of state bonds in their possession to the best advantage for the redemption of county indebtedness for relief of said county.

By Mr. Ballou, an act to authorize J. R. Munson to remove the remains of deceased persons from the old cemetery, near the town of Cold Springs, in the county of El Dorado, to the new cemetery, near said town of Cold Springs.

By Mr. Sherwin, an act to amend an act entitled an act concerning crimes and punishments, passed April 16th, 1850.

Assembly bill No. 186, an act concerning gaming, referred to Committee on Public Morals.

INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Stakes, an act to provide for funding the debt of San Joaquin county, that may be outstanding on the first day of July, A. D., 1858, and not heretofore funded.

Read first and second times, and referred to the San Joaquin delegation.

By Mr. Stocker, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage;

Mr. Anderson, an act to authorize Simpson Thompson, and T. H. Thompson to construct a wharf on Suscol Ferry, in Napa county, on the east bank of Napa River;

Which were read first and second times, and referred to Committee on Commerce and Navigation.

By Mr Ballou, an act to authorize the board of supervisors in and for the county of Plumas to levy a special tax for the erection of county buildings in said county.

Read first and second times, and referred to Plumas delegation.

THIRD READING OF BILLS.

Assembly bill No. 82, an act to authorize persons to change their names in certain cases, and to prohibit applications to the Legislature therefor;

Assembly bill No. 151, an act to provide for the transcribing and transferring certain records in Sonoma and Solano counties to the county of Napa;

And Assembly bill No. 52, an act amendatory of an act to incorporate a state agricultural society, and appropriate money for its support, approved May 13, 1854;

Were read third time, and passed.

Senate bill No. 100, an act making an appropriation for the payment of A. J. F. Phelan, for services rendered by him, was considered in Committee of the Whole,

Mr. Heath in the chair.

Read third time, and on its passage, Messrs. Stout, Howell, and Ferguson, demanded the ayes and noes, with the following result:

AYES—Messrs. Aud, Ballou, Buel, Burbank, Caldwell, Clarke, Crane, Davis, De Long, Edwards, Galbraith, Gordon, Haldeman, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Hirst, King, Lee, Lewis, Loofbourrow, Markley, McCoy, Minis, Mitchell, Moore, Neblett, O'Brien, Osgood, Parker, Pico, Sherwin, Simons, Spilman, Stocker, Thomas, Tipton, Walker, Ward, Warfield, Warmcastle, Willson, and Young—49.

NOES—Messrs. Banks, Ferguson, Hamlin, Howell, Kabler, Moses, Safford, Shepard, Sheridan, Smith of San Bernardino, Stout, Stratton, Street, Tatman, and Mr. Speaker—15.

So the bill passed.

SPECIAL ORDER FOR TWELVE O'CLOCK, M.

Assembly bill No. 103, an act for the support and government of the state prison, the officers connected therewith, and to define their powers, duties, and compensation, was considered in Committee of the Whole,

Mr. Stakes in the chair.

Committee rose and recommended that the bill, amendments, resolutions, and accompanying documents, be referred to a select committee, consisting of standing committees on the judiciary and state prison, with instructions to report on Monday next, March 1st, which was ordered, and the committee had leave to sit again.

Assembly bill No 37, an act to provide for the funding and payment of the outstanding and unfunded indebtedness of the city of San Francisco and of the county of San Francisco, as they existed prior to the first day of May, 1856, was taken from the table, and placed upon the general file.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 25, 1858.

To the Assembly of California:

I herewith return, without my approval, an act entitled an act to extend the time for the collection of taxes in San Bernardino county.

The county of San Bernardino was organized under an act passed on the 26th of April, 1853. On the 29th of March, 1856, the time of collecting taxes was extended to the first of June, 1857. This included the delinquent taxes which had accrued since the organization of the county, and all that is now required is to extend the time still further to the first of May next, to which time sales will be deferred.

But my principal reason for returning the bill is because the clerk, in enrolling it, has written the words "eighteen hundred and fifty-seven," and also the words "eighteen hundred and fifty-six," twice. This is evidently a mistake. The bill also assumes that there is an existing law extending the time for the collection of taxes in the year 1858. I know of no such act.

JOHN B. WELLER.

Action on this message was postponed until to-morrow morning.

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. 192, an act to legalize the assessment, and enforce the collection of taxes within the city of Sacramento, for the municipal year commencing April, 1857.

J. T. EWING, Assist. Sec. Senate.

FEBRUARY 26, 1858.

On motion of Mr. Smith of Nevada, at a quarter of three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

FRIDAY, February 26, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called.

All present, except Messrs. Marshall, Pearis, and Ormsby, and those absent on leave. Mr. Pearis obtained indefinite leave, and Mr. Ormsby for four days.

Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Haldeman, from citizens of portion of Tuolumne county for a new county, to be called "Yo Semite."

Referred to Committee on Counties and County Boundaries.

By Mr. Simons, from citizens of Santa Clara county, for reduction of salaries.

Referred to Committee on Ways and Means.

By Mr. Shepard, claim of Adam Schuppert, for compensation for translating laws into the German language, together with bill;

By Mr Warfield, of Marysville Inquirer, for advertising;

By Mr. Moore, of Henry and Wm. P. Gibbons, for taking charge of the indigent sick in the state marine hospital, for the month of April, 1855;

By Mr. Buel, of F. R. Bunker, for compensation as clerk in State Treasurer's office;

And by Mr. Sheridan, claims of Nevada Journal, State Journal, Wells, Fargo & Co., Nevett & Co., J Sullivan, C. H. Bradford, Sacramento Gas Company, and Sacramento Post-Office;

All of which were referred to Committee on Claims.

By Mr. Loofbourrow, remonstrance from citizens of El Dorado against removal of county seat.

Referred to El Dorado delegation.

REPORTS.

Mr. Havens, from the Committee on Corporations, made the following report:

MR. SPEAKER:—The Committee on Corporations have had under con-

sideration Assembly bill No. 166, an act authorizing the Sierra Nevada Lake Water and Mining Company to change its principal place of business, and respectfully recommend its passage, without amendment.

HAVENS, Chairman.

FEBRUARY 26, 1858.

Mr. Crane reported as follows:

MR. SPEAKER:—The Committee on Counties and County Boundaries, to whom were referred Assembly bill No 225, entitled an act granting the privilege to Charles Talcott and others to erect a wharf at Point San Quentin, in Marin county, and collect wharfage, beg leave to report the same back, and recommend its reference to the Committee on Commerce and Navigation.

CRANE, Chairman.

Mr. Ballou, from the Committee on Public Expenditures and Accounts, made the following report:

MR. SPEAKER:—The Committee on Public Expenditures and Accounts, have had under consideration Assembly bill No. 94, for an act appropriating money for the payment of specimen school books, furnished an ancient superintendent of public instruction long anterior to the days of special appropriations, and, after mature deliberation, have unanimously concluded that the parties asking relief have been unfortunate and are justly entitled to sympathy. Therefore, your committee report the bill back, with a recommendation that this House commisserate the unfortunate, and indefinitely postpone the bill or allow its withdrawal.

All of which is respectfully submitted.

S. A. BALLOU, Chairman.
WM. J. MARKLEY,
D. B. CURTIS,
S. B. GORDON.

Mr. Walker reported as follows:

MR. SPEAKER:—Your committee, to whom were referred Assembly bills Nos. 77, 135, and 154, have had the same under consideration, and beg leave to present a substitute, embracing all the provisions of said acts.

Your committee find that by the provisions of an act approved April 25, 1857, appropriating the sum of four hundred and ten thousand dollars for the payment of expenses incurred in the suppression of Indian hostilities in this state, prior to the year 1857, that the whole amount is already appropriated to certain counties therein named; and that the provision required in Assembly bill No 77, could not be complied with without an additional appropriation.

And your committee find, from information derived from the board, that no further appropriation is required to satisfy losses sustained prior to 1857, that being ample to cover all claims prior to said year. And to enable Shasta to have the benefit of said act, as contemplated in Assembly bill No. 77, the losses being prior to 1857, namely, in 1852, your committee have amended the act reducing the amount appropriated to the county of Siskiyou, sufficient to cover the just demand of Shasta, thereby avoiding the increase of amount originally set apart by act of April 25, 1857, and doing justice to those persons in Shasta county heretofore shut out of the benefits of said act.

Your committee also recommend, and have so amended sections four and five of said act, as to authorize the Treasurer to issue bonds for the whole amount allowed by the board, and to specify upon their face that amount, thereby doing away with the issuing certificates for fractional sums, which, in the opinion of your committee, is an evil which threw into the hands of speculators those awards for fractional amounts, for which bonds could not be issued under the provisions of the act of April 25, 1857.

For the above reasons, your committee have drawn up the accompanying substitute, and recommend its passage.

A. B. WALKER, Chairman.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 169, for an act to provide for funding the debt of the city of Placerville, and for the payment thereof.

Also, Assembly bill No 149, for an act concerning the collection of poll-taxes, license taxes, and foreign miners' licenses, in the county of Sierra.

H A. MOSES, Chairman.

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

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 86, entitled an act to create the office of township assessor, and to abolish the office of county assessor, beg leave to report, that on account of the impracticability of its provisions, they recommend its indefinite postponement.

The same committee having had under consideration Assembly bill No. 172, entitled an act providing for the examination and settlement of the accounts of S. A. McMeans, late State Treasurer, recommend the passage of the same with the following amendments:

For the words "one thousand," in line three of section four of said bill, insert "five hundred," and for "Attorney General," in lines six and seven of said section, insert "the board of examiners of the state of California."

All of which is respectfully submitted.

H. LEE, Chairman.

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

MR SPEAKER:—The Select Committee, to whom was referred Assembly bill No 103, an act for the support and government of the state prison, etc, with accompanying documents and resolutions, have had the same under consideration, and ask leave to report—that they have in part performed the duties assigned them, and herewith report a bill for the temporary government of the state prison, and recommend its passage.

A G. STAKES, Chairman.

FEBRUARY 26, 1858

An act to provide for the temporary government of the state prison, above reported, was read first and second times, considered in Committee

of the Whole, Mr. Shepard in the chair, under the operation of an order of the House that no member should speak more than once, nor for a longer time than five minutes, amended, considered engrossed, read third time, and passed, Messrs. Safford, Aud, and Sherwin, demanding the ayes and noes, as follows:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Clark, Crane, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, Kabler, King, Lee, Lewis, Loofbourrow, Markley, McCoy, Minis, Mitchell, Moore, Moses, Neblett, O'Brien, Osgood, Palmer, Parker, Pico, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warncastle, Willson, Young, and Mr. Speaker—75.

NOES—None.

Mr. Ferguson gave notice of a reconsideration, on to-morrow.

Mr. Ballou moved to suspend the rules, and reconsider now.

Carried.

Mr. De Long moved to indefinitely postpone the motion to reconsider.

Mr. Buel demanded the previous question,

Which was sustained.

The motion to reconsider was indefinitely postponed, and the clerk was instructed to take the bill forthwith to the Senate.

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

Resolved, That the sergeant-at-arms be and is hereby authorized to purchase and furnish to this House such stationery as cannot be obtained from the Secretary of State's office, and that he report the amount purchased every week.

Mr. Ely offered the following resolution, which was referred to the Committee on Accounts and Expenditures:

Resolved, That the sum of two hundred and six dollars and fifty cents be allowed and paid out of the contingent fund of this House for clerk hire, room rent, and incidental expenses, incurred by the special committee on fees of office, and fund commission, in and for the city and county of San Francisco.

Mr. Stakes made the following report:

MR. SPEAKER:—The San Joaquin delegation, to whom was referred Assembly bill No. 224, an act to provide for funding the debt of San Joaquin county, ask leave to report the same back, without amendment, and recommend its passage.

STAKES,
HOLMAN.

The following message was received from the Senate:

SENATE CHAMBER,
February 26, 1858

MR. SPEAKER:—I am directed to inform the Assembly that the Senate,

on yesterday, passed Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own names as sole traders, passed April 12, 1852.

Also, Senate bill No. 12, an act making appropriation to pay M. F. Butler for his services in preparing plans and specifications for prison buildings about to be erected at the state prison, at San Quentin;

Also, Senate bill No. 133, an act to extend the time for the collection of taxes in Butte county, for 1857;

Also, Senate bill No 11, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning;

Also, Assembly bill No. 123, an act making appropriation for the salary of draughtsman in the Surveyor General's office, from the first day of January, A. D. 1858, to the thirtieth day of June, A. D. 1858, inclusive;

Also, Assembly bill No. 117, an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and provide for its organization, approved March 2, 1857;

Also, Assembly bill No. 193, an act authorizing the auditing and payment of certain claims for advertising, with amendments, and ask the concurrence of the Assembly;

Also, Assembly concurrent resolution, relative to translation of laws into Spanish, and the appointment of a translator, and have appointed Messrs. Pacheco, Taliaferro, and Gregory, a committee on the part of the Senate;

Also, Senate joint resolution relative to swamp lands;

Also, on the 24th instant, passed Senate bill No. 92, an act concerning county treasurers;

Also, Senate bill No. 23, an act amendatory of and supplementary to an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, and an act entitled an act to amend an act entitled "an act to provide for the formation of corporations for certain purposes, passed April 14, 1853," passed April 30, 1855;

Assembly bill No. 80, an act to extend the provisions of an act entitled an act to organize the county of Buena Vista, approved April 30th, 1855;

Also, Assembly bill No. 87, an act to authorize the executor and administrator of the estate of John Ellug, deceased, to sell real estate of said deceased at public or private sale, with amendments, and ask the concurrence of the Assembly;

Also, on Saturday, the 20th instant, appointed Messrs. Thom, Baker, and Johnson of Sacramento, a committee to act with Assembly committee on Senate resolution No. 25, relative to the payment of John Voorhees, etc.

J T. EWING, Assistant Secretary Senate.

The House acted upon the bills, etc, above reported, as follows;

Senate amendments to Assembly bill No. 193, concurred in.

Senate bill No. 105, read first and second times, and referred to the Judiciary Committee

Senate bill No. 12, read first and second times, and ordered on file.

Senate bill No. 133, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 11, read first and second times, and referred to Committee on Public Lands.

Senate joint resolution, relative to swamp and overflowed lands, read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Senate bill No. 92, read first and second times, and referred to Committee on Ways and Means.

Senate bill No. 23, read first and second times, and referred to the Committee on Corporations.

Senate amendments to Assembly bill No. 87, concurred in.

NOTICES OF BILLS.

Notice of the introduction of bills were given as follows:

By Mr. Howell, an act to provide for the payment of the floating indebtedness of the county of Sacramento;

By Mr. Willson, an act to amend an act entitled an act to provide for the payment of the debt of Santa Cruz county;

By Mr. Lewis, an act to divide the county of El Dorado, and to provide for the reduction of its representatives;

By Mr. Neblett, an act to amend an act entitled an act to provide for the better maintenance of the indigent sick of Shasta, Siskiyou, and Placer counties, passed March 28th, 1856, so as to include the county of Trinity in its provisions;

By Mr. Holman, an act to authorize the Governor to issue patents to parties who have located upon the public lands with state school land warrants;

By Mr. Caldwell, to amend rule No. 1, of the standing rules and orders of this House, so that hereafter said rule will read as follows:

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

By Mr. Street, an act to reduce the number of terms of the court of sessions in Shasta County;

By Mr. De Long, an act to amend the revenue law so as to allow persons to deduct all their indebtedness from the full amount of their taxable property;

By Mr. Lee, an act to allow and audit certain claims of John F. McCauley.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Sherwin, an act to amend an act entitled an act concerning crimes and punishments, passed April 16th, 1850;

And by Mr. Warmcastle, an act to amend section twelve of an act to provide for the incorporation of towns, approved April 19th, 1856;

And by Mr. Davis, an act to amend an act entitled an act to regulate the settlement of the estates of deceased persons, passed May 1st, 1851;

Which were read first and second times, and referred to Judiciary Committee.

By Mr. Lewis, an act legalizing the assessment roll of Tehama county for the year 1857, and extending the time for collecting the revenue of said county;

Also, by Mr. Smith of San Bernardino, an act to extend the time of collecting taxes in the county of San Bernardino;

And by Mr. Ballou, an act to authorize J. R. Munson to remove the remains of deceased persons;

Which were read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Holman, an act to authorize the board of supervisors of San Joaquin county to levy an additional tax for school purposes;

Which was read first and second times, and referred to the San Joaquin delegation.

By Mr. Moore, an act providing for the registration of marriages, births, divorces, and deaths, in the state of California;

Which was read first and second times, and referred to the Committee on Ways and Means.

By Mr. Moore, an act granting certain powers to the board of education of the city and county of San Francisco;

Read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 149, an act concerning the collection of poll-taxes, license taxes, and foreign miner's licenses, in the county of Sierra, read third time and passed.

The following message was received from the Senate:

MR. SPEAKER:—The Senate have this day passed Assembly bill No. 228, an act to provide for the temporary government of the state prison, with amendments, and respectfully ask the concurrence of the Assembly.

JAS. T. EWING, Assistant Secretary.

Senate amendments to Assembly bill No. 228, above reported, were concurred in.

Assembly bill No. 169, an act to provide for funding the debt of the city of Placerville, and for the payment thereof, was read third time, and passed.

GENERAL FILE.

Assembly bill No. 102, an act to ratify and approve order No. 46, of the board of supervisors of the city and county of San Francisco, approved August 6, 1857, amendments concurred in, and ordered engrossed.

Assembly bill No. 183, an act to amend an act entitled an act to fix the compensation of district attorneys for the several counties of this state, approved May 4, 1855, reported as substitute for Assembly bill No. 153, and ordered engrossed

Assembly bill No. 176, an act supplementary to and amendatory of an act defining the duties of State Librarian, and prescribing rules for the government of the state library, passed April 9, 1850, amendments adopted, and ordered engrossed.

Assembly bill No. 141, an act to authorize Lindsay Carson to sell real estate in certain cases, laid on the table.

Assembly bill No 182, an act amendatory of an act concerning notaries public, passed April 30, 1857, substitute for Assembly bill No. 89, laid on the table.

Assembly bill No 106, an act for the better protection of settlers on public lands in this state, and to secure the right of parties in certain cases, was considered in Committee of the Whole, Mr. Hitchens in the chair.

The committee had leave to sit again.

Assembly bill No. 112, an act to provide for the sale and reclamation of

the swamp and overflowed lands of this State, made the special order of the day for twelve o'clock, to-morrow.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 228, an act to provide for the temporary government of the state prison, and to appropriate money therefor;

Also, Assembly bill No. 103, an act to appropriate money for advertising.

GEO. A. YOUNG, Chairman.

Mr. Stout moved that the House again resolve itself into Committee of the Whole, to consider Assembly bill No. 106,

Which was lost.

Mr. O'Brien offered the following resolution, which was laid upon the table:

Resolved, That the Committee on Mileage be and they are hereby instructed to report the amount of mileage due the members of the committee appointed to investigate matters at San Francisco.

The following message was received from the Governor, which, together with the accompanying communication from the Attorney General, was referred to the Judiciary Committee:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 26, 1858.

To the Assembly of California:

I respectfully invoke the attention of the Legislature to a letter, a copy of which is herewith transmitted, received on yesterday from the Attorney General. I have no doubt that the public interest demands such legislation as he suggests, and I therefore recommend speedy action.

JOHN B. WELLER.

ATTORNEY GENERAL'S OFFICE,
Sacramento, Cal., February 25, 1858.

SIR:—I have been informed, and have reason to believe, that an estate in San Francisco, worth about ten thousand dollars, has escheated to the state, but as no appropriation has been made for that purpose, I am unable to institute and maintain proceedings to enforce the rights of the State in the premises. Let me therefore suggest that a fund, subject to the order of the Governor, should be set apart for the prosecution of actions to recover escheated estates.

Permit me to call your attention to another subject: judgments have been rendered in favor of the state upon the defalcation of Henry Bates, late State Treasurer, and it is to be hoped that others may yet be obtained; but it seems almost folly to execute property unless a sale could be forced, and the property sold made to bring something near its value. These ends cannot be accomplished, unless the state is placed upon an equal footing with the plaintiffs and parties interested, by authorizing some one to bid in her behalf.

Again, it is quite probable that some of these defendants, in the suits mentioned, have now or may hereafter have property in another state, and in such cases, it occeurs to me that the Governor should have the

power to institute an action in such states, for which purpose, a fund should be set apart.

Respectfully, etc.,

THOS. H. WILLIAMS, Attorney General.

His Excellency, JOHN B. WELLER, Governor California.

On motion of Mr. De Long, at three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

SATURDAY, February 27, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All were present except Mr. Pico, and those absent on leave.

Journals of yesterday read and approved.

Assembly bill No. 146, an act amendatory of an act concerning offices, passed April 28, 1851, taken from the table, and ordered on file.

Mr. De Long offered the following resolution, which, upon motion of Mr Havens, was laid upon the table:

Resolved, That the Committee on Ways and Means be instructed by this House to so amend the present revenue act, by bill or otherwise, in such a manner as will enable a tax payer, when assessed upon his taxable property for revenue purposes, to deduct, or have deducted from the same by the assessor, all legal indebtedness that may be due from him at the time the assessment is levied, by lien, mortgage, or in any other manner, upon which revenue may be collected in this state, from his creditors, making it the duty of the party so assessed to furnish proof to the assessor of the amount of his indebtedness, to whom due, and in what form it exists, in order to enable that officer to know whom to assess for the same.

Claims were presented as follows:

By Mr. Street, of Skillman & Dosh, for advertising;

By Mr. Thomas, of sheriff of Stanislaus county, for conveying prisoners to state prison;

By Mr. Stocker, of J. H. Haralson, for legal services in examining the title to state prison lands;

Referred to Committee on Claims

Mr. Sheridan offered joint resolution in relation to land titles in the state of California.

Read first and second times, and referred to the Committee on Public Lands,

Mr. Davis presented petition of residents of Solano county, relative to sheep running at large.

Referred to Committee on Agriculture,

REPORTS.

Reports were made as follows—By Mr. Moses:

MR. SPEAKER:—The Committee on Engrossment have examined and

found correctly engrossed Assembly bill No. 102, an act to ratify and approve order No. 46, of the board of supervisors of the city and county of San Francisco, approved August 6, 1857.

H. A. MOSES, Chairman.

By Mr. Thomas:

MR. SPEAKER:—The special committee, to whom was referred the petition of citizens of Stanislaus county, praying for a donation from the state for the purpose of improving the navigation of the San Joaquin River, submit the following report:

The committee, after mature deliberation, are unanimous in the opinion that the sum necessary to render the San Joaquin River, above the city of Stockton, navigable for steamboats of light draught, could scarcely be better applied.

The state is the owner of immense bodies of land, lying on and immediately contiguous to that part of the San Joaquin River, which is sought to be improved by the donation asked for.

It would require no great sum to render the river navigable for steamers of light draught, such as now ply on the waters of the upper Sacramento and Feather rivers. One certain result of this would be, that those lands would be eagerly sought after, and the state would be enabled to sell every acre of them readily, and at fair prices, which would be directly a great benefit to the state. It is, moreover, a fact, within the positive knowledge of the committee, that the most of these lands are susceptible of ready reclamation, and should the San Joaquin River be made navigable for steamers, they will all soon be converted into flourishing farms, and thereby become, indirectly, a source of great gain to the state.

This measure would further be a great public utility, by assisting to develop the natural resources of the state; so many of which are now slumbering for want of a little aid from the fostering hand of the state.

Among these natural resources, the committee would mention the discoveries of coal of good quality, which have been made, and are yet being made, in the coast range of mountains; and should the state lend a helping hand to carry out the wishes of the petitioners, a ready channel will be open to a good market.

Whilst the committee are aware of and readily admit the necessity of a proper degree of caution in making donations from the public treasury, they hope that this body will bear in mind, that opulent citizens make a rich government, and that money judiciously expended for the purpose of benefiting a large class of citizens, is that much capital safely and profitably invested.

The committee unanimously recommend to the favorable consideration of the House of Assembly the prayer of the petitioners.

GEO. W. THOMAS, Chairman.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Hirst, an act authorizing the board of examiners of Indian war claims to issue bonds in favor of Walker McDonald and A. M. Jones, for services rendered as Indian commissioners in the year 1856.

By Mr. Clarke, an act supplementary to an act entitled an act to regulate fees in office, approved April 10, 1855.

By Mr. Howell, an act to repeal the act entitled an act submitting to

the people of the counties of Sacramento and El Dorado a proposition for the appropriation of money for the construction of a wagon road.

By Mr. Stratton, a resolution requesting our representatives, and instructing our senators in Congress, to vote for the immediate admission of Kansas into the Union, under the Lecompton constitution.

By Mr. Thomas, an act concerning the navigation of the San Joaquin River.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 80, an act to extend the provisions of an act entitled an act to organize the county of Buena Vista, approved April 30, 1855;

Also, Assembly bill No. 117, an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and provide for its organization, approved March 2, 1857;

Also, Assembly bill No. 123, an act making appropriation for the salary of draughtsman in the Surveyor General's office, from the first day of January, A. D. 1858, to the 30th day of June, 1858, inclusive;

Also, Assembly bill No. 128, an act relative to the board of supervisors of Yolo county;

Also, Assembly bill No. 192, an act to legalize the assessment, and enforce the collection of taxes in the city of Sacramento, for the municipal year commencing April, 1857.

GEO. A. YOUNG, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Willson, an act to amend an act entitled an act to provide for the payment of the debt of Santa Cruz county, approved April 24, A. D., 1857.

Read first and second times, and referred to the Santa Cruz and Monterey delegations.

By Mr De Long, an act concerning divorces.

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

By Mr. Sheridan, an act for the segregation and survey of the swamp and overflowed lands granted by act of Congress to the State of California.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Mr. Ballou, verbally reported and recommended the adoption of resolution appropriating two hundred and six dollars and fifty cents, expenses incurred by committee visiting San Francisco relative to fees of office, which resolution was adopted.

SPECIAL ORDER.

The House resolved itself into Committee of the Whole, Mr. De Long in the chair, to consider Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state.

Committee rose, reported progress, and had leave to sit again at half past one o'clock, P. M., this day.

The following message was received from the Senate:

SENATE CHAMBER,
February 27, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day passed Senate concurrent resolution relative to the appointment of a committee composed of two from each House, to visit the state prison, in conjunction with the agents of the Governor therein named.

JAS. T. EWING, Assistant Secretary of Senate.

Senate resolution above reported, was concurred in, and Messrs. De Long and Stocker, appointed a committee on the part of the House.

The following message was received from the Senate:

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 84, an act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city.

J. T. EWING, Assistant Secretary Senate.

FEBRUARY 27, 1858.

Senate bill No. 84, above reported, was read first and second times, and referred to the San Francisco delegation.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 26, 1858.

To the Assembly of California:

I have this day approved an act to provide for the temporary government of the state prison, and to appropriate money therefor.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 27, 1858.

To the Assembly of California:

I have this day approved an act amendatory of an act entitled an act to authorize the board of supervisors of Nevada county to levy a special tax for county purposes, approved April 22, 1857.

JOHN B. WELLER.

The following resolution was offered by Mr. Lee, and adopted:

Resolved, By the Assembly, the Senate concurring, that a committee of five, consisting of three members of the Assembly and two from the Senate, be appointed by the presiding officers of the two Houses, to examine the edition of the Practice Act about to be issued by H. J. Labatt, and report at as early a day as practicable, upon the propiety of the purchase by this state, of a certain number of copies of the same.

And Messrs. Lee, Tuttle, and Havens, were appointed on the part of the House.

Mr. Caldwell offered the following amendment to the standing rules:

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

Upon the adoption of which, Messrs. Sherwin, Hill of Nevada, and Warfield, demanded the ayes and noes, and it was lost as follows, it requiring a two-third vote:

AYES—Messrs. Anderson, Aud, Banks, Buel, Caldwell, Cherry, Curtis, Edwards, Galbraith, Graham, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hirst, Kabler, King, Osgood, Palmer, Safford, Sheridan, Sherwin, Smith of Nevada, Spilman, Stout, Stratton, Street, Thomas, Tipton, Tuttle, Ward, and Warfield—32.

NOES—Messrs Ballou, Crane, Davis, De Long, Ely, Gordon, Gray, Groom, Haldeman, Harris, Havens, Howell, Lee, Lewis, Minis, Mitchell, Neblett, Parker, Shepard, Simons, Smith of San Bernardino, Stakes, Stocker, Young, andMr. Speaker—25.

Mr. Ballou gave notice of a motion to reconsider the vote just taken.

Communication from Thomas J. Henley, introduced by Mr. Lewis, and laid on the table on January 11, 1858, was taken up, and referred to the Committee on Indian affairs.

Assembly bill No. 41, an act for the suppression of bawdy-houses and houses of ill-fame, was taken from the table, and made the special order of the day for Tuesday next, at twelve o'clock, M.

HALF-PAST ONE O'CLOCK, P. M.

The House again resolved itself into Committee of the Whole, Mr. Galbraith in the chair, to consider Assembly bill No. 112 Committee rose, reported progress, and had leave to sit again, on Tuesday next, at twelve o'clock, M.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 27, 1858.

To the Assembly of California:

I have this day approved an act entitled an act to appropriate money for advertising.

JOHN B. WELLER.

Assembly bill No 115, an act amendatory of an act entitled an act to regulate rodeos, passed April 30, 1851; amendments concurred in, read third time, and passed

The following message was received from the Senate:

SENATE CHAMBER,
February 27, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed, notwithstanding the objections of his Excellency the Governor, Senate bill No 18, an act amendatory of and supplemental to an act entitled an act submitting to the people of El Dorado and Sacramento counties a proposal to appropriate money for the construction of a wagon road;

Also, Senate bill No. 89, an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose;

Also, have appointed Messrs. Thom and Garter as committee, on part

of the Senate, to act with House committee on Senate concurrent resolution relative to state prison.

J. T. EWING, Assistant Secretary Senate.

Which message, on motion of Mr. Davis, was made the special order of the day for Wednesday next, at twelve o'clock, M.

Mr. Crane moved that the House adjourn to Monday next, at ten o'clock, A. M.

Lost.

On motion of Mr. Mitchell, at a quarter before three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

MONDAY, March 1, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all were present, except those having leave of absence.

Journal of Saturday last was read and approved.

Mr. Holladay made the following report:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Senate bill No. 84, *an act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city*, report the same back, with amendments, and recommend its passage, as amended.

HOLLADAY,
PALMER,
CHERRY,
BANKS,
BURBANK,
SHEPARD.

The rules were suspended for the consideration of Senate bill No. 84, above reported, the amendments concurred in, and the bill was read third time, and passed.

Mr. Lee introduced a bill for an act supplementary to and explanatory of an act to appropriate money for advertising, approved February 27th, 1858.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

PETITIONS.

Petitions were presented as follows:

By Mr Galbraith, from citizens of Pilot Hill and Greenwood Valley, in El Dorado county, in favor of the removal of the county seat:

By Mr. Buel, from citizens of El Dorado county, praying for the removal of county seat;

By Mr. Lee, of remonstrance from citizens of El Dorado county against removal of county seat.

Referred to El Dorado delegation.

By Mr. Neblett, preamble and resolution of supervisors of Trinity county, in relation to indigent sick fund.

Referred to Trinity county delegation.

By Mr Hancock, of president of the Legion of Labor, Los Angeles division, asking certain alterations in criminal code.

Referred to Judiciary Committee

By Mr. Willson, of citizens of Santa Cruz county, relative to contemplated division of said county.

Ordered on file

By Mr. Tatman, remonstrance of citizens of Mariposa county against division of said county

Referred to Committee on County and County Boundaries.

Assembly concurrent resolution, relative to adjournment *sine die* on fifth of April, 1858, made special order for twelve o'clock, M., on Saturday, March 13, 1858.

REPORTS.

Mr. Moses, from the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 236, an act to authorize J. R. Munson to remove the remains of deceased persons;

Also, Assembly bill No. 236, an act to extend the time of collecting taxes in the county of San Bernardino;

Also, Assembly bill No. 176, an act supplementary to and amendatory of an act defining the duties of state librarian, and prescribing rules for the government of the state library, passed April 9, 1850;

Also, Assembly bill No. 183, an act to amend an act entitled an act to fix the compensation of district attorneys for the several counties of this state, approved May 4, 1855.

H. A. MOSES, Chairman.

Mr. Willson presented the following report:

MR. SPEAKER:—The delegation from Monterey and Santa Cruz, to whom was referred Assembly bill No. 240, an act to amend an act entitled an act to provide for the payment of the debt of Santa Cruz county, having had the same under consideration, beg leave to report the same back, without amendment, and recommend its passage.

WILLSON, Santa Cruz.
CRANE, Monterey.

The following message, with accompanying communication, was received from the Governor, and referred to the special committee, consisting of the Judiciary Committee and Committee on State Prison:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 27, 1858.

To the Assembly of California:

I send herewith a communication, received this day from John F. McCauley, claiming to be the sub-lessee of the state prison. As the interests of the state demand that all controversies in regard to this subject

should be settled as speedily as possible, I invoke the early action of the Legislature. If Mr. McCauley has any equitable claim against the treasury, growing out of the legislation of yesterday, it ought to be paid at once.

As the facts in regard to the prison have all been reported by a joint committee to the Legislature, I can only commend the subject to your earnest consideration.

JNO. B. WELLER.

To His Excellency, John B. Weller, Governor of the State of California:

The undersigned, sub-lessee of the state prison, begs leave respectfully to submit to your Excellency, and through you, to the Legislature, the following proposition:

The undersigned is sincerely desirous, on account of public and private considerations, to terminate all differences and controversies between himself and the state

He is aware of the injurious consequences which must result from a protracted and embarrassing litigation in the courts, in reference to the management and control of the penitentiary, and to the contract which the Legislature has taken action upon.

A just deference to the legislative will, would make it extremely unpleasant to him to continue the contract and retain possession of the public property, if he could legally do so.

He desires to give full effect to the legislative will, if he can without a ruinous sacrifice of his private interests. He is largely loser by his connection with the institution. He has expended his time and means in endeavoring to support the establishment; and if the act just passed takes effect without any additional appropriation in his favor, he will be utterly ruined in his fortune, the little provision he had made for his family by years of laborious industry, would be destroyed.

The undersigned cannot believe that the Legislature would be disposed to do an act of such hardship and unmerited wrong. He asks only to be reinstated to the position he occupied before his connection with the establishment, and to be permitted to receive the instalments accruing before the act passed to repeal the contract.

He is largely indebted, and has had to pay heavy interest on money he has borrowed to carry on the prison He purposes to effect a complete settlement with the state of all matters connected with the state prison. To release for himself, and to procure from the first lessee, a full relinquishment and discharge of all claims and demands of every sort, arising from the connection of either with the institution or the contract; this discharge to embrace as well the claims released by General Estell to the state or its officers, for forty-eight thousand dollars; and the bricks mentioned in the contract, as everything else in any manner pertaining to the state prison, or his conduct by the undersigned or his predecessor; the prison to be surrendered with the property belonging to the state, reasonable time and assistance being afforded to the undersigned for the removal of his property from the prison.

The state will thus be enabled to commence the new system, free from embarrassments arising from the past, or to arise in the future; a protracted and ruinous litigation prevented, and some measure of justice done to the undersigned, who has done nothing to deserve the ruin which threatens him.

The undersigned takes this occasion to say to your Excellency, that he shall oppose no resistance to the act of the Legislature, nor seek to enjoin

any act of your Excellency in pursuance of its terms, contenting himself with a protest to save his rights, in case the Legislature shall not see fit to agree to what he considers so reasonable and just a proposal.

The undersigned begs of your Excellency to transmit this proposition to the Legislature, asking, if consistent with your Excellency's sense of propriety, the early action of that body upon it.

The undersigned has the honor to be,

With great respect,

Your Excellency's ob't serv't,

JOHN F. McCAULEY.

SACRAMENTO CITY, February 27, 1858.

The following message was received from the Senate:

SENATE CHAMBER, March 1, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on Saturday, February 27th, passed Senate bill No. 60, an act to provide for the better observance of the Sabbath.

THOS. N CAZNEAU, Secretary of Senate.

Senate bill No. 60, above reported, was read first and second times, and referred to Committee on Public Morals.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Stakes, an act the more effectually to protect the rights of citizens in certain cases;

Also, an act to give to the proceedings of courts of probate the same effect as courts of general jurisdiction.

By Mr. Safford, an act to repeal sections fifty-five, fifty-six, and fifty-seven, of an act concerning courts of justice and judicial officers, passed May 19, 1853;

By Mr. Ferguson, an act to empower the supervisors of Sacramento county to dispose of, to the best advantage for said county, $4,479 85, now in the treasury of Sacramento county, belonging to the sinking fund of eighteen hundred and fifty-three;

By Mr. Tuttle, an act to establish a state mining society, and to appropriate money therefor;

By Mr. Holladay, an act to set aside the homestead, and to protect the same from forced sale.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Safford, an act amendatory of and supplementary to an act entitled an act to regulate elections, passed March 20, 1850

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

By Mr. Lee, an act to audit and allow certain claims of John F. McCauley against this state;

By Mr. Mitchell, an act for the relief of W. G. Poindexter.

Read first and second times, and referred to the Committee on Claims.

By Mr. Ferguson, an act amendatory of an act passed April 27, 1857, to prohibit gaming.

Read first and second times, and referred to Committee on Public Morals.

Assembly bill No. 119, proposed amendments to the constitution of the state of California, made special order for twelve o'clock, M., on Tuesday, March 9, 1858.

SPECIAL ORDER OF THE DAY.

Mr Lewis moved that the House resolve itself into Committee of the Whole to consider Assembly bill No. 165, an act to establish the county seat of El Dorado, to fix the place of holding courts in said county, to authorize the improvement and erection of certain buildings in said county, and requiring the removal of the public archives, records, and property, substitute for Assembly bill No. 90, which motion was lost.

The chair having ruled that the question before the House was on the adoption of the substitute (Assembly bill No. 165,) for Assembly bill No. 90, which last bill was reported from a minority of the El Dorado delegation, recommending its indefinite postponement, a majority of the delegation recommending the adoption and passage of the substitute—

Mr. Lee appealed, and the decision of the chair was sustained, Messrs O'Brien, Lee, and Graham, demanding the ayes and noes, by the following vote:

AYES—Messrs. Anderson, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Clarke, Davis, Edwards, Ely, Ferguson, Galbraith, Gordon, Hancock, Havens, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Kabler, King, Marshall, Minis, Moore, Moses, Neblett, Parker, Pearis, Pico, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stout, Stratton, Street, Thomas, Tipton, Walker, and Warfield—46.

NOES—Messrs. Crane, Curtis, Graham, Haldeman, Lee, Lewis, Loofbourrow, Mitchell, O'Brien, Spilman, Stakes, Tatman, Tuttle, Ward, and Young—15

Mr. Clarke moved the indefinite postponement of the whole subject matter, upon which Mr. Ely demanded the previous question, which was sustained, and the House refused to postpone by the following vote: Messrs. Graham, Loofbourrow, and Buel, demanding the ayes and noes:

AYES—Messrs. Caldwell, Clarke, Crane, Curtis, Davis, Graham, Haldeman, Havens, Hill of Nevada, Kabler, Lee, Lewis, Loofbourrow, Markley, Minis, O'Brien, Palmer, Parker, Smith of Nevada, Spilman, Stakes, Tatman, Tuttle, Ward, Warfield, and Mr. Speaker—26.

NOES—Messrs Anderson, Banks, Buel, Burbank, Cherry, Edwards, Ely, Galbraith, Gordon, Hancock, Harris, Heath, Hill of Sierra, Hobart, Holladay, Holman, Marshall, Moses, Neblett, Pearis, Pico, Safford, Sheridan, Sherwin, Simons, Smith of San Bernardino, Stout, Stratton, Street, Thomas, Tipton, Walker, and Young—33.

Mr. Loofbourrow moved a call of the House.

Lost.

On the adoption of the substitute, Messrs. Ely, Loofbourrow, and Buel, demanded the ayes and noes, and it was agreed to as follows:

AYES—Messrs. Anderson, Ballou, Banks, Buel, Burbank, Cherry, Davis, Edwards, Ely, Ferguson, Galbraith, Gordon, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, Kabler, Marshall, Minis, Moses, Neblett, Pearis, Pico, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Stout, Stratton, Street, Thomas, Tipton, Walker, Young, and Mr. Speaker—43.

NOES—Messrs. Caldwell, Clarke, Crane, Graham, Haldeman, Hill of Nevada, Lee, Lewis, Loofbourrow, Markley, O'Brien, Palmer, Parker, Spilman, Stakes, Tatman, Tuttle, Ward, and Warfield—19.

The House then ordered the bill to be engrossed for a third reading.

Mr. Clarke had leave to withdraw Assembly bill No. 183, an act to amend an act entitled an act to fix the compensation of district attorneys for the several counties of this state, approved May 4, 1855.

Mr Heath was appointed on committee on translating laws into Spanish, in place of Mr. McCoy, who was absent.

Pursuant to notice, Mr. Ballou moved to reconsider the vote by which the amendment to standing rule No. 1 was lost on Saturday last, which was agreed to by the following vote: Messrs. O'Brien, Havens, and Ballou, demanding the ayes and noes:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Buel, Caldwell, Cherry, Crane, Curtis, Edwards, Ely, Ferguson, Galbraith, Graham, Hancock, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Kabler, Markley, Moore, O'Brien, Parker, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stout, Stratton, Street, Thomas, Tipton, Tuttle, Ward, and Warfield—41.

NOES—Messrs. Clarke, Davis, Gordon, Haldeman, Harris, Havens, Howell, King, Lee, Lewis, Marshall, Minis, Mitchell, Moses, Neblett, Palmer, Pearis, Shepard, Smith of San Bernardino, Stakes, Tatman, Walker, Willson, and Mr Speaker—24.

On the adoption of the amendment, Messrs. Graham, O'Brien, and Parker, demanded the ayes and noes, and it was lost by the following vote—a two-thirds vote being necessary:

AYES—Messrs Anderson, Aud, Ballou, Banks, Caldwell, Cherry, Crane, Curtis, Ely, Galbraith, Hancock, Heath, Hill of Nevada, Hill of Sierra, Hitchens Hobart, Holman, Kabler, Markley, Moore, O'Brien, Palmer, Parker, Pico, Safford, Sheridan, Sherwin, Smith of Nevada, Spilman, Stout, Stratton, Street, Thomas, Tipton, Tuttle, Ward, and Warfield—37

NOES—Messrs. Clarke, Davis, Edwards, Ferguson, Graham, Haldeman, Harris, Havens, Holladay, Howell, King, Lewis, Marshall, Minis, Mitchell, Neblett, Shepard, Simons, Smith of San Bernardino, Stakes, Tatman, Willson, Young, and Mr. Speaker—24.

Mr. Tuttle moved that the House adjourn to ten o'clock, to-morrow morning.

Lost.

Mr. Ferguson moved to adjourn to half-past ten o'clock, to-morrow morning.

Lost.

On motion of Mr. Ely, at ten minutes past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, March 2, 1858.

House met pursuant to adjournment

The speaker in the chair.

The roll was called, and all were present except Messrs. Clarke, Hirst, Neblett, Tatman, and Warmcastle, and those absent on leave.

Leave of absence was granted to Mr Clarke for eight days, Mr. Hirst for three days, Mr. Tatman for one day, indefinite leave to Mr. Warmcastle, Mr. Howell for balance of week, and Mr. Neblett for three days.

Journal of yesterday read and approved.

Mr. Davis presented the claim of Samuel C. Gray, for articles furnished the offices of Quartermaster General and State Treasurer, in the winter of 1853–'54.

Referred to Committee on Claims

The speaker announced that he had appointed A. W. Luckett as watchman for the Assembly.

Mr. Safford moved that the appointment be confirmed, which was agreed to, Messrs Hitchens, Ferguson, and Stout, demanding the ayes and noes, as follows:

AYES—Messrs. Anderson, Aud, Briggs, Buel, Cherry, Crane, Davis, Ely, Gordon, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, Heath, Loofbourrow, Markley, Marshall, McCoy, Mitchell, O'Brien, Palmer, Parker, Pico, Safford, Shepard, Simons, Smith of San Bernardino, Stakes, Street, Thomas, Tuttle, Walker, Ward, Young, and Mr. Speaker—37.

NOES—Messrs. Ballou, Banks, Caldwell, Curtis, Edwards, Ferguson, Galbraith, Graham, Hill of Nevada, Hitchens, Hobart, Holman, Howell, Kabler, King, Minis, Moses, Pearis, Sheridan, Smith of Nevada, Spilman, Stout, Stratton, Tipton, and Warfield—25.

SPECIAL ORDER FOR TWELVE O'CLOCK, M.

Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, was taken up, and the amendments reported by Committee of the Whole on Saturday last, were concurred in. The bill was then further amended, after which, Mr. Stakes offered the following amendment:

Provided, That no patent shall issue to any person or persons, until proof is made of actual settlement upon said land, and that such improvements thereon as shall partake of the realty, have been made to the full amount of the original purchase.

Upon which, Messrs Street, Graham, and Gray, demanded the ayes and noes, and it was lost by the following vote:

AYES—Messrs. Anderson, Edwards, Ely, Ferguson, Galbraith, Gray, Hancock, Heath, Hill of Nevada, Holman, Howell, King, Loofbourrow, McCoy, Moses, Parker, Pico, Safford, Sheridan, Smith of Nevada, Smith of San Bernardino, Stakes, Stratton, Street, Tipton, and Walker—26.

NOES—Messrs Aud, Bailou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Crane, Curtis, Davis, Gordon, Graham, Groom, Haldeman, Hamlin, Harris, Hill of Sierra, Hobart, Kabler, Markley, Minis, Mitchell, O'Brien, Palmer, Pearis, Shepard, Simons, Spilman, Stout, Thomas, Tuttle, Ward, Willson, and Young—35.

Further amendments were offered, and a motion made by Mr. Hancock to recommit to the Judiciary Committee.

Mr Ferguson moved the previous question, which was sustained, and the amendments and motion to recommit were severally lost, and the bill ordered engrossed.

Pending the consideration of the above subject matter, the following message was received from the Senate:

SENATE CHAMBER,
March 2, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate joint resolution No. 28, relative to the transportation of the mails between the Atlantic and Pacific coasts, and respectfully ask the concurrence of the Assembly.

THOS. N CAZNEAU, Secretary of Senate.

Senate joint resolution No. 28, above reported was, (a suspension of the order of business,) on motion of Mr. Buel, taken up, read first and second times, and referred to the Committee on Federal Relations, with instructions to report on to-morrow.

Mr Stratton, on leave, introduced a bill for an act to fix the salary of the superintendent of common schools in Placer county.

Read first and second times, and referred to Placer delegation.

On motion of Mr. Shepard, at a quarter to five o'clock, P. M., the House adjourned to ten o'clock, A. M., to-morrow.

IN ASSEMBLY.

WEDNESDAY, March 3, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called.

All present except Mr. Osgood, who had indefinite leave, and those absent on leave.

Journal of yesterday was read and approved.

The following report was made by Mr. Ely:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Senate joint resolutions No. 28, in relation to the transportation of the mails between the Atlantic and Pacific coasts, respectfully report the same back, and recommend their passage.

BEN. E. S ELY, Chairman

The rules were suspended, and the resolutions read third time, and passed.

The following message was received from the Senate:

SENATE CHAMBER,
March 3, 1858.

MR. SPEAKER:—I am directed to report to the Assembly the report of the committee in relation to the transportation of the mails between the Atlantic and Pacific coasts, which is connected with the Senate joint resolution upon the same subject, heretofore reported to the Assembly.

THOS. N. CAZNEAU, Secretary of Senate.

PETITIONS.

Petitions were presented as follows:

By Mr. Thomas, of citizens of San Joaquin county, for removal of snags in San Joaquin River.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Davis, of citizens of Solano county, relative to location of Luco's grant.

Referred to Committee on Public Lands.

By Mr. Simons, of citizens of Santa Clara county, relative to taxation.

Referred to Committee on Ways and Means.

Also, remonstrance of citizens of Santa Clara county, against increase of fees and salaries.

Laid on the table.

By Mr. Minis, of voters of Yolo county, for a law permitting the citizens of said county to hold an election to re-locate their seat of justice;

Also, by Mr. Ward, of residents of Mariposa county, against division of the county;

Were referred to Committee on Counties and County Boundaries.

By Mr. Tuttle, claim of Thomas Tennant, for freight and storage on weights and measures.

Referred to Committee on Ways and Means

By Mr. Ballou, claims of Wells, Fargo & Co, Thomas J. A. Chambers & Co., and Benjamin F. Marshall;

And by Mr. Mitchell, claim of William G. Poindexter, sheriff of Tulare county;

Referred to Committee on Claims.

Mr. Aud, of the Committee on Claims, made the following report:

MR. SPEAKER:—Your Committee on Claims, to whom were referred the claims of Ferris Forman and R. A. Thompson, have had the same under consideration, and have directed me to report the same back, and recommend they be rejected.

FRANCIS L. AUD, Chairman.

The claims above reported were referred to the Judiciary Committee.

Mr. Stakes made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own names as sole traders, have had the same under consideration, report back, and recommend its passage;

Assembly bills Nos. 199 and 219, an act to change the time of holding the court of sessions, county court, and probate court, in the counties of Santa Barbara and San Luis Obispo, are herewith reported back, with a substitute, and your committee recommend the passage of the substitute;

Assembly bill No. 230, an act to amend an act entitled an act concerning crimes and punishments, is also reported back, with the recommendation it be indefinitely postponed, on the ground that your committee deem it inexpedient, at this time, to change the whole law of copartnership, and to make that a criminal which otherwise would be a civil action.

Your committee have also had under consideration Assembly bill No. 243, an act amendatory of and supplementary to an act entitled an act to regulate elections, passed March 20, 1850;

Also, Assembly bill No. 40, an act to legalize the acknowledgments of certain conveyances and other instruments in writing, and report both bills back, with certain amendments, and recommend their passage as amended.

Assembly bill No. 239, an act concerning divorces, has been under advisement, and is reported back, with the recommendation it be indefinitely postponed.

A. G. STAKES, Chairman.

Mr. Groom, of the Committee on Commerce and Navigation, made the following report:

MR. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Assembly bill No. 225, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage, report the same back, without amendment, and recommend its passage;

They have also had under consideration Assembly bill No. 226, an act to authorize Simpson Thompson and J. H. Thompson, to construct a wharf at Suscol Ferry, in Napa county, on the east bank of Napa River, and report the same back, with amendments, and recommend its passage, as amended.

GROOM, Chairman.

Mr. Edwards, chairman of the Committee on Public Lands, made the following report:

MR. SPEAKER:—The Committee on Public Lands, to whom was referred Assembly joint resolution No. 3, relative to land claims in California, have had the same under consideration, report the same back, with amendments, and recommend their passage as amended.

URIAH EDWARDS, Chairman.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No 142, for an act amendatory of an act entitled an act concerning estray animals, approved April 19, 1856;

Also, Assembly bill No. 165, for an act to establish the county seat of El Dorado county, to fix the place of holding courts in said county, to authorize the improvement and erection of certain buildings in said county, and requiring a removal of the public archives, records, and property;

Also, Assembly bill No. 232, for an act legalizing the assessment roll of

Tehama county, for the year 1857, and extending the time for collecting the revenues in said county.

H. A. MOSES, Chairman.

The following messages were received from the Senate:

SENATE CHAMBER,
March 1, 1858.

MR SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Assembly bill No. 159, an act to audit the claim of D. W. Gilmore.

J. T. EWING, Assistant Secretary Senate.

SENATE CHAMBER,
March 1, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 145, an act to amend an act entitled an act to grant to certain parties the right of laying a railroad track along certain streets within the city and county of San Francisco;

Also, Assembly bill No 234, an act to extend the time of collecting taxes in the county of San Bernardino.

J. T. EWING, Assistant Secretary Senate.

Senate bill No 145, above reported, read first and second times, and ordered on file.

SENATE CHAMBER,
March 1, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed substitute for Senate bill No. 46, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854

THOS N. CAZNEAU, Secretary of Senate.

Senate bill No. 46, above reported, read first and second times, and referred to Committee on Commerce and Navigation, with instructions to report as soon as practicable.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No 87, an act to authorize the executor and administrator of the estate of John Ellig, deceased, to sell real estate at public or private sale;

Also, Assembly bill No. 159, an act to audit the claim of D. W. Gilmore;

Also, Assembly bill No 234, an act to extend the time of collecting taxes in the county of San Bernardino.

GEO A YOUNG, Chairman.

Mr Banks made the following report:

MR SPEAKER:—The select committee, composed of the San Francisco delegation, to whom was referred Assembly bill No 191, for an act to authorize George H. Ensign and others to lay down water-pipes, etc, in

San Francisco, report the same back to the Assembly, with an amendment, and recommend its passage, as amended.

S. W. HOLLADAY,
J. B. MOORE,
C. PALMER,
JOHN W. CHERRY,
CALEB BURBANK,
JAS. A. BANKS,
WM W. SHEPARD,
THOS. GRAY.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 1, 1858.

To the Assembly of California:

I have this day approved an act making appropriation for the salary of draughtsman in the Surveyor General's office, from the first day of January, 1858, to the thirtieth day of June, 1858, inclusive.

JOHN B. WELLER.

The following message was received from the Senate:

SENATE CHAMBER,
March 2, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 148, an act to audit the claim of M. Scott, Jr.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 148, above reported, read first and second times, and ordered on file.

SENATE CHAMBER,
March 2, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 108, an act for the relief of Thos. R. Eldredge, for correcting proof of Spanish Laws of 1856;

Also, Senate bill No. 138, an act to amend an act entitled an act fixing the majority of males and females, passed May 10, 1854;

Also, Senate bill No 136, an act amendatory of an act fixing the times of holding the terms of county court, courts of session, and probate court in and for Butte county;

Also, Senate bill No. 135, an act to authorize a special term of the district court to be held in the county of Butte, and to fix the time for holding the same;

Also, Senate bill No 134, an act to amend an act entitled an act concerning the eighth, ninth, and fifteenth judicial districts of this state, and the judges thereof, approved March 31, 1857;

Also, Assembly bill No. 169, an act to provide for funding the debt of the city of Placerville, and for the payment thereof;

Also, Assembly bill No 73, an act fixing the times of holding the several courts authorized to be held by the county judge of the county of Sierra, and to change the manner of summoning jurors for the county courts of said county, with amendments, and ask the concurrence of the Assembly;

Also, Assembly concurrent resolution, appointing joint committee to examine and report on Labatt's edition of the Practice Act, and have appointed Messrs. Gregory and Goodwin as committee on the part of the Senate, to act with Assembly committee thereon;

Also, Assembly bill No. 242, an act supplementary to and explanatory of an act to appropriate money for advertising, approved February 27, 1858.

JAS. T. EWING, Assistant Secretary of Senate.

Senate bill No. 108, above reported, read first and second times, and ordered on file.

Senate bill No. 138, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bills Nos. 135 and 136, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 134, above reported, read first and second times, and referred to the Judiciary Committee.

Senate amendments to Assembly bill No. 73, above reported, concurred in.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Stout, for an act amendatory of the fifty-eighth section of an act to regulate proceedings in civil cases, passed April 29, 1851.

By Mr. Lee, for an act to authorize George W Chedic, to sell certain property of Georgia M. C. F Chedic.

By Mr Curtis, an act relative to the conduct of state convicts.

By Mr. Ely, for an act to provide for the institution of a court of claims for the examination of claims against the state.

By Mr. Banks, an act amendatory of an act to provide revenue for the support of the government of this state, approved May 15, 1854.

By Mr. Aud, for an act to amend an act entitled an act to provide for funding the indebtedness of the county of Yuba.

By Mr. Gray, of resolutions instructing our Senators, and requesting our members in Congress, to procure the passage of a law allowing adequate salaries and compensation to consuls at Mazatlan, Guaymas, and La Paz, and demanding that government vessels of war be stationed in the Gulf of California and along the Mexican coast, to enforce law, and protect the rights of our citizens.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Stakes, for an act to give to the proceedings of courts of probate the same effect as courts of general jurisdiction.

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

Also, an act the more effectually to protect the rights of citizens in certain cases.

Read first and second times, referred to the Judiciary Committee, and ordered printed

By Mr Burbank, an act amendatory of and supplementary to an act entitled an act to exempt the homestead and other property from forced sale in certain cases, passed April 21, 1851.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Moore, an act to confer further powers upon the board of supervisors of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned

Read first and second times, and referred to the San Francisco delegation.

By Mr. Davis, an act granting the privilege to J. C Owen and R. B. Cannon, of conducting water into and through Suisun City, in the county of Solano, and supplying the inhabitants therewith,

Read first and second times, and referred to the Solano delegation.

Also, an act to authorize the board of supervisors of the several counties of this state to grant the right to construct wharves on the overflowed and submerged lands of this state, to persons owning or possessing lands adjacent thereto.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Safford, an act to repeal sections fifty-five, fifty-six, and fifty-seven, of an act entitled an act concerning courts of justice and judicial officers, passed May 19, 1853.

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

By Mr. Holman, an act to authorize the Governor to issue patents to parties who have made locations upon the public lands with state school land warrants

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Stratton, joint resolutions relative to the admission of Kansas, to which Mr. Ballou offered a substitute

Resolutions and substitute read first and second times.

Mr. McCoy moved to lay on the table, upon which Messrs. Aud, Hill of Sierra, and Sheridan, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Ferguson, Hamlin, Hancock, Heath, Hill of Nevada, Hill of Sierra, Holladay, McCoy, Moore, O'Brien, Ormsby, Palmer, Pico, Safford, Simons, Stakes, Warfield, and Willson—24.

NOES—Messrs Anderson, Aud, Crane, Curtis, Davis, Edwards, Ely, Galbraith, Gordon, Gray, Graham, Haldeman, Harris, Hitchens, Hobart, Holman, Kabler, King, Lee, Loofbourrow, Markley, Marshall, Minis, Mitchell, Moses, Parker, Pearis, Shepard, Sheridan, Smith of Nevada, Spilman, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Young, and Mr Speaker—42.

Mr. Stratton moved to commit the resolutions to a special committee, consisting of the following members, to report to-morrow morning:

Messrs Whitesides, Anderson, Aud, Ballou, Buel, Caldwell, Clarke, Crane, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Howell, Hirst, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moses, O'Brien, Ormsby, Osgood, Parker, Pearis, Pico, Safford, Sheridan, Sherwin, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Stratton, Street, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmeastle, Willson, and Young.

To which Mr. Holladay moved to amend by referring the same to the Committee of the Whole, with instructions to meet at seven o'clock, this evening, and Mr. Buel moved the previous question, which was sustained, and the amendment lost, and the motion to refer to the special committee adopted.

On motion of Mr. Simons, Senate bill No. 145, an act to amend an act entitled an act to grant to certain parties the right to lay a railroad track along certain streets within the city and county of San Francisco, was taken up, read third time, and passed.

The following report was made by Mr. Moses:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state.

H. A. MOSES, Chairman.

Assembly bill No. 102, an act to ratify and approve order No. 46, of the board of supervisors of the city and county of San Francisco, approved August 6, 1857, read third time and passed.

On motion of Mr. Buel, the consideration of the Governor's veto message on El Dorado road bills, the special order for to-day, was postponed until Monday next, at twelve o'clock, M.

Mr. Simons moved that the House take a recess for half an hour.

Lost.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 242, an act supplementary to and explanatory of an act to appropriate money for advertising, approved February 27, 1858.

GEO A. YOUNG, Chairman.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 3, 1858.

To the Assembly of California:

I have this day approved an act to amend an act entitled an act to create the county of Del Norte, to define its boundaries, and provide for its organization, approved March 2d, 1857;

Also, an act to authorize Peter Davidson to convey certain real estate;

Also, an act relative to the board of supervisors of Yolo county;

I have also approved an act to extend the provisions of an act entitled an act to organize the county of Buena Vista, approved April 3, 1855

JOHN B. WELLER.

The Governor's message vetoing the bill relative to the collection of taxes in San Bernardino county, was made the special order for Wednesday, March 24, 1858, at twelve o'clock, M.

Assembly bill No. 142, an act amendatory of an act entitled an act concerning estray animals, approved April 19, 1856;

Assembly bill No. 176, an act supplementary to and amendatory of an act defining the duties of state librarian, and prescribing rules for the government of the state library, passed April 9, 1850;

And, Assembly bill No. 165, an act to establish the county seat of El

Dorado county, to fix the place of holding courts in said county, to authorize the improvement and erection of certain buildings in said county and requiring a removal of the public archives, records, and property;

Were read third time, and passed.

Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this State, was read third time.

Mr. McCoy moved to recommit, with the following special instructions:

Add to section one:

Provided, That any excess resulting therefrom may be passed to the credit of the school fund, to be appropriated for the support of common schools of this state.

Mr. Hill of Nevada, moved a call of the House, which was sustained, and the following members were absent, viz.:

Messrs Burbank, Caldwell, Cherry, Crane, Graham, Groom, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Hobart, Holladay, Hirst, Lee, Loofbourrow, Markley, Marshall, Moore, Moses, O'Brien, Ormsby, Pearis, Pico, Shepard, Sherwin, Simons, Smith of San Bernardino, Spilman, Stratton, Walker, and Willson.

The sergeant-at-arms was dispatched for the absentees.

Messrs. Caldwell, Spilman, Marshall, Harris, Lee, Burbank, O'Brien, Groom, and Holladay, appeared at the bar, were admitted, and excused.

Mr. Warfield moved to adjourn.

Lost.

On motion of Mr. Loofbourrow, the further proceedings under the call of the House, were dispensed with.

Mr. Sheridan offered the following substitute for Mr. McCoy's proviso:

"In cash, and they are hereby specially set apart, and shall be alone appropriated to the reclamation of said lands, in such manner as the Legislature may hereafter direct."

Mr. Buel moved the previous question, which was sustained, and the substitute and amendments were lost.

On the passage of the bill, Messrs Gray, Thomas, and Hill of Nevada, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Buel, Burbank, Cherry, Crane, Curtis, Davis, Ferguson, Gordon, Groom, Haldeman, Hamlin, Hitchens, Holladay, Kabler, Lee, Markley, Marshall, Minis, Mitchell, Moore, O'Brien, Palmer, Pearis, Shepard, Sheridan, Simons, Spilman, Stout, Tatman, Thomas, Tuttle, Ward, Willson, and Young—38.

NOES—Messrs. Briggs, Caldwell, Edwards, Galbraith, Gray, Graham, Hill of Nevada, Hill of Sierra, Hobart, Holman, King, Loofbourrow, McCoy, Moses, Parker, Safford, Smith of Nevada, Smith of San Bernardino, Stakes, Street, Tipton, Walker, Warfield, and Mr. Speaker—24.

Senate bill No. 58, an act to audit the claim of J. W. Denver;

Senate bill No. 148, an act to audit the claim of M. Scott, Jr.;

Senate bill No. 115, an act to change and fix the time of holding the court of sessions and the county court of Yuba county;

And Senate bill No. 93, an act to amend an act entitled an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852;

Were read third time, and passed.

Assembly bill No. 173, an act to authorize and empower the city and county of San Francisco to convey to the United States a site for a light house;

Rules suspended, considered engrossed, read third time, and passed.

Assembly bill No 198, an act to separate the office of collector of taxes from the office of sheriff and assessor, in the county of Shasta;

Assembly bill No. 110, an act supplementary to and amendatory of an act entitled an act to regulate proceedings in civil cases, passed May 1, 1851;

Assembly bill No. 188, an act to amend an act entitled an act fixing the time of holding the several courts authorized to be held by the county judge in the county of Tuolumne, approved April 16, 1855;

And Assembly bill No. 185, an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856;

Were ordered engrossed.

Senate bill No. 53, an act defining the duties of the sheriffs and tax collectors of certain counties therein named, in the collection of taxes, laid on the table.

Assembly bill No 137, an act to extend the terms of office of the boards of supervisors of the counties of this state, substitute adopted, amendments concurred in, bill further amended, considered engrossed, read third time and passed, and title amended.

Mr. Loofbourrow moved to adjourn

Mr. Street, to amend by adjourning to ten o'clock to-morrow morning.

Lost.

Assembly bill No. 212, an act concerning artesian wells, substitute for Assembly bill No 107, substitute adopted, considered engrossed, read third time, and passed.

Mr. Galbraith, at three o'clock and twenty minutes, moved to adjourn.

Lost.

Assembly bill No. 208, an act supplementary to an act to provide revenue for the support of the government of this state, approved April 29, 1857, ordered engrossed.

At three o'clock and twenty-five minutes, Mr. Loofbourrow moved to adjourn to half-past ten o'clock to-morrow morning.

Lost.

Assembly bill No. 213, an act in relation to the office of the county assessor of the county of San Joaquin, substitute for Assembly bill No. 158, substitute adopted, considered engrossed, read third time, and passed.

On motion of Mr. Stakes, at half-past three o'clock, P. M., the House adjourned until ten o'clock, A. M., to-morrow.

IN ASSEMBLY.

THURSDAY, March 4, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all were present, except those having leave of absence.

Journal of yesterday was read and approved.

Mr. Havens presented the proceedings of a public mail meeting, held at Eureka, Humboldt county.

Referred to Committee on Federal Relations.

REPORTS.

Mr. Edwards, chairman of the Committee on Public Lands, made the following report:

MR. SPEAKER:—The Committee on Public Lands, to whom was referred Senate bill No. 11, have had the same under consideration, and report it back, with amendments, and recommend the passage of the same, as amended. URIAH EDWARDS, Chairman.

Mr. Davis, chairman of the Committee on Swamp and Overflowed Lands, reported as follows:

MR. SPEAKER:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate joint resolution No. 26, relative to swamp lands, having had the same under consideration report them back, without amendment, and recommend their passage.

Also, select committee of the delegation from Solano, to whom was referred Assembly bill No. 253, report the same back, without amendment, and recommend its passage.

DAVIS, Chairman.

Mr. Stratton reported as follows:

MR. SPEAKER:—The select committee, to whom was referred joint resolutions relative to the admission of Kansas, have considered the same, and the undersigned, a majority of the committee, report the original resolution back to the House, and recommend its passage.

N. E. WHITESIDES,
FRANCIS D. AUD,
D. B. CURTIS,
T. H. ANDERSON,
R. D. HILL,
GEORGE W. CRANE,
JAMES O. HARRIS,
J. B. WARFIELD,
J. S. TIPTON,
URIAH EDWARDS,
HOMER KING,
J. S. ORMSBY,
WM. J. MARKLEY,
N. KABLER,
E. J. LEWIS,
D. S. LOOFBOURROW,
A. B. WALKER,
A. P. K. SAFFORD,
B. R. SPILMAN,
ANDRES PICO,
W. C. STRATTON,
A. H. MITCHELL,
J. N. WARD,
P. M. HALDEMAN,
A. A. H. TUTTLE,
N. H. DAVIS,
H. W. HAVENS,
GEO. A. YOUNG,
B. F. MARSHALL,
J. E. SHERIDAN,
J. D. GALBRAITH,
BEN. E. S. ELY,
G. C. HOLMAN,
J. B. GORDON,
GEO. W. THOMAS,
H. LEE,
J. W. SMITH,
RUSSEL HEATH,
HENRY HANCOCK,
WILLIAM MINIS,
SOLON S. SIMONS,
C. R. STREET,
H. S. GRAHAM,
EUSTACE PARKER.

Mr. Stratton moved to suspend the rules for the consideration of the resolutions above reported, upon which he moved the previous question, which was sustained.

Mr. Sherwin moved a call of the House.

Lost.

Mr. Stratton, on leave, withdrew the motion, for the previous question.

Mr. O'Brien moved to adjourn.

Lost.

Mr. Stratton moved to amend the title of the resolution offered by him yesterday, by striking out the word "joint" and inserting "concurrent," and amending the enacting clause to correspond.

Mr. Buel moved to recommit to the Judiciary Committee, with instructions to report back in proper shape

Mr. O'Brien moved to lay the whole matter on the table until the minority were ready to report.

Lost

Mr. Davis moved the previous question, which was sustained. Messrs. O'Brien, Stratton, and Curtis, demanding the ayes and noes, as follows:

AYES—Messrs. Anderson, Aud, Buel, Curtis, Davis, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hitchens, Holladay, Holman, Kabler, King, Lewis, Markley, Marshall, McCoy, Minis, Ormsby, Pico, Sheridan, Simons, Smith of San Bernardino, Spilman, Stratton, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Willson, Young, and Mr. Speaker—43.

NOES—Messrs Banks, Caldwell, Gray, Hill of Nevada, Hill of Sierra, Hobart, Loofbourrow, Moses, O'Brien, Shepard, Sherwin, and Stout—12.

Mr. O'Brien moved to adjourn, which was lost, Messrs. Sherwin, Gray, and O'Brien, demanding the ayes and noes, as follows:

AYES—Messrs. Banks, Caldwell, Gray, Hill of Nevada, Moses, O'Brien, and Sherwin—7.

NOES—Messrs. Anderson, Aud, Buel, Burbank, Crane, Curtis, Davis, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hitchens, Hobart, Holladay, Holman, Kabler, King, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Ormsby, Pico, Safford, Shepard, Sheridan, Simons, Smith of San Bernardino, Spilman, Stout, Stratton, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Willson, Young, and Mr. Speaker—50.

Mr. Sherwin moved a call of the House, which was lost, Messrs. O'Brien, Cherry, and Sherwin, demanding the ayes and noes, as follows:

AYES—Messrs Buel, Caldwell, Ferguson, Gray, Hitchens, Moses, O'Brien, Pearis, Safford, Shepard, Sherwin, Stout, and Willson—13

NOES—Anderson, Aud, Banks, Crane, Curtis, Davis, Edwards, Ely, Galbraith, Gordon, Graham, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hobart, Holladay, Holman, Kabler, King, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Ormsby, Pico, Sheridan, Simons, Smith of San Bernardino, Spilman, Stratton, Thomas, Tipton, Walker, Ward, Warfield, Young, and Mr. Speaker—43.

Mr. Sherwin moved to adjourn, which was ruled out of order. Mr.

Sherwin appealed from the decision of the chair, and the chair was sustained.

On the adoption of Mr. Stratton's amendment, Messrs. Hill of Nevada, O'Brien, and Gray, demanded the ayes and noes, and the amendment was adopted by the following vote:

AYES—Messrs. Anderson, Aud, Banks, Buel, Crane, Curtis, Davis, Edwards, Ely, Galbraith, Gordon, Graham, Haldeman, Hancock, Harris, Havens, Heath, Holman, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Ormsby, Pearis, Pico, Safford, Sheridan, Simons, Smith of San Bernardino, Spilman, Stratton, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Young, and Mr. Speaker—44.

NOES—Messrs. Ballou, Ferguson, Gray, Hill of Nevada, Hobart, Moses, O'Brien, Shepard, Sherwin, and Stout—10.

Mr. Ballou had leave to read a minority report on Mr. Stratton's resolution, pending the reading of which, on motion of Mr. Young, the further reading was denied.

On the adoption of the resolution, Messrs. Young, Curtis, and Buel, demanded the ayes and noes, and the resolution passed by the following vote:

AYES—Messrs. Anderson, Aud, Buel, Crane, Curtis, Davis, Edwards, Ely, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Holman, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Ormsby, Parker, Pearis, Pico, Safford, Sheridan, Simons, Smith of San Bernardino, Spilman, Stakes, Stratton, Street, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Young, and Mr Speaker—50.

NOES—Messrs. Ballou, Banks, Burbank, Caldwell, Cherry, Gray, Hill of Nevada, Hitchens, Hobart, Holladay, Moore, Moses, O'Brien, Palmer, Shepard, Sherwin, Stout, and Willson—18.

At a quarter before one o'clock, P. M, Mr. Harris moved that the House take a recess for thirty minutes.

Lost

Assembly bill No 41, an act for the suppression of bawdy-houses and houses of ill-fame, special order for this day, ordered engrossed.

Mr Sherwin moved a call of the House.

Lost.

Mr Ballou made the following minority report of the special committee appointed on the Assembly concurrent resolution, relative to the admission of Kansas:

MR. SPEAKER:—The undersigned, a minority of your committee to whom was referred Assembly joint resolution relating to Kansas, and also a substitute therefor, beg leave to dissent from the opinion expressed by a majority of the committee, for the following reasons:

The preamble adopted and recommended by the majority of your committee reads as follows:

"*Whereas*, The people of the territory of Kansas did, on the seventh day of November, 1857, by a convention assembled for that purpose, form for themselves a constitution and state government, which constitution and state government, so formed, is republican."

The undersigned respectfully urge that the statement contained in the above, that the constitution and state government so formed is republican, is entirely conjectural and gratuitous, not one of the whole committee being prepared to say that they had seen and read more than a brief *synopsis* of that instrument (the Lecompton constitution) In the absence, therefore, of positive evidence, the undersigned are of opinion that the majority are not warranted in making such a statement. The undersigned are clearly of the opinion, from all the information that they have been able to glean, taking the statements of Governor R. J. Walker and Secretary Stanton—parties whom all must concede, from their position and relation to the people of Kansas, to be the most competent judges of the action of the citizens of Kansas in the premises, and the character of the instrument framed at Lecompton—state that a large majority of the people of that territory are opposed to the said organic act *in toto;* but, independent of other considerations, the undersigned plant themselves firmly upon the heaven-born, impregnable Democratic doctrine of popular sovereignty, declaring that, inasmuch as the people of any state are those most affected by their organic law, therefore no constitution should become the supreme law of a state until fairly submitted to and endorsed by a majority of all those voting thereon. Much as the undersigned regret differing from our present venerated Chief Magistrate, in whom we recognize an eminent statesman and an ardent patriot, they yet feel that they have duties to perform towards themselves and to their own consciences, one of which is to think and act for themselves upon all occasions; and when they differ honestly in opinion with any party, no matter how exalted, to express their convictions openly and boldly, believing that not only the people at large, but the President himself, will commend a manly independence upon all questions where there does exist an honest difference of opinion. The undersigned are of the opinion that the attempt, in this instance, to force a constitution upon the citizens of Kansas, to which a large majority of them are most unqualifiedly opposed, as is clearly shown by the vote cast on the fourth of January, is not only a gross violation of the principles of the original Kansas-Nebraska act, passed in May, 1854, which says that "the people of Kansas shall be perfectly free to form and regulate their domestic institutions in their own way," but violative of the great and paramount issue of popular sovereignty upon which the present administration went into power. We assert that it was, and always has been the understanding, that the Democratic party planted themselves upon this ground during the campaign of 1856; that the party, in conventions assembled, and through the President, in his instructions to Governor Walker, and also through the public journals, have always maintained this cardinal maxim of Democracy, that the "people are capable of self-government;" and that, whatever constition might be framed for the government of Kansas, should be submitted, as a whole, for ratification; in pursuance whereof we quote from the Cincinnati platform, one plank of which reads as follows:

"That we recognize the right of the people of all the territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of the majority of actual residents, whenever the number of their inhabitants justifies it, to form a constitution, with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with the other states."

Not one year subsequent to the adoption of the above, the President, in his inaugural, says:

"It is the imperative and indispensable duty of the United States to secure to every resident inhabitant the free and independent expression of his opinion by his vote This sacred right of each individual must be preserved. This being accomplished, nothing can be fairer than to leave the people of a territory free from all foreign interference to decide their own destiny for themselves, subject only to the constitution of the United States. The whole territorial question being thus settled upon the principle of popular sovereignty—a principle ancient as free government itself —every thing of a practical nature has been decided, and no other question remains for adjustment."

Clearly showing that the Chief Magistrate, at that period, stood upon the doctrines enunciated in the Cincinnati convention. Following this chain of evidence further down, as corroborative of our position, we find that Governor Walker, in his reply to the President, upon assuming the office of governor of the territory of Kansas, says:

"I understand that you and all your Cabinet cordially concur in the opinion expressed by me, that the actual *bona fide* residents of the territory of Kansas, by a fair and regular vote, unaffected by fraud or violence, must be permitted, in adopting their state constitution, to decide for themselves what shall be their social institutions."

He states further:

"I accepted, on the express condition that I should advocate the submission of the constitution to a vote of the people for ratification or rejection."

Governor Walker having been appointed under this understanding, made use of the following language to the people of Kansas, when he entered upon the duties of his office as governor of that territory, on the 27th of May, 1857. Let it be kept in view, that this inaugural had been prepared in Washington City, submitted to the President and Cabinet, and by them approved. Says Walker, in the message alluded to:

"Indeed, I cannot doubt that the convention, after having framed a state constitution, will submit it for ratification or rejection by a majority of the then actual *bona fide* resident settlers of Kansas. With these views well known to the President and Cabinet, and approved by them, I accepted the appointment of governor of Kansas. My instructions from the President, through the Secretary of State, under date of the third of March last, sustain the 'regular legislature of the territory,' in 'assembling a convention to form a constitution, and they express the opinion of the President, that 'when such a constitution shall be submitted to the people of the territory, they must be protected in the exercise of their right of voting for or against that instrument; and the fair expression of the popular will must not be interrupted by fraud or violence.' I repeat, then, as my clear conviction, that unless the convention submit the constitution to the vote of all the actual resident settlers of Kansas, and the election be fairly and justly conducted, the constitution will and ought to be rejected by Congress."

And further, in the same document:

"It is not merely, shall slavery exist in or disappear from Kansas, but shall the great principles of self government and state sovereignty be maintained or subverted?"

For slavery, as a practical issue, had passed away long before the assembling of the Lecompton convention, as was evidenced in the election of Mr. Parrott, the Free State delegate to Congress. The submission of the slavery clause alone was a base means of compelling the people of Kansas to submit to other features of the organic law, more obnoxious to many of them than slavery itself.

It was well known, as before stated, that these views were entertained by Governor Walker, and the President endorsed them. Walker says:

"In that inaugural, I proceed further to say, that the people 'may, by subsequent vote, defeat the ratification of the constitution.' I designate this as a 'great constitutional right,' and add, 'that the convention is the servant and not the master of the people.' In my official dispatch to you of the second June last, a copy of that inaugural address was transmitted to you for the further information of the President and his Cabinet No exception was ever taken to any portion of that address. On the contrary, it is distinctly admitted by the President in his message, with commendable frankness, that my instructions in favor of the submission of the constitution to the vote of the people, were '*general and unqualified*.' By that inaugural, and subsequent addresses, I was pledged to the people of Kansas, to oppose, by all 'lawful means,' the adoption of any constitution which was not fairly and fully submitted to their vote for ratification or rejection."

In the month of August, 1857, the President, in his elebrated reply to the forty-three clergymen, says:

"The convention will soon assemble to perform the solemn duty of framing a constitution for themselves and their posterity; and, in the state of incipient rebellion which still exists in Kansas, it is my imperative duty to employ the troops of the United States, should this become necessary, in defending the convention against violence whilst framing the constitution, and in protecting the '*bona fide* inhabitants,' qualified to vote under the provisions of this instrument, in the free exercise of the right of suffrage when it shall be submitted to them for their approbation or rejection."

The President also—as if the above was not sufficiently conclusive—in his recent message, says:

"I trust, however, the example set by the last Congress, requiring that the constitution of 'Minnesota should be subject to the approval and ratification of the people of the *proposed state*,' may be followed on future occasions. I took it for granted that the convention of Kansas would act in accordance with this example, founded, as it is, on correct principles; and hence my instructions to Governor Walker, in favor of submitting the constitution to the people, were expressed in general and unqualified terms."

And we state boldly that it was not only taken for granted, but unqualifiedly maintained by the Democracy at large, that the people of Kansas should have an opportunity to vote upon their constitution as a whole. And one of the most potent and obvious reasons why a constitution should always be submitted for endorsement by the people of any territory, is to be found in the following language, used by the President in his last annual message, to wit:

"The election of delegates to a convention must necessarily take place in separate districts. From this cause it may readily happen, as has often been the case, that a majority of the people of a state or territory are on one side of a question, whilst a majority of the representatives from the several districts into which it is divided, may be upon the other side. This arises from the fact, that in some districts delegates may be elected by small majorities, whilst in others, those of different sentiments may receive majorities sufficiently great not only to overcome the votes given for the former, but to leave a large majority of the whole people in direct opposition to a majority of the delegates. Besides, our history proves that influences may be brought to bear on the representative, sufficiently powerful to induce him to disregard the will of his constituents. The truth is, that no other authentic and satisfactory mode exists of ascertaining the will of a majority of the people of any state or territory, on an important and exciting question like that of slavery in Kansas, except by leaving it to a direct vote. How wise, then, was it for Congress to pass over all subordinate and intermediate agencies, and proceed directly to the source of all legitimate power under our institutions!"

Can any sane mind require or ask for a more cogent reason for submitting the instrument formed at Lecompton, (which the majority of the committee have pronounced republican, upon hearsay,) to the people of Kansas? But it is further maintained by the only authority who could be best informed upon the matter (Governor Walker), that owing to express design on the part of those who were determined to steal a march upon the people, one-half of the counties in the territory of Kansas were disfranchised. Governor Walker, who was there during the whole time, says:

"On reference to the territorial law under which the convention was assembled, thirty-four regularly organized counties were named as election districts for delegates to the convention. In each and all of these counties, it was required by law that a census be taken, and the voters registered, and when this was completed the delegates to the convention should be apportioned accordingly. In nineteen of these counties there was no census, and therefore there could be no such apportionment there of delegates based upon such census. And in fifteen of these counties, there was no registry of voters. These fifteen counties, including many of the oldest organized counties in the territory, were entirely disfranchised, and did not give, (by no fault of their own,) could not give a solitary vote for delegates to the convention. This result was superinduced by the fact that the territorial legislature appointed all the sheriffs and probate judges in all these counties, to whom was assigned the duty, by law, of making this census and registry. These officers were political, dissenting from the views and opinions of the people of these counties, as proved by the election in October last. These officers, from want of funds, as they allege, neglected, or refused to take any cen-

sus, or make any registry in these counties, and therefore they were entirely disfranchised, and could not, and did not, give a single vote at the election for delegates to the constitutional convention. And here I wish to call attention to the distinction which will appear in my inaugural address, in reference to those counties where the voters were fairly registered, and did not vote. In such counties, where full and free opportunity was given to register and vote, and they did not choose to exercise that privilege, the question is very different from those counties where there was no census or registry, and no vote was given, or could be given, however anxious the people might be to participate in the election of delegates to the convention. Nor could it be said these counties acquiesced; for wherever they endeavored, by a subsequent census, or registry of their own, to supply this defect, occasioned by previous neglect of the territorial officers, the delegates thus chosen were rejected by the convention. I repeat, that in nineteen counties out of thirty-four, there was no census. In fifteen counties out of thirty-four, there was no registry, and not a solitary vote was given, or could be given, for delegates to the convention in any one of these counties. Surely, then, it cannot be said that such a convention, chosen by scarcely more than one-tenth of the present voters of Kansas, represented the people of that territory, and could rightfully impose a constitution upon them without their consent. These nineteen counties, in which there was no census, constituted a majority of the counties of the territory; and these fifteen counties, in which there was no registry, gave a much larger vote at the October election, even with the six months' qualification, than the whole vote given to the delegates who signed the Lecompton constitution on the seventh of November last. If, then, sovereignty can be delegated, and conventions, as such, are sovereign, which I deny, surely it must be only in such cases as when such conventions are chosen by the people, which we have seen was not the case as regards the late Lecompton convention. It was for this, among other reasons, that, in my inaugural and other addresses, I insisted that the constitution should be submitted to the people by the convention, as the only means of curing this vital defect in its organization. It was, therefore, among other reasons, that when, as you know, the organization of the so-called Topeka state government, and, as a consequence, an inevitable civil war and conflict must have ensued, these results were prevented by my assuring, not the abolitionists, as has been erroneously stated—for my address was not to them, but to the people of Kansas—that, in my judgment, the constitution would be submitted fairly and freely for ratification or rejection by their vote; and that, if this was not done, I would unite with them, (the people,) as I now do, in lawful opposition to such procedure."

Will any one have the temerity to deny this? We deduce them briefly:

First—That the President understood, as every other Democrat did, at the time of his nomination, that the entire constitution was to be submitted to the people.

Second—That he so understood it, and so expressed it in his inaugural on the fourth of March, 1857.

Third—That he so understood it, and so expressed it on the fifteenth of August, 1857, in his letter to the Connecticut clergymen.

Fourth—That he admits this construction in his message of the seventh of December, 1857.

Fifth—That during all this time, the Democracy understood it just as we now do; and that they now so understand it.

Sixth—That the Lecompton constitution was not an emanation from the people, for nine-tenths of the people were disfranchised and not allowed to vote

Seventh—That, inasmuch as the Lecompton constitution was not the will of a majority, it is consequently not "republican;" and hence it is the imperative duty of Congress to reject it.

Eighth—That the campaign of 1856 was fought on the principle of popular sovereignty.

The question of slavery has been lost sight of in this question, and the issue involves rights far more holy and important than any question of property. It is the right of free suffrage The right of the people to make their own laws is at stake; and on those questions it would be an insult to the intelligence of American freemen to doubt the character of the verdict. When the rights of a bogus minority are to be permitted to trample in the dust the will of a majority, then, indeed, is it time to account our government a solemn and dangerous failure.

The reason urged, on the part of some, that the President has made the acceptance of Kansas under the Lecompton constitution an Administration measure, and, for that reason alone, makes it incumbent upon all Democrats to support him, is, in the opinion of the undersigned, intended for those who possess no personal political identity, and who are ready at all times to pin their faith upon the sleeve of another; for if we are to be absorbed into the central power in this manner, we might as well dispense with reason and individuality at once. The undersigned, conceiving that this is a question upon which men may honestly differ, do not feel it their right to question the Democracy of those who differ from them in opinion, and neither, on the other hand, do they conceive that those differing from the undersigned are authorized to question the purity of our intentions. The minority take this occasion to reprehend, in most unmeasured terms, the uncalled for, silly, and foolish attempt made by some, to drive men from the support of a principle dearer to them than life itself, by crying out, that others who have been their hereditary political opponents have come up and endorsed the platform of popular sovereignty, upon which we stand. We believe it to be the duty of all to accept good, come from whatever quarter it may. Therefore, the man who would sacrifice a principle, or be driven from the support of a measure, because some party or person obnoxious to him endorses the same, is, in the opinion of the undersigned, unworthy the confidence of a confiding constituency. Carry this principle a step further, and we shall all be obliged to abandon the President upon his filibustering policy; for it is patent that the Republican party, to a man, both in Congress and out, endorse him in his policy upon that question, while a majority of Democratic members, particularly from the southern states, do not. This fact alone should caution men against attempting to place men in antagonism to the Administration because they happen to differ with him in one or two particulars. The undersigned are of the opinion that the doctrine of popular sovereignty will and must ultimately prevail against all combinations, factions and isms. Therefore they can scarcely conceive of an exigency under which they would feel justified in deserting this principle; they certainly see no cause to in the present instance. They therefore most cordially and earnestly recommend the adoption of the substitute, believ-

ing the doctrine therein contained, correct, and endorsed by the lion-hearted Democracy and honest yeomanry of California.

The undersigned conclude with expressing a sincere conviction that, so long as our government adheres to the immutable principle of popular sovereignty, faithfully carried out, the timid, wavering, and time-serving, need have no fear of a dismemberment of this, the only free government on earth.

All of which is respectfully submitted.

S. A. BALLOU,
J. L. C. SHERWIN,
WM. HILL,
JAMES HITCHENS,
H. A. MOSES,
JOHN CALDWELL,
J. C. WILLSON, (Independent.)
THOS. O'BRIEN.

Mr. Hamlin moved to adjourn, upon which Messrs. Sherwin, Hitchens, and Hamlin, demanded the ayes and noes, as follows:

AYES—Messrs. Ballou, Curtis, Galbraith, Gordon, Gray, Graham, Hamlin, Hill of Sierra, Hitchens, Lee, Lewis, Markley, Marshall, Palmer, Stakes, Tipton, and Walker—17.

NOES—Messrs. Anderson, Aud. Banks, Buel, Burbank, Caldwell, Crane, Edwards, Ely, Harris, Heath, Hill of Nevada, Kabler, Loofbourrow, McCoy, Minis, Mitchell, Ormsby, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stout, Stratton, Thomas, Ward, Willson, and Young—31.

So the House refused to adjourn.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 3, 1858.

To the Assembly of California:

I have this day approved the following bills, viz.: an act to extend the time for the collection of taxes in the county of San Bernardino;

Also, an act supplementary to and explanatory of an act to appropriate money for advertising, approved February 27, 1858;

Also, an act to authorize the executors and administrators of the estate of John Ellug, deceased, to sell real estate of said deceased at public or private sale.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 4, 1858.

To the Assembly of California:

I beg leave to transmit to your honorable body, a communication received to-day from the Superintendent of Public Instruction. I concur in the view which he takes of the question, as to the right of California to the five per cent. on the sale of public lands within our limits. This has been given to other states, and I know of no reason why California should not be placed on an equal footing with her older sisters. As sales have been advertised for May, I hope a vigorous effort will be made at once, in

order to procure prompt action upon the part of our federal representatives in Washington.

JOHN B. WELLER.

Which last, together with the accompanying communication from the Superintendent of Public Instruction, was referred to the Committee on Federal Relations, and ordered printed:

To His Excellency, Governor John B. Weller:

From a careful investigation of previous legislation by Congress, I am satisfied California is, in justice, entitled to five per cent. of the proceeds of the public lands within her limits.

The subject seems to have been entirely overlooked.

Permit me to call the attention of your Excellency, and through you, of the Legislature, to the grounds upon which our claim is based.

I am satisfied a memorial from that body will induce Congress to grant us this fund, as it has done to every other state admitted into the Union.

Ohio.—The policy was inaugurated in 1802, in the act authorizing the people of Ohio territory to form a constitution and state government.

That act granted to Ohio, "one-twentieth part (five per cent) of the net proceeds of the lands lying within the said state, sold by Congress, from and after the thirtieth day of June next [1802], after deducting all expenses incident to the same;" and stipulated that this fund should be applied to the laying out and making public roads leading to and through said state.

The act of March 3, 1803, admitting Ohio into the Union, further declares, "that the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of the receivers of public moneys of the several land offices shall be settled, pay three per cent. of the net proceeds of the lands of the United States, lying within the state of Ohio, to such person or persons as may be authorized by the Legislature of said state to receive the same; which sum, thus paid, shall be applied to the laying out, opening, and making roads within the said state, and to no other purpose whatever" The remaining two per cent. was applied by the United States to the construction of roads *leading to the state.*

This grant was not made without a valuable consideration.

It was expressly on condition that the state should exempt every tract of land, sold by Congress within her limits, from every tax, whether for state, county, township, or any other purpose whatever, for the term of five years, from and after the date of sale. See U. S. Stat. at Large, ii, 175, 226.

The policy thus inaugurated was uniformly adhered to on the admission of each successive new state.

Louisiana.—A similar grant was made to Louisiana by act of February 20, 1811, except, that the whole five per cent. was directed to be "applied to laying out and constructing public roads and levees *in the said state,* as the Legislature thereof may direct." U. S. Stat. at Large, ii, 643.

Indiana.—The act of April 19, 1816, admitting Indiana into the Union, section six, submits certain propositions, of which the third declares, "that five per cent. of the net proceeds of the lands lying within the said territory shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said state, under the

direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the said state, under the direction of Congress." See U. S. Stat., iii, 290.

The consideration here, was the same as in the case of Ohio; that the lands sold by the United States should be exempt from all taxation by the state for five years after sale.

Mississippi.—The act of March 3, 1817, makes the same donation to Mississippi, in the same terms.

In addition to the usual condition, that United States lands shall not be taxed, it is stipulated that non-resident land-owners shall not be taxed higher than residents, and that the river Mississippi shall be a common highway, and no tax, duty, impost, or toll, shall be imposed upon the navigation thereof, by the state. U. S. Stat., iii, 349.

Illinois.—The Act of April 18, 1818, admitting Illinois, makes a similar grant, with this variation, that two-fifths of the five per cent. fund are to be disbursed in making roads leading to the state; the residue to be appropriated by the Legislature for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university. The conditions are the same as in the case of Indiana.

Alabama.—The act of March 2, 1819, providing for the admission of Alabama, makes the same grant: three-fifths for building roads within the state, and two-fifths for roads leading to the state. Conditions same as before. Stat. at Large, iii, 491.

Missouri.—Act of March 6, 1820, same grant to Missouri, in same terms, and on same conditions. U. S Stat, iii, 547.

Indian Lands in Mississippi and Alabama.—The act of July 4, 1836, reserves five per cent. of the proceeds of Chickasaw lands to Mississippi and Alabama. U. S. Stat., v, 116.

Florida.—The act of March 3, 1845, supplemental to the act for the admission of Florida and Iowa into the Union, declares: "That in consideration of the concessions made by the state of Florida in respect to the public lands, there be granted, etc., five per centum of the net proceeds of the sale of lands within said state, which shall be hereafter sold by Congress, after deducting all expenses incident to the same, and which said net proceeds shall be applied by said state *for the purpose of education.* U. S. Stat., v, 788.

Iowa.—Act of March 3, 1845, makes same grant to Iowa. The whole five per cent., however, is to be applied to making roads and canals *within* the state.

The usual conditions are imposed, with the addition, that the state is not to interfere with the primary disposal of the soil within the same by the United States. U. S. Stat., v, 790.

Arkansas.—Act of June 23, 1836, makes same grant for same purposes, and on same conditions. U. S. Stat., v, 58.

Michigan.—Act of June 23, 1836. Same throughout. U. S Stat, v, 60.

Wisconsin.—Same throughout. U. S. Stat., ix, 179.

Minnesota.—Act of February 26, 1857. Same throughout.

It will thus be seen that from the admission of Ohio, in 1802, to that of Minnesota, in 1857, Congress has uniformly granted this five per cent. fund to the new states, with the single exception of California.

The act admitting our state into the Union, approved September 9, 1850, carefully omitted this grant, while it as carefully imposed all the conditions which had, in the case of other states, formed the consideration for the grant.

It stipulated that our people, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within our limits; that they shall never lay any tax or assessment, of any description whatsoever, upon the public domain of the United States; shall not tax non-resident proprietors higher than residents; and that all the navigable waters within the state shall be common highways and forever free, as well to the inhabitants of the state as to the citizens of the United States, without any tax, impost, or duty therefor.

This is a consideration amply sufficient to entitle us to demand of the United States five per cent of the proceeds of the public lands within our limits.

We have refrained for eight years from taxing these lands, and can receive no equivalent except this five per cent. fund. The taxes, if imposed as upon private lands, would have realized more to the state than this fund is likely to amount to.

It is hardly to be supposed that Congress deliberately intended to make an invidious distinction in our case—to do us the rank injustice of excepting us from the benefits of a rule of universal application before and since our admission. The failure to make us the usual grant must have been an oversight, which I have not a doubt will be promptly corrected as soon as the attention of Congress is called to the subject by a memorial from our Legislature. This fund will prove of no little importance to our state.

The United States has advertised for sale, in May next, nearly two millions five hundred thousand acres of public lands.

Should all these be sold at the minimum price of one dollar and twenty-five cents per acre, they will realize three millions one hundred and twenty-five thousand dollars; five per cent. upon which will amount to one hundred and fifty-six thousand two hundred and fifty dollars.

Allowing the largest margin for expenses, the proceeds of the sale ought to reach two millions of dollars; five per cent of which would be one hundred thousand dollars; amply sufficient to justify the immediate establishment of our university or military institute.

This is a subject coming peculiarly within the province of the Department of Instruction, inasmuch as our state constitution has expressly provided, article ix, section 2, that "such per cent. as may be granted by Congress on the sale of lands in this state, shall be inviolably appropriated to the support of common schools throughout the state"

Here the framers of our constitution evidently took it for granted that Congress would make the usual donation of the five per cent. fund to us on our admission into the Union. They wisely devoted it, in advance, to the cause of education.

Congress cannot object to this, inasmuch as that body has set the pre-

cedent, in two instances at least, in the grant to Illinois, and in that to Florida, before quoted.

May I suggest to your Excellency, the propriety of urging our Legislature to memorialize Congress at once upon this subject.

I am, very respectfully,

ANDREW J. MOULDER,
Superintendent of Public Instruction.

The following message was also received from the Governor, and referred to the special committee, consisting of State Prison and Judiciary Committees, and ordered printed:

Mr Aud gave notice that he would, on to-morrow, move to have an additional number of copies printed.

Mr. Simons, to have a number printed in the Spanish language.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 4, 1858.

To the Assembly of California:

In compliance with the act of the Legislature, passed on the twenty-seventh ult., I proceeded, on Monday last, to take possession of the state prison. To effect this, contrary to expectation, I was compelled to use a little force. Some changes were at once made, which, in my judgment, the public interest demanded

C. W. Robinson, who had been connected with the institution for several years, and who had proved himself a faithful officer, was assigned the position of superintendent; Major McKay, who has had much experience in the quartermaster and commissary departments of the United States army, was placed in charge of the commissary stores. The guard was increased by the appointment of two additional men, and rendered more effective at the prison by directing that no guard under pay of the state should leave the grounds. I also directed the superintendent to allow a small number of prisoners, within the limits fixed by law, to go on the boats and assist Mr. McCauley in delivering bricks, upon his furnishing a guard entirely satisfactory to him, the guard to be sworn in, as other officers, and paid by McCauley.

An inventory was taken of the commissary stores, and arrangements made for the support of the convicts. I found the prison in a much better condition than I anticipated. I understand that great improvements have been made in feeding and clothing the prisoners since the report of the joint committee of the Legislature. I did not think it necessary to make any changes in this respect.

Finding that the large hall, in which upwards of two hundred convicts are lodged, is so constructed that it could not be converted into cells, orders were given to throw partitions across it, so as to make six rooms. As soon as this is accomplished, some classification of the prisoners can be made, which the interest of the institution imperiously demands. I do not see, however, any way in which this prison can be properly managed, without additional buildings. There are already a great many more at San Quentin than can be accommodated, and unless a branch prison is established at some other point, additional buildings should at once be constructed. In my own opinion, a site should be selected for a new prison, and a portion of the convicts employed in putting up the necessary buildings during the present summer.

I found the convicts wholly unemployed upon my arrival, and as there is much to be done in placing the grounds in proper order, directions

were given to use the whole available force, for the present, in this work; employment, of some character, must be found for them.

Whilst on this subject, you will allow me to suggest, that the practice of the courts in sending men to prison for long periods, will defeat any attempts, no matter how well directed, at what is regarded as one of the great objects of all human punishments—reformation. There are a number of convicts, who have, for the first offence (grand larceny) been sentenced to imprisonment for ten years, and some fifteen. If a reformation cannot be effected within the first two years of confinement, there is scarcely any hope of it. He begins to look upon the officers as his enemies, selected by an unfeeling people to torture and oppress him. His heart becomes callous, and all the warm and generous impulse of his soul, are annihilated; he broods upon the wrongs which he thinks society has inflicted upon him, until at length, after years of suffering, he is thrown back upon the world a hardened wretch. Under our system, at the expiration of his term, he is driven from the doors of the prison in rags, and without a cent to purchase a meal of victuals. He has been in the state prison, and men are unwilling to employ him.

The world too often force men back into the paths of vice, because of an unwillingness to afford them an opportunity to reform. How few of us observe the golden rule, "Do unto others as we would that others should do unto us." The unfortunate man, ragged and filthy,—without money, without friends, and with the mark of the prison on him, is almost forced to leave the paths of rectitude, and seek aid and comfort amongst his old associates in crime. Humanity demands that some provision should be made to give each one, on his discharge, a good suit of clothes, and a small sum of money. This is done in all the prisons of our sister states

I also suggest that the better plan would be, in ordinary cases of burglary, larceny, and felonies of that character, that for the first offence, five years should be the maximum of punishment. There is scarcely a convict who enters the prison, who does not cherish the hope that he will either escape or be pardoned. It is the *certainty*, rather than the severity of punishment, which is found most potent in deterring men from the commission of crime, and, when sentenced for short periods, the Executive ought not, except in extraordinary cases, interpose his clemency

In consequence of the severity of many sentences pronounced by the courts of sessions, oftentimes under popular excitement, I may be compelled in the future, as I have been in the past, to pardon several who belong to this class.

The pardoning power is vested in the Executive for wise purposes, and will be used by me whenever, in my opinion, justice demands it. I shall not stop to count the number, or take the opinion of the community on the subject I will guard as faithfully as I can the public weal, but if I err, I prefer erring on the side of mercy.

As it is exceedingly desirable that a permanent organization of the state prison should be effected at an early day as possible, I respectfully request that prompt action may be had on this subject. In the multiplicity of my public duties, which properly appertain to the Executive office, it will be impossible for me to discharge those imposed by the act of 27th ultimo.

One other remark, and I have done. Whenever I receive satisfactory proof that a convict who has served out his time, behaved himself properly during his imprisonment, and has given evidence of reformation, I will encourage him by restoring him to citizenship.

JOHN B. WELLER.

At ten minutes past two o'clock, P. M., on motion of Mr. Mitchell, the House adjourned to ten o'clock, A. M., to-morrow, Messrs. Young, Sheridan, and Stratton, demanding the ayes and noes, as follows:

AYES—Messrs. Aud, Ballou, Banks, Buel, Caldwell, Cherry, Crane, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Hamlin, Hancock, Heath, Hill of Nevada, Hitchens, Holladay, Kabler, King, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moore, Moses, O'Brien, Ormsby, Palmer, Pico, Safford, Shepard, Simons, Stakes, Stout, Thomas, Tipton, Tuttle, Walker, Ward, and Willson—44.

NOES—Messrs. Davis, Graham, Haldeman, Harris, Parker, Sheridan, Smith of Nevada, Spilman, Stratton, Tatman, Young, and Mr. Speaker—12.

So the House adjourned.

IN ASSEMBLY.

FRIDAY, March 5, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All were present except those who had leave of absence.

Leave of absence was granted to Mr. Holman for two days, and indefinitely to Messrs. Street and Hobart.

Journals of yesterday read and approved.

Mr. Street had leave to record his vote in favor of the adoption of the adoption of the Kansas resolutions, adopted on yesterday.

Mr. Lee introduced a bill for an act to authorize George W. Chedie to sell certain property of Georgia M. C. F. Chedie;

Read first and second times, and placed on file.

PETITIONS.

Petitions were presented as follows:

By Mr. Crane, of citizens of San Juan, Monterey county, for a Sunday law.

Referred to Committee on Public Morals.

By Mr. Minis, of voters of Yolo county, for a law permitting the citizens of said county to hold an election to re-locate their seat of justice

Referred to Committee on Counties and County Boundaries.

By Mr. Davis, of citizens of San Francisco, relative to pilot laws.

Referred to Committee on Commerce and Navigation.

By Mr. Sheridan, claim of Ferris Forman, for postage;

Referred to Committee on Claims.

REPORTS.

Mr. Galbraith made the following report:

MR. SPEAKER:—The El Dorado delegation, to whom was referred Assembly bill No. 65, entitled an act to extend the term of office of the board

of supervisors of El Dorado county, and to change the manner of their election, and define their duties in certain cases, and establish their salaries, have had the same under consideration, and now report the same back, with amendments, and respectfully recommend its passage.

J. D. GALBRAITH, Chairman.

Mr. Moore made the following report:

MR. SPEAKER:—The select committee, composed of San Francisco delegation, to whom was referred Assembly bill No. 190, report the same back to the House, without amendment, and recommend its passage.

MOORE, for Delegation.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that, on yesterday, the Senate passed Senate substitute for Senate bill No. 119, an act to provide for a more thorough distribution of the laws of this state.

THOS. N. CAZNEAU, Sec. of the Senate.

Senate bill No. 119, above reported, was read first and second times, and referred to the Judiciary Committee.

Mr. Havens made the following report:

MR. SPEAKER:—The Committee on Corporations respectfully report back Senate bill No. 23, entitled an act supplementary to and amendatory of an act to provide for the formation of corporations for certain purposes, passed April 14, 1853; and an act to amend an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853—passed April 30, 1855, with certain amendments, and recommend its passage, as amended;

Also, Assembly bill No. 29, entitled an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, and recommend its indefinite postponement, for the reason that the objects of the bill are embraced in Senate bill No 23, herewith reported.

HAVENS, Chairman Com. on Corporations.

The following message was received from the Senate:

SENATE CHAMBER,
March 3, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 128, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857;

Also, Assembly bill No. 236, an act to authorize J. R. Munson to remove the remains of deceased persons;

Also, concurred in Assembly concurrent resolution relative to certain tule and overflowed lands that have been surveyed;

Also, have this day amended and passed Assembly concurrent resolution relative to a weekly mail from Weaverville, *via* the mouth of Cañon

Creek, to Cañon City, in Trinity county, and ask the concurrence of the Assembly.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 128, above reported, read first and second times, and referred to Committee on Ways and Means.

Senate amendments to Assembly concurrent resolution, also above reported, were concurred in.

The rules were suspended, and one hundred and twenty copies of the Governor's communication on the state prison, ordered printed in Spanish, and three hundred and sixty additional copies in English.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 73, an act to fix the times of holding the county court, probate court, and court of sessions, of Sierra county;

Also, Assembly bill No 169, an act to provide for funding the debt of the city of Placerville, and for the payment thereof;

Also, Assembly bill No. 236, an act to authorize J. R. Munson to remove the remains of deceased persons.

GEO. A. YOUNG, Chairman.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Hill of Sierra, for an act to amend the insolvent laws of this state;

By Mr. Willson, for an act authorizing the guardian of Dionisia, Isabella, and Dolores Rodriguez, to sell certain real estate belonging to them, at private sale.

Mr. Briggs presented the accounts of O. D. Avaline, for printing for the state.

Referred to the Committee of Claims.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Briggs, for an act to exempt mining claims from forced sale and execution.

Read first and second times, and referred to the Committee on Mines and Mining Interests, and ordered printed.

Mr. Warfield offered the following resolution:

Resolved, That the select committee, appointed on the part of the House, to visit San Francisco and ascertain the amount of auction license due the state, be required to make their reports, both majority and minority, on to-morrow.

Mr. Lee moved to lay the resolution on the table,

Upon which, Messrs. Tatman, Warfield, and Smith of Nevada, demanded the ayes and noes, as follows:

AYES—Messrs. Anderson, Burbank, Cherry, Davis, Edwards, Ely, Fer-

guson, Galbraith, Gordon, Gray, Graham, Groom, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Kabler, King, Lee, Lewis, Loofbourrow, Marshall, McCoy, Mitchell, Neblett, O'Brien, Ormsby, Palmer, Parker, Pico, Safford, Shepard, Sheridan, Simons, Smith of San Bernardino, Spilman, Stakes, Stout, Stratton, Street, Thomas, Tipton, Walker, Ward, Willson, and Young—48.

NOES—Messrs. Aud, Ballou, Banks, Briggs, Buel, Caldwell, Crane, Haldeman, Hill of Nevada, Markley, Sherwin, Smith of Nevada, Tatman, Tuttle, and Warfield—15.

So the resolution was laid on the table.

GENERAL FILE.

Assembly bill No. 37, an act to provide for the funding and payment of the outstanding and unfunded indebtedness of the city of San Francisco, and of the county of San Francisco, as they existed prior to the first day of July, 1856—

Mr. Gray moved a call of the House, which was sustained, and the following members were absent, viz.:

Messrs. Aud, Curtis, Edwards, Haldeman, Havens, Hill of Nevada, Hobart, and King.

Further proceedings under the call of the House were dispensed with.

Mr. Gray offered substitute for the bill, upon which Mr. Lee moved the previous question, which was sustained, and the substitute lost.

Mr. Parker moved a call of the House, which was carried, and the following members were absent, viz.:

Messrs. Curtis, Graham, Havens, Lee, Lewis, Pearis, and Walker, and the sergeant-at-arms was dispatched for the absentees.

Mr. Graham appeared at the bar of the House, was admitted, and excused.

On motion of Mr. Safford, further proceedings under the call were dispensed with.

Committee amendments were adopted, except the one amending section two, by striking out the name of Francis L. Swett, and inserting the name of Terence Foley.

Upon which Messrs. Hill of Sierra, Tuttle, and Ward, demanded the ayes and noes, and the same was carried by the following vote:

AYES—Messrs. Aud, Briggs, Caldwell, Crane, Davis, Edwards, Ely, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Kabler, King, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Neblett, O'Brien, Parker, Pico, Sheridan, Simons, Smith of San Bernardino, Spilman, Stakes, Stout, Stratton, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, and Young—43.

NOES—Messrs. Anderson, Ballou, Banks, Buel, Burbank, Cherry, Galbraith, Gordon, Hill of Sierra, Holladay, Moore, Moses, Palmer, Safford, Smith of Nevada, Street, and Mr. Speaker—17.

Mr. Young moved to amend by striking out the names of Fletcher M. Haight and James C. Carey, and insert the names of Cornelius J. Eaton and Henry A. Cobb.

Upon which, Mr. Ely moved the previous question, which was sustained.

Upon striking out the name of Fletcher M. Haight, Messrs, Gray, Young, and Hill of Sierra, demanded the ayes and noes, as follows:

AYES—Messrs. Aud, Briggs, Caldwell, Crane, Curtis, Graham, Groom, Haldeman, Harris, Havens, Hitchens, Kabler, Loofbourrow, Markley, Marshall, Mitchell, O'Brien, Ormsby, Parker, Simons, Spilman, Stakes, Stratton, Tatman, Thomas, Tuttle, Ward, Warfield, and Young—29.

NOES—Messrs. Anderson, Ballou, Banks, Buel, Burbank, Cherry, Davis, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Hamlin, Hill of Nevada, Hill of Sierra, Holladay, Minis, Moore, Neblett, Palmer, Pico, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stout, Street, Tipton, Walker, and Mr. Speaker—33.

So the House refused to strike out the name of Mr. Haight.

On striking out the name of James C. Carey, Messrs. Gray, Davis, and Burbank, demanded the ayes and noes, which was refused as follows:

AYES—Messrs. Briggs, Crane, Curtis, Ely, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Heath, Kabler, Loofbourrow, Markley, Mitchell, O'Brien, Ormsby, Parker, Spilman, Stakes, Stratton, Tatman, Tuttle, Ward, Warfield, and Young—26.

NOES—Messrs. Anderson, Aud, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Davis, Edwards, Ferguson, Galbraith, Gordon, Gray, Havens, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Marshall, Minis, Moore, Neblett, Palmer, Pico, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stout, Street, Thomas, Tipton, Walker, and Mr. Speaker—38.

The following amendment, which had been offered by Mr. Shepard, was adopted:

Section three, between the word "examiners" and "after," insert, "shall be entitled, in addition to other testimony, to make use of the evidence taken by the board of examiners under the funding act of 1855, and".

The House then refused to order the bill to be engrossed.

Mr. Davis gave notice of motion to reconsider the vote by which the House refused to strike out the name of Fletcher M. Haight.

Mr. Sherwin moved to suspend the rules, to reconsider the vote by which the House refused to engross the bill.

Carried, and the vote was reconsidered.

Mr. Neblett gave notice of motion to reconsider the vote by which the name of Francis L Swett was stricken out.

On motion of Mr. Shepard, at a quarter past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

SATURDAY, March 6, 1858.

House met pursuant to adjournment.

The speaker in the chair.

The roll was called, and all were present except Messrs. Lee and Lewis, and those absent on leave.

Mr. Lewis had leave of absence for two days.
Journal of yesterday read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Hamlin, of citizens of Columbia, for an act to re-incorporate the town of Columbia, with bill for act in relation thereto.
Referred to Tuolumne delegation.
By Mr. Neblett, of citizens of Trinity county, relative to indigent sick fund.
Referred to Trinity delegation.
By Mr. Minis, of citizens of Yolo county, relative to county seat of Yolo county.
Referred to Committee on Counties and County Boundaries.
By Mr. Davis, of citizens of Solano county, relative to the herding of sheep in said county.
Laid on table.

REPORTS.

Mr. Lee made the following report:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 170, entitled an act to provide places of deposit for the safe-keeping and return of all moneys, gold-dust, and other valuables of individuals, beg leave to report the accompanying substitute for the same.
All of which is respectfully submitted.
H. LEE, Chairman of Committee on Ways and Means.

Mr. Stakes made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 134, an act to amend an act entitled an act concerning the eighth, ninth, and fifteenth judicial districts of this state, and the judges thereof, approved March 31, 1857;
Also, Assembly bill No. 248, an act to give to the proceedings of courts of probate the same effect as courts of general jurisdiction;
Also, Assembly bill No. 255, an act to repeal sections fifty-five, fifty-six, and fifty-seven of an act entitled an act concerning courts of justice and judicial officers, passed May 19, 1853;
Have had the same under advisement, report the three bills back, and recommend their passage.
Assembly bill No. 249, an act amendatory of and supplementary to an act entitled an act to exempt the homestead and other property from forced sale in certain cases, passed April 21, 1851, is herewith reported back, with the recommendation that it be indefinitely postponed, for the reason that the bill provides for no improvement on the law now in force; and, furthermore, it is the opinion of the committee that it will open the door to fraud, should the bill become a law.
The committee have also had under consideration Senate bill No. 119, an act to provide for a more thorough distribution of the laws of this state.
Independent of the errata, omissions, and defective punctuation in

Wood's Digest, to which said bill refers, the committee deem it inexpedient for the state to appropriate the sum of five thousand dollars, or any other sum, for the purchase of said work, at the present time

In view of the increasing necessity for an early revision of the statutes of the state, the committee are of the opinion that an appropriation for such purpose would be more beneficial to the people, and therefore recommend that the bill be indefinitely postponed.

A. G. STAKES, Chairman.

Mr. Ely made the following report:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred the message of the Governor, transmitting a communication from the Superintendent of Public Instruction in relation to a donation by the general government of five per cent. upon the sales of public lands in this state for school purposes, respectfully report that they have had the same under consideration, and concur most cordially in the suggestions therein contained. Believing that the prosperity and perpetuity of our commonwealth may be best served by the education of the citizen, and that in asking this grant for the state of California, we do but ask to be placed on an equality with other states, who have received for state purposes similar grants, in consideration of their exempting from taxation the public lands within their territories, which exemption is made in the act of Congress under which California was admitted into the Union, although, from an apparent oversight, said act fails to grant the same consideration, therefor, which has been secured to other states, your committee would, therefore, recommend the adoption of the accompanying concurrent resolution.

BEN. E. S. ELY, Chairman.

Concurrent resolution asking of Congress a donation of five per cent. upon the sales of public lands for school purposes, above reported, was adopted.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly concurrent resolutions relative to the admission of Kansas;

Also, Assembly bill No 212, for an act concerning artesian wells;

Also, Assembly bill No. 110, for an act supplementary to and amendatory of an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

Also, Assembly bill No. 137, for an act to extend the terms of office of the boards of supervisors of certain counties of this state;

Also, Assembly bill No. 173, for an act to authorize and empower the city and county of San Francisco to convey to the United States a site for a light-house;

Also, Assembly bill No. 185, for an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856;

Also, Assembly bill No. 198, entitled an act to separate the office of collector of taxes, from the offices of sheriff and assessor, in the county of Shasta;

Also, Assembly bill No 188, for an act to amend an act entitled an act

fixing the time of holding the several courts authorized to be held by the county judge, in the county of Tuolumne, approved April 16, 1855;

Also, Assembly bill No. 213, for an act in relation to the office of county assessor in the county of San Joaquin;

Also, Assembly bill No. 208, for an act supplementary to an act to provide revenue for the support of the government of this state, approved April 29, 1857.

H. A. MOSES, Chairman.

Mr. Stratton, from the Placer delegation, reported back, and the House refused to concur in Senate amendments to Assembly bill No. 70, an act to separate the office of collector of taxes from the office of sheriff, in the county of Placer.

Mr. Ferguson, on leave, introduced a bill for an act to authorize the board of supervisors of Sacramento county to dispose of state bonds, now in possession of said county, or those that may hereafter come legally into its possession, to the best advantage, for the redemption of county indebtedness for the relief of said county.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

The following message was received from the Senate:

SENATE CHAMBER,
March 6, 1858

MR. SPEAKER:—The Senate this day have adopted Senate concurrent resolution No. 29, requesting the Governor to return certain bills;

Also, Senate concurrent resolution No. 30, relative to a site for a branch state prison;

And respectfully ask the concurrence of the Assembly.

THOS. N. CAZNEAU, Sec. Senate.

The House concurred in Senate concurrent resolution No. 29, above reported.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 5, 1858.

To the Assembly of California:

In approving an act entitled an act to authorize J. R. Munson to remove the remains of deceased persons, I take occasion to recommend to the consideration of your honorable body the propriety of amending the law of February 16, 1854, in relation to grave-yards, so as to vest the power in the board of supervisors, or some other tribunal, in the respective counties, to authorize the removal of deceased persons whenever the public interest requires it. This will supersede the necessity of special legislation on this subject.

Whenever a general law can be provided, the time of the Legislature should not be occupied upon bills of this character.

JOHN B. WELLER, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 6, 1858.

To the Assembly of California:

I have this day approved an act to provide for funding the debt of the city of Placerville, and for the payment thereof;

Also, an act to fix the times of holding the county court, probate court, and court of sessions of Sierra county.

JOHN B. WELLER, Governor.

The following message was received from the Senate:

SENATE CHAMBER, March 5, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 137, an act to provide for the payment of volumes six and seven of the Reports of the Supreme Court of California, and to repeal an act entitled an act to provide for the appointment of a reporter of the supreme court, and to define his duties and compensation, approved April 19, 1856.

THOS. N. CAZNEAU, Sec. Senate.

Senate bill No. 137, above reported, was read first and second times, and referred to the Judiciary Committee.

SENATE CHAMBER, March 5, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on the third instant, passed Senate bill No. 161, an act to audit the claim of J. M. Anderson;

Also, Assembly concurrent resolution, asking Congress to establish a weekly land mail-route in certain counties of this state, and to locate post-offices therein;

Also, on yesterday, passed Senate bill No. 162, an act concerning official bonds of justices of the peace in the counties of Marin, Sonoma, Mendocino, and Monterey.

JAS. T. EWING, Assistant Secretary Senate.

Senate bill No. 161, above reported, read first and second times, and placed on file.

Senate bill No. 162, above reported, read first and second times, and referred to the Judiciary Committee.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Groom, an act relating to the board of supervisors of San Diego county.

By Mr. Minis, an act submitting the question of the removal of the county seat of Yolo county to the people thereof;

By Mr. Aud, an act to regulate the interest of money;

By Mr Stakes, an act to repeal an act entitled an act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April 11, 1857.

Assembly bill No. 37, an act to provide for the funding and payment of the outstanding and unfunded indebtedness of the city of San Francisco, and the county of San Francisco, as they existed prior to the first day of July, 1856, was then taken up.

Mr Gray offered the following amendments:

Section seventeen—Before issuing bonds for the amount agreed on, as authorized in this act, the president of the board of supervisors of the city and county aforesaid, shall publish in two daily newspapers in said city and county, for thirty days in succession, a statement setting forth the names of the claimants, the nature of the claim presented by each, the year in which it accrued, by the evidence supported, the amount allowed by the commissioners as equitably due. If, within the said thirty days a petition, in writing, be presented to the president or clerk of said board, signed by at least five hundred qualified voters, residents in said city and county whose names are found on the assessment roll as tax-payers for the year 1858, requesting that the question of issuing bonds for such equitable claims may be submitted and determined by the qualified electors of said city and county, then such question shall be submitted, and determined at a special election, to be called and held within thirty days thereafter, in such mode as the board of supervisors shall by order or regulation prescribe, and subject to the general law regulating elections. If no petition signed by the requisite number of qualified persons be presented or addressed to the board of supervisors as aforesaid, the assent of the people to the issuing of said bonds shall be presumed; and in that case, and also in case it be so determined at an election called and held as aforesaid, then the said bonds shall issue.

Section eighteen—It shall be the duty of the board of commissioners, when they complete their examination, to furnish the president of the board of supervisors a full report of their proceedings, and the amount to be funded, as prescribed in the foregoing section.

To which Mr. Palmer offered the following substitute:

Section seventeen—After the said board of examiners have completed and submitted their report to the board of fund commissioners, as provided in section three of this act, the said commissioners shall advertise the said report in at least two daily papers published in the city of San Francisco, for one week, and it shall be the duty of the president of the board of supervisors to call a special election by giving one week's notice thereof, at which election shall be submitted the action of said board of examiners, and if a majority of the votes cast at said election are for adopting the report of the examiners, then the commissioners shall issue bonds as provided in this act, but not otherwise.

On the adoption of the substitute, Messrs. Palmer, Graham, and Banks, demanded the ayes and noes, and it was lost by the following vote:

AYES—Messrs. Banks, Burbank, Caldwell, Cherry, Graham, Hancock, Loofbourrow, Markley, Ormsby, Palmer, Safford, Stout, Tatman, and Young—14

NOES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Crane, Davis, Edwards, Ely, Galbraith, Gordon, Gray, Groom, Haldeman, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Kabler, King, Marshall, McCoy, Minis, Mitchell, Moore, Neblett, O'Brien, Parker, Shepard, Simons, Smith of Nevada, Spilman, Stakes, Street, Thomas, Tipton, Ward, Warfield, and Mr. Speaker—40.

On the adoption of Mr. Gray's amendment, Messrs. Gray, Banks, and Aud, demanded the ayes and noes, and it was lost by the following vote:

AYES—Messrs. Aud, Banks, Burbank, Caldwell, Edwards, Ely, Gray, Hancock, Markley, Palmer, Safford, Stout, and Tatman—13.

NOES—Messrs. Anderson, Ballou, Briggs, Buel, Cherry, Crane, Curtis, Davis, Galbraith, Gordon, Groom, Haldeman, Harris, Hill of Nevada, Holladay, Kabler, King, Loofbourrow, Marshall, Minis, Mitchell, Moore, Neblett, O'Brien, Ormsby, Parker, Shepard, Smith of Nevada, Spilman, Stakes, Street, Thomas, Tipton, Ward, Warfield, Willson, and Mr. Speaker—37.

The bill was then ordered engrossed.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Mr. Briggs, an act supplementary to an act entitled an act to provide for the ascertainment of the indebtedness of Calaveras county, prior to the organization of Amador county, and to provide for the payment of that portion due from Amador county to the county of Calaveras, approved April 27, 1855, and also supplementary to an act entitled an act concerning the revenue of the county of Calaveras, approved March 31, 1857.

Read first and second times, and referred to special committee of five.

By Mr. Willson, an act to authorize the guardian of Dionisia Rodriguez, Isabella Rodriguez, and Dolores Rodriguez, to sell certain of their real estate at private sale.

Read first and second times, and referred to Monterey and Santa Cruz delegations.

By Mr. Hill of Sierra, an act to amend an act entitled an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852.

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

By Mr. Banks, an act amendatory of an act to provide revenue for the support of the government of this state, approved May 15, 1854.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Curtis, an act regulating the conduct of state prison convicts, and providing rewards and punishments therefor.

Read first and second times, and referred to State Prison Committee, and ordered printed.

THIRD READING OF BILLS.

Assembly bill No. 188, an act to amend an act entitled an act fixing the time of holding the several courts authorized to be held by the county judge in the county of Tuolumne, approved April 18, 1855;

Assembly bill No. 208, an act supplementary to an act to provide revenue for the support of the government of this state, approved April 29, 1857;

Assembly bill No 198, an act to separate the office of collector of taxes from the office of sheriff and assessor, in the county of Shasta;

And Assembly bill No. 110, an act supplementary to and amendatory of an act entitled an act to regulate proceedings in criminal cases, passed May 9, 1851;

Were read third time, and passed.

GENERAL FILE.

Assembly bill No. 172, an act providing for the examination and settle-

ment of the accounts of S. A. McMeans, late State Treasurer, amendments concurred in, and ordered engrossed.

Assembly bill No. 175, an act to amend an act entitled an act to amend an act entitled "an act to establish a standard of weights and measures, passed March 30, 1850," passed April 30, 1853, ordered engrossed.

Senate bill No. 12, an act making an appropriation to pay M. F. Butler for his services in preparing plans and specifications for prison-buildings, about to be erected at the state prison at San Quentin, was considered in Committee of the Whole, Mr. Davis in the chair.

The bill having been considered and recommended, Mr. McCoy moved that the bill be referred to the Judiciary Committee, with instructions.

Lost.

He then moved to lay the bill on the table.

Lost.

On the passage of the bill, Mr. Ely moved the previous question, which was sustained, and Messrs. McCoy, Hill of Sierra, and Safford, demanded the ayes and noes, as follows:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Crane, Davis, Edwards, Ely, Galbraith, Gordon, Graham, Haldeman, Hancock, Harris, Heath, Hill of Nevada, Hitchens, Markley, Marshall, McCoy, Minis, Mitchell, Neblett, O'Brien, Palmer, Parker, Pico, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Tatman, Thomas, Ward, Warmcastle, and Willson—42.

NOES—Messrs. Curtis, Hill of Sierra, Kabler, Safford, Shepard, Sheridan, Stakes, Stout, Stratton, Street, Tipton, Walker, Warfield, and Mr. Speaker—14.

So the bill was passed.

Mr. McCoy gave notice of motion to reconsider the vote by which the bill passed.

Mr. Safford gave notice that he would introduce a bill for an act to amend an act entitled an act to provide revenue for the support of the government of the state from a tax levied and collected from foreign and inland bills, and other matters, passed April 29, 1857.

At three o'clock, P. M., on motion of Mr. Mitchell, the House adjourned.

IN ASSEMBLY.

MONDAY, March 8, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called.

All present except Messrs. Edwards, Harris, Holladay, Lee, Moore, Spilman, and those absent on leave.

Mr. Edwards had leave of absence for two days, and Messrs. Harris, Lee, and Spilman, for one day each.

Journal of Saturday last was read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. O'Brien, of John Smith, for pay as a volunteer in the expedition under Gen. Morehead, against the Yuma Indians.

Referred to the Committee on Claims.

By Mr. Mitchell, of residents of Fresno county, relative to boundary line between Fresno and Tulare counties.

Referred to Committee on Counties and County Boundaries.

By Mr. Galbraith, of voters and tax-payers of El Dorado county, relative to wagon road bills.

Referred to El Dorado delegation.

Mr. De Long had leave to record his vote in the negative on the resolution relative to the admission of Kansas, offered by Mr. Stratton, and Messrs. Warmcastle, Neblett, Stocker, and Hirst, in the affirmative.

REPORTS.

The following report was made by Mr. Moses:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 172, for an act providing for the examination and settlement of the accounts of S. A. McMeans, late State Treasurer.

H. A. MOSES, Chairman.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly concurrent resolution relative to a weekly mail from Weaverville, *via* mouth of Cañon Creek, to Cañon City, in Trinity county;

Also, Assembly concurrent resolution asking Congress to establish a weekly land mail-route in certain counties of this state, and to locate post-offices therein.

GEO. A. YOUNG, Chairman.

Mr. Young offered the following resolution:

Resolved, That the enrolling clerk be allowed an assistant from and after this date.

Upon which, Messrs. De Long, Smith of San Bernardino, and Sheridan, demanded the ayes and noes, and the same was adopted by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Cherry, Crane, Davis, Galbraith, Gordon, Gray, Graham, Groom, Hancock, Havens, Hirst, King, Loofbourrow, Marshall, McCoy, Mitchell, Moses, Neblett, O'Brien, Palmer, Pearis, Pico, Sherwin, Simons, Smith of San Bernardino, Stakes, Street, Tatman, Thomas, Tipton, Walker, Ward, Warmcastle, Young, and Mr. Speaker—40.

NOES—Messrs. Banks, Burbank, Caldwell, Curtis, De Long, Ely, Haldeman, Hill of Nevada, Hitchens, Holman, Kabler, Ormsby, Safford, Sheridan, Smith of Nevada, Stout, Stratton, Tuttle, and Warfield—19.

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

Resolved, That the Committee on Printing be instructed to inquire into the expediency and economy of letting out by contract, to the lowest responsible bidder, the public printing, and to report, by bill or otherwise, at an early day.

Further reports were made:

By Mr. Wilson, of the committee composed of the Monterey and Santa Cruz delegations:

MR. SPEAKER:—The select committee composed of the Monterey and Santa Cruz delegations, to whom was referred Assembly bill No. 263, have had the same under consideration and report it back to the House, without amendment, and recommend its passage.

WILLSON, Santa Cruz,
CRANE, Monterey.

Mr. Ballou, of the special committee composed of the Plumas delegation, reported as follows:

MR SPEAKER:—The special committee composed of the Plumas delegation, have had under consideration Assembly bill No. 145, for an act fixing the time of holding the court of Sessions and county court, in and for the county of Plumas, and herewith report a substitute therefor, and recommend the adoption of the same.

S. A. BALLOU.

The following communication was received from the Comptroller, which was read and referred to the Committee on Swamp and Overflowed Lands:

COMPTROLLER'S OFFICE,
March 6th, 1858.

To the Hon. the Speaker of the Assembly:

SIR:—The following concurrent resolution has been duly received at this office:

Resolved, By the Assembly, the Senate concurring, that the Comptroller of State and Treasurer of State be, and they are hereby, requested to furnish to both branches of the Legislature, a statement of the number of acres of tule and overflowed lands which have been surveyed in the different counties of the state, and the amount of money received, whether as principal or interest, for the same.

In answer to the above, I have the honor to state, that the books in this office do not show whether the moneys that have been received for swamp and overflowed lands, were paid as principal or interest. The county auditors' reports to this office give the moneys received from that source in the aggregate.

It is made the duty of the county treasurer to transmit to the State Treasurer a certificate showing the name of the purchaser or purchasers, the amount of land purchased, and also stating whether the money paid therefor were paid as principal or interest. See Wood's Digest, page 518, art. 2723, sec. 7.

The amount of moneys received from the different counties for swamp and overflowed lands, appears in the annual reports of the Comptroller; I, nevertheless, hereunto, again furnish the information called for, to your honorable body.

I have no means of knowing the number of acres of swamp and overflowed lands that have been surveyed; the law requires that information to be furnished to the Surveyor General.

I have the honor to be, sir, your most obedient servant,

G. W. WHITMAN,
Comptroller of State.

Amounts received into the State Treasury, for Swamp and Overflowed Lands, from the following Counties, viz.:

Year.	Counties.	Amount.
1855.....	San Joaquin,	$2,267 17
1855.....	Solano,	693 26
1856.....	Alameda,	339 70
1856.....	Butte,	347 54
1856.....	Colusa,	386 11
1856.....	Contra Costa,	832 31
1856.....	Humboldt,	1,176 05
1856.....	Merced,	291 22
1856.....	Sacramento,	8,210 07
1856.....	San Francisco,	521 00
1856.....	San Joaquin,	5,944 83
1856.....	Santa Clara,	687 90
1856.....	Shasta,	69 84
1856.....	Solano,	995 03
1856.....	Stanislaus,	896 70
1856	Sutter,	1,701 40
1856.....	Tulare,	159 08
1856.....	Yolo,	2,829 68
1857.....	Alameda,	425 52
1857.....	Colusa,	116 40
1857.....	Contra Costa,	184 89
1857.....	Del Norte,	232 80
1857.....	Humboldt,	67 47
1857.....	Merced,	87 50
1857.....	Napa,	341 43
1857.....	Sacramento,	1,600 80
1857.....	San Francisco,	8 57
1857.....	San Joaquin,	1,628 67
1857.....	Shasta,	69 84
1857.....	Siskiyou,	317 44
1857.....	Solano,	1,134 67
1857.....	Stanislaus,	189 31
1857.....	Sutter,	278 16
1857.....	San Mateo,	114 51
1857.....	Yolo,	873 75
	Carried forward,	$36,020 62

Year.	Counties.	Amount.
	Brought forward, - - - - - - - -	$36,020 62
1858.....	Napa, - - - - - - - - -	42 05
1858.....	Sutter, - - - - - - - - -	301 65
1858.....	Tulare - - - - - - - - -	2,817 85
1858.....	Merced, - - - - - - - - -	23 57
1858.....	Sonoma, - - - - - - - - -	143 37
1858.....	Stanislaus, - - - - - - - - -	32 80
1858	Fresno, - - - - - - - - -	636 32
1858.....	Humboldt, - - - - - - - - -	283 34
	Total receipts, - - - - - - - -	$40,301 57

COMPTROLLER'S OFFICE, March 5th, 1858.

The House concurred in Senate concurrent resolution authorizing the Governor, Lieutenant Governor, and Secretary of State to select a site for a branch state prison.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Heath, 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:

By Mr. Mitchell, an act to amend an act entitled an act to create the county of Fresno, to define its boundaries, and to provide for its organization;

By Mr. Ferguson, an act for the relief of Sacramento county, and appropriating money out of the state treasury to defray the expenses of the prosecution of Henry Bates, charged with malfeasance in office.

Assembly bill No. 139, an act to fix the compensation of the county judge and district attorney of Santa Clara county, ordered on file.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Ormsby, an act to repeal in part an act entitled an act concerning hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March 26, 1857.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Also, an act to abolish the office of county assessor in the county of Sonoma, and create, in stead, the office of township assessor; and

By Mr. Groom, an act relative to the board of supervisors of San Diego county;

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

By Mr. Neblett, an act to provide for the maintenance of the indigent sick of the county of Trinity.

Read first and second times, and ordered engrossed.

By Mr. Aud, an act to regulate the interest of money.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

Also, an act supplementary to an act to provide for the funding the indebtedness of the county of Yuba, approved March 26, 1857.

Read first and second times, and referred to the Yuba delegation.

By Mr. Minis, an act to submit the question of the removal of the county seat of Yolo county to a vote of the people thereof.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

SPECIAL ORDER OF THE DAY

Special order of the day being the consideration of the message of the Governor, vetoing Senate bill No. 18, an act amendatory of and supplementary to an act, approved April 27, 1857, entitled an act submitting to the people of El Dorado and Sacramento counties a proposition to appropriate money for the construction of a wagon road; and, also, Senate bill No. 89, an act to provide for the construction of a branch wagon road in the county of El Dorado, and to authorize the board of supervisors of said county to levy a special tax for that purpose—was then taken up.

On motion of Mr. Buel, the branch wagon road bill No. 89 was first considered.

On the question, "Shall this bill pass, notwithstanding the objections of the Governor?" after some debate, Mr. Galbraith moved the previous question, which was sustained, and the bill passed, by the following vote, a two-third majority being requisite:

AYES—Messrs. Anderson, Ballou, Banks, Briggs, Burbank, Cherry, Crane, Curtis, De Long, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Haldeman, Heath, Hill of Sierra, Hirst, King, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Palmer, Pearis, Pico, Safford, Shepard, Sheridan, Sherwin, Smith of San Bernardino, Stocker, Stout, Tatman, Thomas, Tipton, Walker, Willson, and Mr. Speaker—42.

NOES—Messrs. Aud, Buel, Caldwell, Davis, Hamlin, Havens, Hill of Nevada, Hitchens, Loofbourrow, Markley, Marshall, McCoy, Parker, Simons, Stakes, Street, Tuttle, Ward, Warfield, Warmcastle, and Young—21.

On the question "Shall this bill pass, notwithstanding the objections of the Governor?" being Senate bill No. 18, above referred to, Mr. Ferguson moved the previous question, which was sustained, and the bill passed by the following vote:

AYES—Messrs. Anderson, Ballou, Banks, Briggs, Burbank, Caldwell, Cherry, Crane, Curtis, De Long, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Haldeman, Heath, Hill of Sierra, Hitchens, Hirst, King, Loofbourrow, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Palmer, Parker, Pearis, Pico, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stocker, Stout, Tatman, Thomas, Tipton, Walker, Warfield, Willson, and Mr. Speaker—48.

NOES—Messrs. Aud, Buel, Davis, Hamlin, Havens, Hill of Nevada, Markley, McCoy, Simons, Stakes, Street, Tuttle, Ward, Warmcastle, and Young—15.

The following message was received from the Senate:

SENATE CHAMBER,
March 8, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day reconsidered the vote by which Assembly bill No. 192, entitled an act to legalize the assessment and enforce the collection of taxes within the city of Sacramento, for the municipal year commencing April, one thousand eight hundred and fifty-seven, was passed; that they have amended and passed the same, and ask the concurrence of the Assembly;

And also, herewith transmit, in compliance with request of the Assembly, the Governor's messages, vetoing wagon road bills.

THOS. N. CAZNEAU, Secretary of Senate.

Senate amendments to Assembly bill No. 192, above reported, were concurred in.

Assembly bill No. 172, an act providing for the examination and settlement of the accounts of S. A. McMeans, late State Treasurer, read third time, and passed.

GENERAL FILE.

Assembly bill No. 104, an act fixing the times at which representatives in congress shall be elected; and,

Assembly bill No. 147, an act to amend an act entitled an act for securing liens to mechanics and others, passed April 19, 1856;

Were ordered engrossed.

Assembly bill No. 214, an act for the relief of purchasers at sales of real estate by public officers, substitute for Assembly bill No. 195; substitute adopted as amended, and ordered engrossed.

Assembly bill No. 105, an act entitled an act to authorize Mary Latimer to sell and convey real estate; on its indefinite postponement, Messrs. De Long, Hill of Nevada, and Tipton, demanded the ayes and noes, and the House refused to indefinitely postpone, by the following vote:

AYES—Messrs. Aud, Ballou, Banks, Briggs, Burbank, Caldwell, Cherry, De Long, Galbraith, Gordon, Graham, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Kabler, McCoy, Mitchell, Neblett, O'Brien, Palmer, Safford, Shepard, Sherwin, Smith of Nevada, Stocker, Stout, Tatman, Thomas, Walker, Willson, Young, and Mr. Speaker—33.

NOES—Messrs. Anderson, Buel, Davis, Ferguson, Havens, Heath, Holman, Hirst, Markley, Minis, Parker, Sheridan, Simons, Stakes, Street, Tipton, Ward, Warfield, and Warmcastle—19.

And the bill was then ordered engrossed.

Assembly bill No. 221, an act authorizing and requiring the tax collector of Plumas county to deduct from the tax of the year 1858, certain taxes illegally collected in the year 1857, in said county, ordered engrossed.

Senate bill No 71, an act to amend section twenty of an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, on its indefinite postponement, Mr. Hamlin demanded the previous question, and the House refused to postpone by the following vote, Messrs. Hill of Sierra, Stakes, and Galbraith, demanding the ayes and noes:

AYES—Messrs. Aud, Banks, Burbank, Cherry, Crane, Ferguson, Gray,

Havens, Heath, McCoy, Palmer, Shepard, Sheridan, Simons, Smith of San Bernardino, Stakes, Warmcastle, Willson, and Mr. Speaker—19.

NOES—Messrs. Anderson, Ballou, Briggs, Buel, Caldwell, Curtis, Davis, De Long, Ely, Galbraith, Gordon, Graham, Haldeman, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Hirst, Kabler, King, Loofbourrow, Markley, Marshall, Moses, Neblett, O'Brien, Ormsby, Parker, Pearis, Safford, Sherwin, Smith of Nevada, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, and Young—46.

Bill read a third time, and passed.

On motion of Mr. Hamlin, at four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, March 9, 1858

House met pursuant to adjournment.

The speaker in the chair.

The roll was called, and all were present except Messrs. Edwards, Hobart, Holladay, Lewis, Osgood, and Spilman, and those absent on leave.

Messrs. Holladay and Lewis had two days' leave of absence each, and Mr. Spilman, one day.

Journal of yesterday was read and approved.

Mr. Simons presented a remonstrance of citizens of Santa Clara county against increase of salaries in said county;

Also, petition of citizens of Gilroy, Santa Clara county, relative to notaries public;

Which were laid on the table.

REPORTS.

Mr. Groom made the following report:

MR. SPEAKER:—Your committee, to whom was referred the substitute for Senate bill No. 46, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, have had the same under consideration, and beg leave to report it back, without amendment, and recommend its passage.

Your committee have also had under consideration Assembly bill No. 254, an act to authorize the board of supervisors of the several counties of this state to grant the right to construct wharves on the overflowed and submerged lands of this state to persons owning or possessing lands adjoining thereto, and beg leave to report the same back to the House, with amendments, and recommend its passage, as amended.

GROOM, Chairman.

Mr. Tuttle reported as follows:

MR. SPEAKER:—The select committee, composed of the delegation from Tuolumne, to whom was referred Senate bill No. 47, an act amendatory of and supplementary to an act to incorporate the town of Columbia, in the county of Tuolumne, approved April 9th, 1857, have considered the

same, and report the same back, with amendments, and recommend the passage of the bill, as amended.

TUTTLE, Chairman.

Mr. Moses, from the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 41, for an act for the suppression of bawdy-houses and houses of ill-fame;

Also, Assembly bill No. 175, for an act to amend an act entitled an act to amend an act entitled an act to establish a standard of weights and measures, passed March 30, 1850—passed April 30, 1853;

Also, Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco and against the county of San Francisco, as they existed prior to the first day of July, A. D., 1856.

H. A. MOSES, Chairman.

Mr. De Long, from a majority of the Yuba and Nevada delegations, verbally reported back Assembly bill No. 203, an act to ascertain the indebtedness of Nevada county to the county of Yuba, and to provide for the payment of the same, and recommended its passage;

Also, from the Yuba delegation, reported back Assembly bill No. 189, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 28, 1857, and recommend its passage.

The following message was received from the Senate:

SENATE CHAMBER,
March 8, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on Friday, the fifth instant, passed Senate bill No. 113, an act to audit and allow the claim of Samuel J. Frisbee;

Also, Senate bill No. 168, an act to extend the time for assessing the tax for state purposes;

Also, on Saturday, the sixth instant, passed Senate bill No. 176, an act supplementary to an act entitled an act supplementary to an act entitled "an act to authorize William Moody and Morgan Hart to build a wharf in the county of Solano," approved May 3, 1852, approved April 25, 1857;

Also, Senate bill No. 178, an act to fix the compensation of the members of the board of Supervisors of Siskiyou county;

Also, Senate bill No. 179, an act to change the name of Fermann Christian Hwass to Francis Williams.

J. T. EWING, Assis't Sec'y Senate.

Senate bill No. 168, above reported, read first and second times, amended, read third time, and passed.

Senate bills Nos. 113, 176, 178, and 179, also above reported, were read first and second times, rules suspended, read third time, and passed

The speaker appointed Messrs. Ormsby, Haldeman, Clarke, Curtis, and Holman, the special committee to whom, on yesterday, was referred Assembly bill No. 264.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 119—proposed amendments to the constitution of the state of California—the special order of the day, was taken up.

Mr. De Long moved that the House resolve itself into Committee of the Whole for the consideration thereof.

Lost.

The amendments made by the Judiciary Committee were concurred in:

Amendment one:—Section two of article four, as follows:

Section two—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.

Adopted by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Davis, De Long, Ely, Ferguson, Gordon, Graham, Hamlin, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Holman, Hirst, Lee, Markley, McCoy, Minis, Neblett, Ormsby, Palmer, Parker, Pico, Shepard, Sheridan, Sherwin, Smith of San Bernardino, Spilman, Stout, Stratton, Walker, Warfield, Warmcastle, and Willson—44.

NOES—Messrs. Crane, Galbraith, Groom, Kabler, King, Loofbourrow, Mitchell, O'Brien, Safford, Street, Tatman, and Ward—12

Mr. Hamlin moved to lay the subject matter on the table, which was lost.

Messrs Tatman, Mitchell, and Hamlin, demanded the ayes and noes:

AYES—Messrs. Galbraith, Groom, Hamlin, Harris, Hill of Nevada, Kabler, King, Loofbourrow, Moses, O'Brien, Safford, Sheridan, Smith of San Bernardino, Stocker, Street, Tipton, Walker, Ward, and Warfield—19.

NOES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Davis, De Long, Ely, Ferguson, Gordon, Havens, Heath, Hill of Sierra, Hitchens, Holman, Hirst, Lee, Markley, McCoy, Minis, Mitchell, Ormsby, Palmer, Parker, Pearis, Shepard, Sherwin, Simons, Smith of Nevada, Spilman, Stout, Stratton, Tatman, Thomas, Warmcastle, and Willson—40.

Mr. De Long gave notice of a motion to reconsider the vote by which the first amendment was adopted, and the vote refusing to lay on the table.

Mr. Tatman moved a call of the House, which was lost.

Messrs. Tatman, Gray, and Hamlin, demanded the ayes and noes:

AYES—Messrs De Long, Gray, Groom, Hamlin, Harris, Lee, Loofbourrow, Smith of Nevada, Tatman, and Walker—10.

NOES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Curtis, Ferguson, Galbraith, Gordon, Graham, Hancock, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Markley, McCoy, Minis, Mitchell, O'Brien, Ormsby, Palmer, Parker, Pico, Safford, Sheridan, Sherwin, Simons, Smith of San Bernardino, Spil-

man, Stout, Thomas, Tipton, Ward, Warfield, Warmcastle, Willson, and Young—44.

Mr. De Long moved to lay amendment on the table.
Lost.
On motion of Mr. Havens, the second amendment was amended by adding after the word "sixty" on the second line, the word "one."
At half past one o'clock, P. M., Mr. Tatman moved that the House adjourn.
Lost.

Amendment second: Section three of article fourth, as amended by Mr. Havens:
Section three—The members of the Assembly shall be chosen by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and sixty-one, and biennially thereafter—and their term of office shall be two years.

Adopted by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Burbank, Caldwell, Cherry, Clarke, Curtis, Davis, De Long, Ely, Ferguson, Gordon, Graham, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Kabler, Lee, McCoy, Minis, Moses, Neblett, Ormsby, Palmer, Parker, Pearis, Pico, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Spilman, Stout, Stratton, Thomas, Warfield, Warmcastle, and Willson—43.
NOES—Messrs. Crane, Galbraith, Haldeman, Hamlin, King, Loofbourrow, Mitchell, O'Brien, Street, and Tatman—10.

Mr. Safford gave notice of a motion to reconsider the vote just taken
Mr. Ely moved to lay on the table.
Lost.
At three o'clock, P. M., Mr. De Long moved that the House adjourn.
Lost.
Mr. Warmcastle moved the previous question on the third amendment, which was sustained, and the amendment, as follows:

Amendment third: Section five of article fourth:
Section five—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.

Was adopted by the following vote:

AYES—Messrs. Aud, Ballou, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Curtis, Davis, De Long, Ely, Ferguson, Hamlin, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Hirst, Kabler, Markley, McCoy, Minis, Moses, Neblett, Ormsby, Palmer, Parker, Pearis, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stakes, Stout, Stratton, Street, Thomas, Warfield, Warmcastle, Willson, and Mr. Speaker—46.
NOES—Messrs Banks, Crane, Galbraith, Gray, Graham, Groom, Harris,

King, Lee, Loofbourrow, Mitchell, O'Brien, Pico, Safford, Smith of San Bernardino, Stocker, Tatman, Tipton, Walker, Ward, and Young—21.

Mr. De Long gave notice of motion to reconsider the vote just taken.

Mr. Stakes moved that the consideration of the fourth amendment be postponed, and made special order for to-morrow, at one o'clock P. M.

Lost.

At half-past three o'clock P. M., Mr. Stakes moved that the House adjourn, upon which Messrs. Crane, De Long and Tatman demanded the ayes and noes, as follows:

AYES—Messrs. Crane, Curtis, De Long, Galbraith, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, Holman, Hirst, Lee, Loofbourrow, Mitchell, Neblett, Pearis, Pico, Smith of San Bernardino, Spilman, Stakes, Stocker, Street, Tatman, Walker, and Ward—26.

NOES—Messrs. Aud, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Davis, Ely, Ferguson, Graham, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Kabler, King, Markley, McCoy, Minis, O'Brien, Ormsby, Palmer, Parker, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Stout, Stratton, Thomas, Tipton, Warfield, Warmcastle, Willson, and Mr. Speaker—40.

So the House refused to adjourn.

On the adoption of the fourth amendment, Mr. McCoy moved the previous question, upon which Messrs. Gray, Tatman, and Crane demanded the ayes and noes, and the same was sustained, by the following vote:

AYES—Messrs. Aud, Ballou, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Curtis, Davis, Ely, Ferguson, Graham, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Kabler, Lee, Markley, McCoy, Minis, Neblett, O'Brien, Ormsby, Palmer, Parker, Pearis, Sheridan, Sherwin, Simons, Smith of Nevada, Stakes, Stout, Stratton, Thomas, Tipton, Warfield, Warmcastle, Willson, and Mr. Speaker—43.

NOES—Messrs. Banks, Crane, De Long, Galbraith, Gray, Haldeman, Hamlin, Harris, Hirst, Loofbourrow, Mitchell, Pico, Safford, Spilman, Stocker, Street, Tatman, Walker, and Ward—19.

And the amendment, as follows:

Amendment fourth: Section six of article fourth:

Section six—The number of senators shall not be less than one-third nor more than one-half of the number of members of the Assembly, and at the first session of the Legislature 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 bienially.

Was adopted by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Curtis, Davis, De Long, Ely, Ferguson, Gordon, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hirst, Kabler, Markley, McCoy, Minis, Moses, Neblett, Ormsby, Palmer, Parker, Shep-

ard, Sheridan, Sherwin, Simons, Smith of Nevada, Stakes, Stout, Stratton, Thomas, Warfield, Warmcastle, Willson, and Mr. Speaker—43.

NOES—Messrs. Banks, Crane, Galbraith, Gray, Graham, Haldeman, Harris, King, Lee, Loofbourrow, Mitchell, O'Brien, Safford, Smith of San Bernardino, Spilman, Stocker, Street, Tatman, Tipton, Walker, Ward, and Young—22.

Mr. Curtis gave notice of motion to reconsider the vote just taken.

The following message was received from the Senate:

SENATE CHAMBER,
March 9, 1858.

MR. SPEAKER:—The Senate, on Saturday the sixth instant, refused to recede from their amendments to Assembly bill No. 70, an act to separate the office of collector of taxes from the office of sheriff, in the county of Placer, and appointed Messrs. Anderson, Baker and Pacheco, a committee on the part of the Senate, to confer with a like committee on the disagreeing vote of the two Houses.

J. T. EWING, Assistant Secretary.

The speaker appointed Messrs. Curtis, Kabler and Safford, the committee on the part of the House, on the disagreeing vote on Assembly bill No. 70, above reported.

Mr. Ballou presented the claim of the Volcano Ledger, for advertising, and Mr. Buel, of the Mountain Democrat, which were referred to the Committee on Claims.

Mr. Young gave notice of the introduction of a resolution to test the opinion of the House as to the propriety of submitting to the people the question of a constitutional convention, at the next election.

Mr. Street, of an act recommending to the electors to vote for or against a convention to revise and change the constitution of this state.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Briggs, an act concerning goods, wares, and merchandise, contained in packages, and usually sold by weight.

Read first and second times, and referred to special committee, consisting of Messrs Briggs, Shepard, and Sheridan.

Also, an act to amend section two hundred and fourteen of the civil practice act.

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

By Mr De Long, an act granting to Matthew Wood the right to construct a wire suspension or truss bridge across the Yuba river.

Read first and second times, and referred to the Yuba delegation.

By Mr. Mitchell, an act to amend an act entitled an act to create the county of Fresno, to define its boundaries, and to provide for its organization.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

On motion of Mr. Ely, at twenty minutes past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

WEDNESDAY, March 10, 1858.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
All were present except those absent on leave.
Journal of yesterday read and approved.
Mr. Crane had leave to change his votes on the adoption of the amendments to the constitution, on yesterday, and presented the following protest:

MR. SPEAKER:—I desire that my votes on yesterday, on the proposed amendments to the constitution, (amendments one, two, and three,) be changed, and that my vote be recorded, on amendments one, two, three, and four, in the negative. I must, however, in justice to myself, protest against being required to vote on the passage of said amendments, and also against their passage, for the following reasons:

First—Because I believe that the act to call a constitutional convention, submitted by the last Legislature to the people, was by them legally adopted.
Second—Because, while I am not opposed to these particular amendments, except in reference to some immaterial matters, I do not approve of the mode designated to amend the constitution; and, further, because I believe that submitting amendments to the people will not accomplish the desired end, and will only procrastinate any revision of the constitution.
Third—Because I believe that, if this Legislature should decide that the act submitted to the people, at the last election, was not by them adopted, that they should at this time resubmit the said act to the people for their action.
Fourth—Because I believe that the only mode to revise and correct the many radical defects in our constitution, is by a convention of delegates elected for the single purpose of a revision or framing a constitution, and although in favor, as stated before, of these amendments, I deprecate their passage, believing that it will prevent any action being taken to resubmit the constitutional convention question to the people.

GEO. W. CRANE.

Mr. Palmer presented the claim of F. D. Gilbert, for lumber, etc., furnished state prison.
Referred to the Committee on Claims.

REPORTS.

Mr. Stakes, Chairman of the Judiciary Committee, made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 138, an act to amend an act entitled an act fixing the age of majority of males and females, passed May 10, 1854;
Also, Assembly bill No. 268, an act relative to the board of supervisors of San Diego county;

Have had the same under consideration, report both bills back, and recommend their passage.

Senate bill No. 30, an act to provide for binding minors as apprentices, clerks, and servants, your committee have also had under advisement, and report the bill back, with certain amendments, and recommend the passage of the same, as amended.

Senate bill No. 162, an act concerning official bonds of justices of the peace in the counties of Marin, Sonoma, Mendocino, and Monterey, your committee report back, with a substitute, and recommend the adoption of the substitute.

Assembly bill 231, an act to amend section twelve of an act to provide for the incorporation of towns, approved April 19, 1856, is also reported back, amended, with the recommendation that the bill pass, as amended.

Assembly bill No. 91, an act to authorize the formation of joint stock associations for the purpose of establishing savings, deposit, and discount associations, is herewith reported back, with the recommendation that the same be referred to the Committee on Corporations.

Assembly bill No. 267, an act to abolish the office of county assessor in the county of Sonoma, and create instead the office of township assessor, your committee report back, and recommend the same be indefinitely postponed. The committee deem the passage of such a bill inexpedient, for the reason that its provisions are in direct conflict with existing laws, and would be detrimental to public interest, and have a tendency to produce inequality in assessments.

Assembly bill 262, an act to amend an act entitled an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852, has also been examined, and your committee report the bill back, and recommend it be indefinitely postponed, on the ground that the statute is already sufficient to embrace the objects in the bill.

A. G. STAKES, Chairman.

Assembly bill No. 91, above reported, was referred to the Committee on Corporations.

Mr. Crane made the following report:

MR. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 272, an act to submit the question of the removal of the county seat of Yolo county to a vote of the people thereof, beg leave to report that they have had the same under consideration, report the same back to the house, and respectfully recommend its indefinite postponement.

The committee have also had under consideration the petition of inhabitants of the eastern slope of the Sierra Nevada mountains, and beg leave to report the same back to the House, without recommendation.

CRANE, Chairman.

Mr. Moses made the following report:

MR SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 269, for an act to provide for the maintenance of the indigent sick of the county of Trinity;

Also, Assembly bill No. 105, for an act to authorize Mary Latimer to sell and convey real estate;

Also, Assembly bill No. 266, for an act to repeal, in part, an act entitled

an act concerning hogs running at large in the counties of Colusi, Tehama, Butte, Sonoma, and Napa, approved March 26, 1857;

Also, Assembly bill No. 214, for an act for the relief of purchasers at sales of real estate by public officers;

Also, Assembly bill No. 104, for an act fixing the times at which representatives in Congress shall be elected;

Also, Assembly bill No. 221, for an act authorizing and requiring the tax collector of Plumas county to deduct from the tax for the year 1858, certain taxes illegally collected in the year 1857, in said county.

H. A. MOSES, Chairman.

Mr. Stratton made the following report:

MR. SPEAKER:—The Committee on Public Morals, to whom were referred Assembly bill No. 69, an act to establish the first day of the week as a day of rest from secular employment;

And Senate bill No. 60, an act for the better observance of the Sabbath, have had the said bills under consideration, and the majority have directed me to report them back to the House, with the recommendation that the introducer of Assembly bill No. 69, be permitted to withdraw the same, as all its provisions are included in the Senate bill, and it does not except from its penalties the sale of meats and vegetables, as does the Senate bill, which exception the committee deem necessary.

The majority of the committee have also directed me to report Senate bill No. 60 back to the House, and recommend the passage of the same, without amendments.

STRATTON, Chairman.

The undersigned, a minority of the committee, *does not* agree with the majority in making any recommendation as to either of the bills, and he respectfully begs leave to report back Assembly bill No. 69, and Senate bill No. 60, without amendments, and without any recommendation whatever.

W. C. STRATTON.

Mr. De Long made the following report:

MR. SPEAKER:—Your committee of free conference, selected to take into consideration the points of disagreement between the Assembly and Senate, in the allowing of the claim of John Voorhees for constructing a platform in front of the capitol, on the eighth day of January, A. D. 1858, have met a like committee appointed by the Senate, attended to the duties devolved upon them, and beg leave to report that all differences have been adjusted and settled, (without bloodshed) and it is unanimously agreed that the sum of one hundred and fifty dollars, the amount originally allowed by the Senate to John Voorhees, is just and proper for the services rendered by him in the furnishing materials and constructing platform, and that the same ought to be paid in manner mentioned in Senate joint resolution.

C. E. DE LONG,
Chairman Assembly Committee.
C. E. THOM,
Chairman Senate Committee.

Mr. Curtis made the following report:

MR. SPEAKER:—The committee of conference, to whom was referred Assembly bill No. 70, an act to separate the office of tax collector from the office of sheriff, in the county of Placer, have had the same under consideration, and a majority of said committee have instructed me to report the same back, and recommend that the House concur in the Senate amendments.

CURTIS,
Chairman House Committee.
JAMES ANDERSON,
Chairman Senate Committee.

The report was adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Stakes, for an act to amend sections two hundred and thirty-seven and two hundred and thirty-eight of the act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

Also, an act to authorize the judges of the Supreme Court to employ a secretary whenever they may deem it necessary;

By Mr. Tatman, an act to repeal article first of section eighteen of the constitution of this state;

By Mr. Hirst, an act to reduce the amount of bonds to be given by the county officers of Klamath and Del Norte counties, and to authorize the board of supervisors of said counties to fix the amount of bonds to be given by the justices of the peace and constables in said counties;

By Mr. Moore, an act to regulate fees in office in the city and county of San Francisco.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ely, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Heath, an act to amend an amendatory act entitled an act to establish an asylum for the insane of the state of California, passed May 1, 1854.

Read first and second times, and referred to Committee on State Hospitals.

By Mr. Hirst, an act authorizing the Treasurer of State to issue bonds in favor of Walter McDonald and A. M. Jones, for services rendered as Indian commissioners, in the year 1856.

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

Resolved, By the Assembly, that the Attorney General be and is hereby requested to inquire into the title to the slip and wharf property in the city and county of San Francisco, in order to ascertain whether the title to said property inheres in the state or otherwise. If in the state, then the extent and character of said property, with his opinion as to the proceedings necessary and proper to be taken to obtain possession of the same. Also, to inform this House of the result of his investigation, at the earliest period consistent with public duty.

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

Resolved, That the Secretary of State be and he is hereby requested to grant the use of this Hall to the quartz miners of California, for the purpose of holding their annual convention, whenever they may require the same for said purpose, after the adjournment of the present Legislature.

Mr. Briggs, from special committee to whom was referred Assembly bill No. 274, an act concerning goods, wares, and merchandise, contained in packages, and usually sold by weight, verbally reported the same back and recommend its passage.

Bill ordered printed.

Assembly bill No. 175, an act to amend an act entitled an act to amend an act to establish a standard of weights and measures, passed March 13, 1850, passed April 30, 1853, was read third time, and passed.

Mr. Ormsby gave notice of a motion to reconsider the vote just taken.

Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to the first day of July, A. D., 1856, was taken up.

Mr. Burbank moved to recommit the bill to the San Francisco delegation, with instructions to strike out the name of Terence Foley, and insert the name of Francis P. Swett.

Ruled out of order.

Mr. Banks appealed, and the decision of the chair was sustained.

Mr. Stakes moved that the bill be put upon its passage, and moved the previous question, which was sustained, Messrs. Gray, Cherry, and Street, demanding the ayes and noes, as follows:

AYES—Messrs. Anderson, Aud, Briggs, Buel, Caldwell, Clarke, Curtis, Davis, De Long, Edwards, Galbraith, Haldeman, Havens, Heath, Hitchens, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Marshall, Mitchell, Neblett, Ormsby, Parker, Pearis, Shepard, Smith of Nevada, Spilman, Stakes, Stocker, Tuttle, Walker, Ward, Warfield, Willson, and Young—38.

NOES—Messrs. Ballou, Banks, Burbank, Cherry, Ely, Gordon, Gray, Graham, Groom, Hamlin, Hancock, Hill of Nevada, Holladay, Holman, Howell, Hirst, McCoy, Minis, O'Brien, Palmer, Pico, Safford, Sheridan, Sherwin, Simons, Smith of San Bernardino, Stout, Stratton, Street, Tatman, Thomas, Warmcastle, and Mr. Speaker—33.

The bill was then read third time, and, on its passage, Messrs. Loofbourrow, Cherry, and Burbank, demanded the ayes and noes, and the same was passed by the following vote:

AYES—Messrs Anderson, Aud, Ballou, Briggs, Caldwell, Clarke, Curtis, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Graham, Haldeman, Hamlin, Havens, Heath, Hitchens, Hirst, King, Lee, Lewis, Loofbourrow, Marshall, McCoy, Mitchell, Neblett, O'Brien, Ormsby, Parker, Pearis, Pico, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stakes, Stocker, Stratton, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—53.

NOES—Messrs Banks, Buel, Burbank, Cherry, Gray, Groom, Hill of Nevada, Holladay, Howell, Kabler, Minis, Palmer, Safford, Smith of San Bernardino, Stout, and Street—16.

Mr. Tatman gave notice of motion to reconsider the vote just taken.

On motion of Mr. Davis, the San Francisco delegation had five minutes leave, each, to explain their votes on the bill last passed.

THIRD READING.

Assembly bill No. 214, an act for the relief of purchasers at sales of real estate by public officers, was read third time and passed.

Assembly bill No. 41, an act for the suppression of bawdy-houses and houses of ill-fame—

Mr. Havens moved to recommit the bill, with instructions.

Mr. De Long moved a call of the House, which was sustained, and the following members were absent, besides those absent on leave: Messrs. Anderson, Burbank, Gray, Graham, Groom, Kabler, Moore, O'Brien, Street, and Ward, and the sergeant-at-arms dispatched for the absentees.

On motion of Mr. Ely, further proceedings under the call were dispensed with.

Mr Havens then withdrew his amendment, and Mr. Curtis, on the passage of the bill, moved the previous question, which was sustained, and Messrs. Aud, Ely, and Simons, demanded the ayes and noes, as follows:

AYES—Messrs. Aud, Banks, Buel, Burbank, Caldwell, Cherry, Clarke, Crane, Curtis, Davis, Ely, Ferguson, Gordon, Hamlin, Harris, Heath, Hill of Nevada, Hill of Sierra, Holladay, Holman, Lewis, Markley, Marshall, Minis, O'Brien, Ormsby, Palmer, Pearis, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stout, Stratton, Tatman, Thomas, Warfield, Warmcastle, Willson, and Mr. Speaker—43.

NOES—Messrs. Ballou, De Long, Edwards, Galbraith, Gray, Graham, Hancock, Havens, Hitchens, Howell, Hirst, King, Loofbourrow, Mitchell, Moses, Neblett, Parker, Smith of San Bernardino, Stakes, Stocker, Street, Tipton, Walker, and Ward—24.

So the bill passed.

Mr. Safford gave notice of motion to reconsider the vote just taken.

Assembly bill No. 269, an act to provide for the maintenance of indigent sick, of the county of Trinity, was read third time, and passed.

Assembly bill No 104, an act fixing the times at which representatives in Congress shall be elected, read third time and laid on table.

Mr. De Long moved to reconsider the vote by which the first amendment to the constitution was passed on yesterday.

Mr. Burbank moved to indefinitely postpone the motion to reconsider.

Mr. Safford moved to lay the motion to indefinitely postpone on the table, pending which, on motion of Mr. Hamlin, at half-past four o'clock, the House adjourned.

Messrs. Safford, Thomas, and Tatman, demanded the ayes and noes, as follows:

AYES—Messrs. Aud, Ballou, Banks, Briggs, Buel, Cherry, Clarke, Edwards, Galbraith, Gordon, Gray, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Howell, King, Lee, Markley, Marshall, McCoy, Minis, Moore, Moses, Neblett, Ormsby, Palmer, Parker, Pearis, Pico, Shepard, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Street, Tuttle, Walker, and Willson—49

NOES—Messrs. Burbank, Caldwell, Crane, Curtis, Davis, De Long, Ely,

Ferguson, Graham, Kabler, Loofbourrow, Mitchell, O'Brien, Safford, Sheridan, Stakes, Tatman, Thomas, Tipton, Ward, Warfield, Young, and Mr. Speaker—23.

IN ASSEMBLY.

THURSDAY, March 11, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All were present except Mr. Anderson, and those absent on leave.

Journals of yesterday read and approved.

Mr. Clarke had leave to record his vote in the negative on the resolutions relative to the admission of Kansas.

PETITIONS.

Petitions were presented:

By Mr. Crane, of Monterey Sentinel, for advertising.

Referred to Committee on Claims.

By Mr. Harris, of citizens of Sutter county, relating to the herding of sheep.

Referred to Sonoma, Solano, Marin, and Sutter delegations.

By Mr. Holman, of citizens of the state, relating to the navigation of the San Joaquin River.

Referred to the Committee on Swamp and Overflowed Lands.

REPORTS.

Reports were made:

By Mr. King, from Committee on Printing:

MR. SPEAKER:—Your committee, to whom was referred Assembly bill No. 222, exempting from execution printing presses and printing materials, have had the same under consideration, and beg leave to report the substitute herewith submitted, and recommend its passage.

H. KING, Chairman.

By Mr. Lee, from Committee of Ways and Means:

MR. SPEAKER:—The Committee of Ways and Means, to whom was referred the claims of Thomas Tennent for freight on six cases of weights and measures for the state of California, shipped from the Atlantic States, and thirty-three months' storage of the same, finding it to be just and equitable, report the accompanying bill, providing for the payment of the same, and recommend its passage.

All of which is respectfully submitted.

H. LEE,
Chairman of Commmittee of Ways and Means.

Assembly bill No. —, an act to pay to Thomas Tennent for storage of the standard of weights and measures belonging to the state, above reported, was read first and second times, considered in Committee of the

Whole, (Mr. Sherwin in the chair,) considered engrossed, read third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARMENT,
Sacramento, March 11, 1858.

To the Assembly of California:

I regret that I am compelled to return again to your honorable body, an act entitled an act to legalize the assessment and enforce the collection of taxes within the City of Sacramento for the municipal year, commencing April, one thousand eight hundred and fifty-seven.

It will be seen, upon examining the bill, that it has not received the signature of the president of the Senate, nor has it been attested by the secretary of that body.

This bill was placed in my hands by one of the pages of the Assembly.

To avoid these mistakes, I respectfully suggest whether it would not be better to let these bills reach me through the channel provided by the rules of the Assembly.

JOHN B. WELLER.

The bill, above reported, was recommitted to the Enrolling Committee.

Mr. Stout moved to suspend the rules to take up Assembly bill No. 106, an act for the better protection of settlers on public lands in this state, and to secure the rights of parties in certain cases.

Lost.

Further reports were made:

By Mr. Crane:

MR. SPEAKER:—The Committee on Counties and County Boundaries, to whom were referred Assembly bill No. 277, entitled an act to amend an act entitled an act to create the county of Fresno, to define its boundaries, and to provide for its organization, have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

CRANE, Chairman.

By Mr. Moses, from the Committee on Engrossment:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 147, entitled an act to amend an act entitled an act for securing liens to mechanics and other persons, passed April 19th, 1856.

H. A. MOSES, Chairman.

By Mr. Young, from the Committee on Enrollment:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. — as amended by the Senate, an act to legalize the assessment and enforce the collection of taxes within the city of Sacramento for the municipal year commencing April, one thousand eight hundred and fifty-seven.

GEO. A. YOUNG, Chairman.

By Mr. Stratton, from the Committee on Public Morals:

MR. SPEAKER:—The Committee on Public Morals, to whom was referred Assembly bill No. 79, an act to prohibit the carrying on of the games of rondo and keno, and Assembly bill No. 246, an act amendatory of an act passed April 27th, 1857, to prohibit gaming, have had the same under consideration, and have directed me to report them back to the House, and recommend that they be indefinitely postponed.

There are several bills in the hands of the committee of a like character as those above mentioned, which the committee believe to be better calculated to suppress gaming, as they include the games mentioned in bills No. 70 and 246, and also other games which should be suppressed, upon which the committee will report at an early day.

STRATTON, Chairman.

By Mr. Walker, from the Committee on Indian Affairs:

MR. SPEAKER:—The Committee on Indian Affairs, to whom was referred Assembly bill No. 280, an act authorizing the Treasurer of State to issue certain bonds, have had the same under consideration, and report the same back, without amendment, and recommend its passage.

A. B. WALKER, Chairman.

Assembly bill No. 280, above reported, was considered engrossed, read a third time, and passed.

Mr. De Long, from the Yuba delegation, verbally reported back, and recommend the passage of Assembly bill No 276, an act granting to Matthew Wood the right to construct a wire suspension or truss bridge across the Yuba river.

Mr. Sherwin made the following report:

MR. SPEAKER:—The special committee, to whom was referred so much of the Governor's inaugural address as relates to the equalization of taxes throughout this state, and to whom were referred Assembly bills Nos. 205 and 206, a majority of whom beg leave to report that they have had the same under consideration, and respectfully recommend the passage of Assembly bill No. 205, and the indefinite postponement of Assembly bill No. 206.

J. L. C. SHERWIN,
R. P. HIRST,
W. W. McCOY,
FRANCIS L. AUD,
W. W SHEPARD,
URIAH EDWARDS,
R. D. FERGUSON.

The sergeant-at-arms made the following report:

To the Speaker of the Assembly:

DEAR SIR:—In accordance with resolution passed February 26th, authorizing the sergeant-at-arms to purchase and furnish the members of the Assembly such stationery as could not be had at the Secretary of State's office, and report the amount purchased weekly, report that I have purchased for the week ending March 10th instant, stationery to

the amount of $127 75, vouchers of which have been handed to the Committee on Accounts and Expenditures.

JAMES F. QUIN, Sergeant-at-arms.

MARCH 11th, 1858.

The following messages were received from the Senate:

SENATE CHAMBER,
March 10, 1858.

MR. SPEAKER:—The Senate, on March the 5th instant, passed Senate bill No. 98, an act to suppress gaming;

Also, on Monday, the 8th instant, passed Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare valley, approved April 11, 1857;

Also, Assembly bill No. 151, an act to provide for the transcribing and transferring certain records in Sonoma and Solano counties to the county of Napa;

Also, on yesterday, passed Senate bill No. 8, 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;

Also, Senate bill No. 70, an act to audit certain claims;

Also, Senate bill No. 165, an act for the relief of James D. Potter.

JAS. T. EWING, Ass't Sec'y Senate.

Senate bills Nos. 82 and 8, above reported, read first and second times, and referred to Judiciary Committee.

Senate bills Nos 70 and 165, above reported, read first and second times, and ordered on file.

Senate amendments to Assembly bill No. 151, above reported, were concurred in.

Senate bill No. 98, above reported, was read first and second times, and referred to Committee on Public Morals.

SENATE CHAMBER,
March 11, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 132, an act to amend an act declaring Feather River navigable, passed March 14, 1857;

Also, Senate bill No. 180, an act empowering the Governor of this State to pardon one Cyrus H. Deable;

Also, Assembly bill No. 3, an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco;

Also, Assembly bill No. 74, an act to provide for a monthly statement of receipts and disbursements by the county treasurer of the county of Sierra;

Also, Assembly bill No. 213, an act in relation to the office of the county assessor of the county of San Joaquin.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 132, above reported, was read first and second times, and referred to the Committee on Commerce and Navigation.

Senate bill No. 180, also above reported, read first and second times, and referred to the State Prison Committee.

Senate joint resolution No. 26, relative to swamp land, was taken up, and adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Warfield, an act to prevent the further immigration of negroes into this state;

By Mr. McCoy, an act to adjust the indebtedness between the counties of Santa Clara and Alameda;

Also, an act to amend the estray law of this state;

By Mr. Ballou, preamble and concurrent resolution, expressing the approbation of this Legislature of the course pursued by President Buchanan upon the Nicaragua filibustering question, and instructing our delegation in Congress to sustain the Administration thereupon;

By Mr. Ely, an act to amend section fifty-eight of an act entitled an act defining crimes and punishments;

By Mr. Curtis, an act to amend the fifth article, section nineteen of the constitution, so as to make the Secretary of State elective at the same times and places, and in the same manner as the Governor and Lieutenant Governor;

By Mr. Moore, an act to amend an act entitled an act to authorize the funding of the floating debt of the city of San Francisco, and provide for the payment of the same, passed May 1, 1851;

And, also, an act to establish the industrial school department of the city and county of San Francisco;

By Mr. Holman, an act for the amendment of certain sections of the Practice Act;

By Mr. Stratton, proposed amendments to the constitution.

Mr. Cherry made the following report, of which, together with the minority report of Mr. Ormsby, 480 copies were ordered printed:

MAJORITY REPORT

Of the Select Committee appointed to investigate the facts concerning the Non-Payment of the Indebtedness alleged to be due the State by the Auctioneers of San Francisco:

MR. SPEAKER:—The undersigned, members of the select committee appointed by resolution of the House on February 26th, to proceed to San Francisco, to inquire into the amount due the state from auctioneers in that city on account of auction duties and licenses under the provisions of an act to provide revenue for the support of the government of this state, passed May 15, 1854, and to ascertain the reasons why such duties and licenses have not been paid, respectfully beg leave to

REPORT:

That they proceeded to San Francisco, and immediately entered upon the discharge of their duties by summoning before them a number of the auctioneers, (whose names and testimony are fully set forth in the report of the chairman of the committee, now in possession of the House,) for the purpose of eliciting all the facts in relation to those matters The auctioneers immediately responded to the call, but your committee found it impossible to obtain from them the necessary information, for reasons which they fully set forth in a communication addressed to your commit-

tee, and which has been appended to and made a part of the report of the chairman, marked "C," and for the further reason that the witnesses declined to give any testimony which might, at a subsequent period, be made the basis of a criminal prosecution against themselves.

By reference to an abstract of the books of the State Comptroller, we have ascertained, that for the years 1854 and 1855, there was paid by the auctioneers of San Francisco for state duties, about forty thousand dollars; being about twenty thousand dollars per year; which statement will also be found appended to the report of the chairman. And in December, 1855, as appears from testimony adduced before us, they paid to the county treasurer of San Francisco, by his deputy, T. A. Lynch, a further sum of eleven thousand dollars, in full of all demands of the state for auction dues to date, taking his receipt therefor, which settlement was made by the consent and with the knowledge of the district attorney of said city and county, E. R Carpentier; that on April 9, 1856, the law levying the tax of one-half of one per cent. was repealed, and that it was not re-enacted until April 29, 1857; that for the portion of the year 1856, previous to the repeal of that section of the revenue act, the auctioneers paid a portion of said duty, amounting to eight hundred and fifty-seven dollars, and since then have not paid either duties or license, for the reasons set forth in the answers aforesaid Taking the present and recent depression of business into account, the undersigned are of the opinion, that upon the basis of the sums collected in 1854–55, not more than fifteen or twenty thousand dollars can be due the state on account of such auction duties, in addition to the amount due for state license since January, 1856, which may amount to fifteen thousand dollars more, (assuming the statement in regard to the state license contained in the report of the chairman to be correct,) provided the law is valid and binding.

The undersigned dissent entirely from the report accompanying the documents submitted by the chairman of the committee; as in their judgment the evidence does not substantiate the assertions contained therein, and respectfully suggest that these reports be referred to an appropriate committee for examination.

In conclusion, the undersigned would recommend that the present laws relating to auctioneers be repealed, and a new law framed, classifying the various branches of the business, and requiring a specific tax in the form of a license, instead of the duties now demanded. This the auctioneers would cheerfully pay, and a large and certain revenue would accrue to the state therefrom.

All of which is respectfully submitted.

JOHN W. CHERRY,
WILLIAM HILL

SACRAMENTO, March 5, 1858.

MINORITY REPORT.

MR. SPEAKER:—The committee, appointed under the resolution to inquire into the amount of indebtedness due the state of California by the auctioneers of the city of San Francisco, beg leave to

REPORT:

That they proceeded to San Francisco and summoned the following named auctioneers to appear before them, viz.:

Thomas J. L. Smiley, John Middleton, John Alexander, A. Van Vleck, Gregory, of the firm of Newhall & Gregory, E. S. Spear, R. D. W. Davis; De Ro, of firm of De Ro & Eldridge; Bendixen, of firm of Jones & Bendixen; Kohn, of firm of Alexander & Co.

They also summoned Messrs. Sneath, Ludlow, and E. R. Carpentier, to appear before them.

We then propounded the following interrogatories to each auctioneer, they having previously taken the following oath:

"You do solemnly affirm that you will true answers make to such questions as may be asked, touching your indebtedness to the state of California, so help you God."

TESTIMONY OF T. J. L SMILEY.

Mr. Smiley, sworn, makes answer as follows:

Question 1.—What is the amount of state license remaining unpaid by you, commencing from the first day of January, 1856, to the present time?

Answer.—I have not paid any.

Question 2.—State your reasons for neglecting to take out a license, according to law?

Answer.—I could not fulfill the law, if I desired so to do.

Question 3.—Did you pay any state duty in 1856?

Answer.—I did not, I think, except for month of January.

Question 4.—What amount of state duty did you owe in 1856?

Answer.—None.

Question 5.—Did you pay any state duty in 1857?

Answer.—None.

Question 6.—What amount of state duty did you owe in 1857?

Answer.—None.

Question 7.—Have you paid any state duty since the first of January, 1858, to date;—if not, what amount is due the state for that period?

Answer.—None.

Question 8.—What is the average amount of your auction sales since January, 1856, per month?

Answer.—I decline answering.

Question 9.—What amount of sales have you made, other than by auction, during that period?

Answer.—None.

Question 10.—What amount of goods have you struck off, which were not sold, during that period?

Answer.—Impossible for me to answer.

Question 11.—Do you collect any of the state duty from your customers?

Answer.—None.

Question 12.—Do you not collect the state duty from sales made for account of underwriters?

Answer.—Sometimes, but not always.

Question 13.—Did you bring your books, or an abstract thereof?

Answer.—No, sir; I decline giving such abstract.

Question 14.—Did you offer a bond to the court of sessions for approval?

Answer.—After the decision of the Supreme Court, in the case of Burgoyne *v* Supervisors, I was surety for H. Cohen, on an auction bond, and went to the court of sessions to have the same approved, and was there

informed, by the clerk, that he believed that the judge would not approve any more auction bonds. On inquiring the reason, the above decision was quoted. The substance of this denial was afterwards approved to me in the same bond, (H. Cohen,) by judge of the court of sessions.

TESTIMONY OF MR. GREGORY.

Mr. Gregory, of firm of Newhall & Gregory, being duly sworn, makes answer:

Question 1.—What is the amount of state license remaining unpaid by you, commencing from first of January, 1856, to present time?

Answer.—I cannot tell the exact amount at present.

Question 2.—State your reasons for neglecting to take out a state license, according to law?

Answer.—Because it was generally understood among the auctioneers that as the judge of court of sessions could not, under a decision of the Supreme Court, approve our bonds, we considered the law inoperative.

Question 3.—Did you pay any state duty in 1856?

Answer.—No, because there was no law requiring it.

Question 4.—What amount of state duty did you owe in 1856?

Answer.—None, as there was no law demanding it.

Question 5.—Did you pay any state duty in 1857?

Answer.—No, sir.

Question 6.—What amount of state duty did you owe in 1857?

Answer.—I cannot tell; I consider that we owe none, because we were advised that the law was considered unconstitutional, and could not be collected.

Question 7.—Have you paid any state duty since the first of January, 1858, to date; if not, what amount is due the state for that period?

Answer.—Since that time, I have not been in the business.

Question 8.—What is the amount of your auction sales per month since January 1, 1856?

Answer.—I decline answering, because of the law not requiring a person to give evidence that might criminate himself.

Question 9.—What amount of sales have you made other than by auction, during that period?

Answer.—I decline answering, for the same reason as given in the previous interrogatory.

Question 10.—What amount of goods have you struck off, which were not sold, during that period?

Answer.—I could not tell, as we keep no memorandum of such.

Question 11.—Do you collect any of the state duty from your customers?

Answer.—Not a cent.

Question 12.—Do you not collect the state duty from sales made for account of underwriters?

Answer.—No, sir, not a cent.

[Will give a statement of duties remaining unpaid.]

TESTIMONY OF MR. DAVIS.

Mr R. D. W. Davis appeared, and was duly sworn, and answered as follows:

Question 1.—What is the amount of state license remaining unpaid by you, commencing from January first, 1856, to present time?

Answer.—I cannot tell; my books are placed beyond my control, except those from thirteenth of January, 1857, to the present time.

Question 2.—State your reasons for neglecting to take out a license according to law?

Answer.—Because the law was considered unconstitutional.

Question 3.—Did you pay any state duty in 1856?

Answer.—I did not.

Question 4.—What amount of state duty did you owe in 1856?

Answer.—I cannot tell, as my books cannot now be referred to by me.

Question 5.—Did you pay any state duty in 1857?

Answer.—No, sir.

Question 6.—What amount of state duty did you owe in 1857?

Answer.—I respectfully decline answering, because, as I understand the law, I lay myself liable to prosecution for misdemeanor.

Question 7.—Have you paid any state duty since first January, 1858, to date. If not, what amount is due the state for that period?

Answer.—I have not paid any, for the same reasons as before stated.

Question 8.—What is the average amount of your auction sales per month, since January 1, 1857?

Answer.—I respectfully decline answering.

Question 9.—What amount of sales have you made other than by auction, during that period?

Answer.—I cannot tell, as I keep no accounts thereof.

By correction.—None.

Question 10.—What amount of goods have you struck off, which were not sold, during that period?

Answer.—I cannot answer, as we keep no memorandums thereof. It would be impossible for me to tell.

Question 11.—Do you collect any of the state duties from your customers?

Answer—I do not.

Question 12.—Do you not collect the state duty from sales made for account of underwriters?

Answer.—I have made such charge in some instances, but some have refused payment of the same.

Question 13.—What are your reasons for not complying with the requirements as set forth in the subpena served upon you?

Answer.—I respectfully decline answering, for the same reasons before given.

[Mr. Davis has been so unfortunate that he has been compelled to go through bankruptcy. He commenced business again January 13, 1857.]

TESTIMONY OF MR. BENDIXEN.

Mr. Bendixen, of firm of Bendixen & Jones, sworn and answereth:

Question 1.—What is the amount of state license remaining unpaid by you, commencing from the first of January to present time?

Answer.—I have not paid any.

Question 2.—State your reasons for neglecting to take out a license according to law?

Answer.—Because I learned that the court of sessions refused to approve our bonds.

Question 3.—Did you pay any state duty in 1856?

Answer.—I was not in business at that time.

Question 4.—What amount of state duty did you owe in 1856?

Answer.—I was not in business at that time.

Question 5.—Did you pay any state duty in 1857?

Answer.—No sir.

Question 6.—What amount of state duty did you owe in 1857?

Answer.—I respectfully decline answering.

Question 7.—Have you paid any state duty since the first day of January, 1858 to date. If not, what amount is due the state for that period?

Answer.—I have not paid any, and respectfully decline answering the latter part of question.

Question 8.—What is the average amount of your auction sales per month since January 1, 1857?

Answer.—Respectfully decline answering.

Question 9.—What amount of sales have you made other than by auction, during that period?

Answer.—I respectfully decline answering.

Question 10.—What amount of goods have you struck off, which were not sold, during that period?

Answer.—I respectfully decline answering?

Question 11.—Do you collect any of the state duty from your customers?

Answer.—We do not, to the best of my recollection.

Question 12.—Do you not collect the state duty from sales made for account of underwriters?

Answer.—I respectfully decline answering.

Question 13.—Have you brought the memorandums or books, according to requirements of the subpena served on you?

Answer.—I have not.

Question 15.—Why?

Answer.—Because I consider the law unconstitutional. For, if it is constitutional, I am liable to prosecution for misdemeanor by answering these questions.

TESTIMONY OF MR. ALEXANDER.

Mr. John Alexander sworn, makes answer:

Question 1.—What is the amount of the state license remaining unpaid by you, commencing from the first of January, 1856, to the present time?

Answer.—I cannot tell. I owe no license.

Question 2.—State your reasons for neglecting to take out a license according to law?

Answer.— ———.

Question 3.—Did you pay any state duty in 1856?

Answer.—I do not remember.

Question 4.—What amount of state duty did you owe in 1856?

Answer.—Do not know.

Question 5.—Did you pay any state duty in 1857?

Answer.—No sir.

Question 6.—What amount of state duty did you owe in 1857?

Answer.— ———

Question 7.—Have you paid any state duty since first day of January, 1858, to date. If not, what amount is due the state for that period?

Answer.— ———

Question 8.—What is the average amount of your auction sales per month since January 1, 1856?

Answer.—Cannot tell. The books of the several firms to which I belonged, I believe are destroyed.

Question 9.—What amount of sales have you made other than by auction, during that period?

Answer.— ———

Question 10.—What amount of goods have you struck off, which were not sold, during that period?

Answer.— ———

Question 11.—Do you collect any of the state duty from your customers?

Answer.— ———

Question 12.—Do you not collect the state duty from sales made for account of underwriters?

Answer.— ———

[Mr. Alexander denies having done any business as an auctioneer; that no state license had ever been demanded of him; that he has always paid a license as a "Cheap John."]

TESTIMONY OF A. VAN VLECK.

Mr. A. Van Vleck sworn, answers:

Question 1.—What is the amount of state license remaining unpaid by you, commencing from the first of January, 1856, to the present time?

Answer.—I do not think I have paid any.

Question 2.—State your reasons for neglecting to take out a license according to law?

Answer.—Because Judge Freelon, I learned, had refused to approve our bonds, for want of jurisdiction.

Question 3.—Did you pay any state duty in 1856?

Answer.—I do not recollect paying any.

Question 4.—What amount of state duty did you owe in 1856?

Answer.—I cannot tell. I did not consider the law constitutional.

Question 5.—Did you pay any state duty in 1857?

Answer.—I do not recollect of paying any.

Question 6.—What amount of state duty did you owe in 1857?

Answer.—I have not the least idea how much.

Question 7.—Have you paid any state duty since the first of January, 1858, to date. If not, what amount is due the state for that period?

Answer.—I have not; have kept no account of it.

Question 8.—What was the average amount of your auction sales since January, 1856, per month?

Answer.—I cannot answer; I do not know. In fact, I decline answering, for the reason that it might form the basis for an action for misdemeanor.

Question 9.—What amount of sales have you made, other than by auction, during that period?

Answer.—I do not think I have made any?

Question 10.—What amount of goods have you struck off, which were not sold, during that period?

Answer.—I cannot tell; I keep no account thereof.

Question 11.—Do you collect any of the state duty from your customers?

Answer.—None.

Question 12.—Do you not collect the state duty from sales made for account of underwriters?

Answer.—Yes, sir; that is, lately we have collected such duty.
[Witness declined showing an abstract of his books.]

TESTIMONY OF MR. SPEAR.

E. S. Spear, Esq, sworn, answers as follows:
Question 1.—Have you paid any state license from the year 1856 to the present time?
Answer.—I have not.
Question 2.—Why not?
Answer.—Because I have not been called on for it.
Question 3.—Did you pay any state duty in 1856?
Answer.—I think not.
Question 4.—What amount of state duty did you owe in 1856?
Answer.—I cannot tell what amount, even had I purposed paying it.
Question 5—Did you pay any state duty in 1857?
Answer.—No, sir.
Question 6.—What amount of state duty did you owe in 1857?
Answer.—I cannot answer.
Question 7.—Have you paid any state duty since the first of January, 1858, to date;—if not, what amount is due the state for that period?
Answer.—I cannot answer.
Question 8.—What was the average amount of your auction sales since January, 1856, per month?
Answer.—I cannot answer without referring to my books, and to take an abstract from them, would take a week or more. I will forward such abstract to the committee, at Sacramento, within ten days, unless you are previously notified to the contrary.
Question 9 —What amount of sales have you made, other than by auction, during that period?
Answer.—I cannot answer.
Question 10 —What amount of goods have you struck off, which were not sold, during that period?
Answer.—I cannot answer.
Question 11.—Do you collect any of the state duty from your customers?
Answer.—No, sir.
Question 12.—Do you not collect the state duty from sales made for account of underwriters?
Answer—I do not.
Question 13.—Why did you not bring with you the notes or memorandums, according to the requirement as set forth in the subpena, served upon you.
Answer.—I did not, because I feared to criminate myself by so doing.

SAN FRANCISCO, February 25, 1858.

GENTLEMEN:—Permit me to address you regarding the question proposed by your committee. The question was, I think, "How many goods have you sold at auction since January 1, 1856, to date?" which question, with all respect to the committee, I beg respectfully to decline answering. Yours truly,

EDWARD S. SPEAR.

To —— ORMSBY, ESQ., Chairman of Committee of Legislature, room 46, Rassette House.

TESTIMONY OF MR. DE RO.

Mr. De Ro, sworn, says as follows:

Question 1.—What is the amount of state license remaining unpaid by you, commencing from first January 1856, to present time?

Answer.—Have not paid for year 1857. Am not certain whether I paid for year 1856, but think I did.

Question 2.—State your reasons for neglecting to take out a license according to law?

Answer.—Because I consider the law levying it unconstitutional, because the taxation was unequal.

Question 3.—Did you pay any state duty in 1856?

Answer.—I did not, because there was none levied?

Question 4.—What amount of state duty did you owe in 1856?

Answer.—I consider that I owe none.

Question 5.—Did you pay any state duty in 1857?

Answer.—None.

Question 6.—What amount of state duty did you owe in 1857?

Answer.—None; I consider that I owed none.

Question 7.—Have you paid any state duty since the first day of January, 1858, to date; if not, what amount is due the state for that period?

Answer.—I have not paid any.

Question 8.—What is the average amount of your auction sales since January, 1856, per month?

Answer.—I decline answering.

Question 9.—What amount of sales have you made other than by auction, during that period?

Answer.—I decline answering.

Question 10.—What amount of goods have been struck off, which were not sold, during that period?

Answer.—It is impossible for me to tell.

Question 11.—Do you collect any of the state duty from your customers?

Answer.—I would rather not answer.

Question 12.—Do you not collect the state duty from sales made for account of underwriters?

Answer.—I decline answering.

Question 13.—Did you bring with you any books or memorandums?

Answer.—I did not, because an abstract could not be made within a reasonable time, and because I was advised by counsel not to do so; besides, I am not in possession of some of my books.

TESTIMONY OF MR. MIDDLETON.

Col. John Middleton, being sworn, makes answer as follows:

Question 1.—What is the amount of state license remaining unpaid by you, commencing from January first, 1856, to the present time?

Answer.—I have paid none.

Question 2.—State your reasons for neglecting to take out a license according to law?

Answer.—Because I thought the law levying such tax oppressive, and because the court of sessions, I learned, refused to approve our bonds.

Question 3.—Did you pay any state duty in 1856?

Answer.—I have not.

Question 4.—What amount of state duty did you owe in 1856?

Answer.—None.

Question 5.—Did you pay any state duty in 1857?

Answer.—None.

Question 6.—What amount of state duty did you owe in 1857?

Answer.—None.

Question 7.—Have you paid any state duty since the first of January, 1858, to date; if not, what amount is due the state from that period?

Answer.—None, none.

Question 8.—What is the average amount of your auction sales since January, 1856, per month?

Answer.—I consider it unnecessary to answer, as the law does not make real estate dutiable, which business I am engaged in.

Question 9.—What amount of sales have you made other than by auction, during that period?

Answer.—None, except real estate.

Question 10.—What amount of goods have you struck off, which were not sold during that period?

Answer.—None, that I recollect.

Question 11.—Do you collect any of the state duty from your customers?

Answer.—None.

Question 12.—Do you not collect the state duty from sales made for account of underwriters?

Answer.—None; I did not bring an abstract of my books, because the accounts I keep are so trifling that they would give the committee but little satisfaction.

TESTIMONY OF MR. CARPENTIER.

I was acting district attorney of San Francisco in the latter part of 1855; I was requested by the county treasurer to enforce the payment of duties from auctioneers; I caused inquiries to be made as to the amount due from the principal auctioneers, and proceeded to make out papers to bring suits; a committee of the auctioneers, consisting of Messrs. Smiley, Poulterer, and Gregory, called to see me on the subject, and Mr. Smiley referred me to some legal authorities which he said had been furnished by his counsel to convince me that I could not maintain the suits; I told him I was of a contrary opinion, and that I should proceed to sue; they then proposed to pay, I think, sixty per cent. of the amount due under the statute, by way of compromise; I told them I could not compromise the claim, but would state their offer to the treasurer; I informed the deputy treasurer, Mr. Lynch, and he was of the opinion that the offer should be accepted; I think Mr. Woods, the treasurer, was absent at the time; I afterwards communicated to the auctioneers that the treasurer was willing to compromise the claims, and referred them to him; there was a diversity of opinion as to the right to recover by suit, and taking into consideration the great number of persons necessary to be sued, and other circumstances, I then thought the compromise favorable to the public treasury, and I am still of that opinion; I declined settling the claims myself, or to determine the amount due, but left that to the treasurer; the money did not pass through my hands, nor was I present at the settlement of the accounts or payment of the money to the treasurer, and I do not know how much was ever paid to him; I think the treasurer's receipts were brought to me, and that I approved them; my impression is, they were brought to me by one of the auctioneers, but I am not certain.

E. R. CARPENTIER.

TESTIMONY OF MESSRS. SNEATH AND LUDLOW.

Messrs. Sneath and Ludlow appeared, bringing with them the minutes of the proceedings of the finance committee, to make inquiries into the affairs of county treasurer's office of San Francisco; which said minutes went to show that the committee have now in their possession vouchers for receipts issued from the treasurer or his deputies to the auctioneers, for state duties paid, to the amount of nearly nine thousand dollars.

R. G. Sneath sworn :—

States that he was one of said finance committee, and is certain that the committee had in their possession vouchers for such receipts to the amount of nearly nine thousand dollars. He also referred this committee to the printed report of said finance committee, which goes to show that about eleven thousand dollars had been paid on account of auctioneer duties.

The chairman of the committee propounded the above interrogatories separately, to which categorical answers were demanded, but your committee failed to elicit any facts which would go to show the actual amount due the state. The auctioneers evidently having had an understanding with each other, in order to prevent your committee receiving any information touching their indebtedness to the state.

In lieu of answering the interrogatories above related, a committee of the auctioneers presented a written document, skillfully drawn up, which is a labored apology for their non-compliance with the law, abounding in sophistry and special pleading, and is of itself a strong argument against themselves.

We append this document, marked "C," to this report.

Though your committee have failed to elicit any reliable information from the witnesses before them; enough, however, has been elicited to base a calculation on, so as to enable the committee to approximate towards a reasonable calculation of the amount due the state for auction duties and state licenses.

We find from a transcript from the Comptroller's books marked "D" that the auctioneers paid into the state treasury, on account of state duties, in the year 1855, twenty thousand four hundred and sixteen dollars, 41-100, (20,416 41.) In December of the same year, they claim to have paid to T. A. Lynch, deputy county treasurer of San Francisco county, the further sum of eleven thousand dollars, ($11,000,) as a compromise calculated at sixty per cent of what they admitted was due by them at that time to the state, or in other words, for eighteen thousand three hundred dollars, ($18,300,) which, added to the twenty thousand four hundred and sixteen 41-100 dollars, ($20,416 41,) previously paid in 1855, makes the gross amount of revenue arising from auction duty in that year, thirty-eight thousand seven hundred and sixteen 41-100 dollars, ($38,716 41.) Add to this, the amount paid for auction license in 1855, seven thousand eight hundred and thirty-two dollars, ($7,832,) and we make the revenue arising from auction duties and state license, forty-six thousand five hundred and forty-eight 41-100 dollars, ($46,548 41,) for the year 1855. Taking this calculation for data to determine the amount of money due the state of California to this date, for the years 1856, 1857,

and 1858, to date, we have the enormous sum of one hundred thousand eight hundred and fifty-four 88-100 dollars, ($100,854 88,) now due the state from the auction duty and license tax.

On examination of the evidence taken, which accompanies this report, it will be found that some of the auctioneers admitted that, in some instances they collected the state duty of one-half of one per cent. from their customers. These same auctioneers find it convenient to urge the unconstitutionality of the revenue act. This is rather a singular excuse, when it is known that in some instances they collect this tax from their customers. They further allege that competition in their trade prevented them from collecting the state duty. This reason would, if admitted to be a valid reason for the evasion of the revenue act, deprive the state of its entire revenue.

They urge that they did not pay the license tax, as the judge of the court of sessions could not, under the ruling of the Supreme Court, approve their bonds.

Your committee have no evidence which goes to prove that their bonds were refused by the proper tribunal.

If we add to the amount estimated above, the auction duty arising from goods struck off to fictitious buyers, and on goods sold at private sale, the amount now due the state from this source of its revenue would not fall short of one hundred and fifty thousand dollars, ($150,000.)

If your committee have erred in their estimate of the amount due the state by the auctioneers, it arose from the refusal of the auctioneers to give the committee any information. By answering the interrogatories we could have given facts instead of hypothesis. In the calculation made by your committee they believe that they have done full justice to the auctioneers; as it is based on what they admit was paid in 1855, it is fair to presume that they did not overrate the amount due by them.

Your committee recommend that the Attorney General be instructed to bring suit, without unnecessary delay, for the recovery of the amount due the state by the auctioneers, as it is a matter of great importance to the state to know the power the Legislature has to tax the auctioneers; which question must be determined by a Supreme Court decision.

Your committee further recommend that a special law be passed to regulate the auction trade in the state, levying a tax or duty on all goods sold at auction, and establishing a license tax, with sufficient bonds to insure a compliance with the law.

There should be a heavy penalty for selling goods by auction, without a license. Licensed auctioneers should be protected from any interference in their business by the "Peter Funks," who conduct their business in defiance of law.

Your committee recommend that sales made by auctioneers who have failed to comply with the auction laws, shall be illegal. That no auctioneer, unless regularly licensed, and not indebted to the state, shall maintain a suit at law for any claims arising from sales made by them, either at private sale or public outcry. Nor should their evidence be taken in any suit of law, or their certificate of sale be binding, unless they complied with all the provisions of the law regulating auctioneers. If the law to levy a duty on all goods sold by auctioneers was in operation during the year 1856, then there would be a deduction of $46,548 41 for that year, still leaving, however, the sum of $54,306 47 unpaid by them. Believing ourselves a legislative committee, and not a judicial one, we deemed it our duty to report the entire amount owing the state, embracing the years

1856, 1857, and 1858, to date, leaving this nice legal distinction to the proper judicial authorities for their decision.

We further ask to direct the attention of the Legislature to that class of auctioneers calling themselves "Cheap Johns." This class, by a very nice distinction between regular auctioneers and themselves, evade the payment of a very large amount of revenue to the state. We therefore recommend that any law which may hereafter be enacted, may be so formed as to embrace within its provisions this species of auctioneers.

We would further represent that, if the auctioneers could be compelled to make an exhibit of their books, (if kept as the law requires,) they would, we honestly believe, show an indebtedness of *twice* the above estimated amount to the state.

Your committee have good reasons to believe the law was evaded in every possible manner, by persons working under its provisions. In an official report of this kind, we refrain from giving those details.

Your committee would also recommend that suit at once be brought against the county treasurer of San Francisco, Mr. Woods, for $11,000 paid by the auctioneers in the latter part of December, 1855, as the result of a compromise. We are pretty well informed, if this is done, there is property enough to be found belonging to Mr. Lynch, the deputy, to make good this delinquency, as this amount is in the hands of those county officials, not one dollar of which was ever paid into the state treasury.

In conclusion, we would say, that if we have over estimated the indebtedness of the auctioneers, it is not done through a spirit of malice or revenge. On the other hand, if we have fallen far short of the amount owing by them, it is an error of judgment, without an intention to do wrong, as it must be ovious to every person how difficult it is to arrive at a correct conclusion, when the innumerable obstacles are considered that were thrown in the way of your committee by the very persons who ought to be prompt and explicit in giving such information.

We are confident that we have investigated the matter to its foundation, and have arrived at a sufficient amount of *data* and facts to bring this unhappy difficulty to a speedy termination.

J. S. ORMSBY, Chairman.

[D]

Amount received into the State Treasury from the City and County of San Francisco, for Auction Licenses, during the years 1854, 1855, 1856, *and* 1857, *as appears from the books in the office of Comptroller of State, as follows:*

Year.	Received.	Amount.
1854.....	Received during the year, - - - - -	$5,914 29
1855.....	Received during the year, - - - - -	7,832 00
1856.....	Received during the year, - - - - -	1,333 75
1857.....	Received during the year, - - - - -	13 54
	Total, - - - - - - - - - -	$15,093 58

Amount received into the State Treasury from the County of San Francisco, for Auction Duties, during the years 1854, 1855, 1856, *and* 1857, *as per books of State Comptroller, viz.:*

Year.	Received.	Amount.
1854.....	Received during the year, - - - - -	$20,057 21
1855.....	Received during the year, - - - - -	20,416 41
1856.....	Received during the year, - - - - -	857 24
1857.....	Received during the year, - - - - -	00 00
	Total, - - - - - - - - - -	$41,330 86

CORNELIUS SCHENCK, Book-keeper.
COMPTROLLER'S OFFICE, February, 1858.

CITY AND COUNTY TREASURY,
San Francisco, February 18, 1858.

Hon. Humphrey Griffith, Chairman of Senate Committee, etc., etc.:

DEAR SIR—Your most esteemed communication of the sixteenth instant reached me this morning, and I hasten to reply to it.

On taking charge of this office in October last, the failure of the auctioneers to comply with the law governing them, was one of the first matters coming under my notice. I immediately addressed to them notifications, reminding them of their obligations. I enclose you one of the blanks.

I received for reply that the auctioneers considered the law oppressive, despotic, and unconstitutional. That they had paid the tax for a time, rather than involve themselves in legal difficulties with the government, but that they had long since resolved to contest the question, if prosecuted. That they had so replied to my predecessors, Messrs. Wood and Hooper, and that they were ready to meet the threatened actions. I accordingly furnished the district attorney with a list of the delinquents, a copy of which I herewith accompany, as also a copy of my letter to him on the subject.

I have reminded him of the matter several times, and have been informed that he would give his attention to it as soon as possible. As yet, I believe, nothing has been done.

Comptroller Whitman will inform you that I have repeatedly conversed with him about the business, suggesting to him the propriety of instructions being sent to the district attorney, by the Attorney General, for his government and aid in the prosecution of the parties. The very critical state of Mr. Osborne's health has, no doubt, prevented him from devoting his personal attention to the suits.

I would remark, in connection with this subject, that the auction license referred to in section seventeen of article five of the revenue act, cannot be exacted separately from the tax levied by section forty-nine, and that the auctioneers oppose both sections on similar grounds.

The arrearages are, of course, very heavy, and no expense will be spared by the delinquents to defend their position. I would suggest, therefore, that if the prosecution be urged, an appropriation be made by

the Legislature to provide additional legal assistance in support of the district attorney.

It must be borne in mind that a number of auctioneers have given up business during the past year or two, and will, of course, escape from arrearages.

In conclusion, I have only to say, that on reference to the books of this office, I find that the last entry to the credit of the accounts of "State Auction Duties," was one of five dollars and twenty-eight cents, on March 17, 1856, and that the account was closed on June 30, 1856, by payment and debit to the Treasurer of State, of total amount at credit,

Say, - - - - - - - - - - - - - -	$853 22
Less commission of R. E Woods, - - - - - -	25 60

The previous payment you can obtain readily from the books of the Comptroller, or from the treasurer's settlement with him.

Without further offering,

I am, dear sir, yours, respectfully,

WM. H. TILLINGHAST, Treasurer.

CITY AND COUNTY AUDITOR'S OFFICE,
San Francisco, Feb. 20, 1858.

Hon. Humphrey Griffith, Chairman of Committee:

SIR:—I am in receipt of your communication, requesting information as to the cause of the failure of the auctioneers of this city to pay their license tax, as required by law.

The treasurer has communicated all the information on this subject in my possession; it would, therefore, be useless for me to say anything further on that matter.

I would, however, respectfully remark, that it has been and always will be difficult to collect licenses requiring the parties to expose, monthly, the state of their business; and I am convinced that, for the purpose of revenue, it would be better to classify both auction and commission merchants the same way that other kinds of business are. I am satisfied that there would be no difficulty in collecting, from the auctioneers and commission merchants, the amount to be paid for license—being fixed at a much higher rate than other kinds of business.

Respectfully, yours, etc.,

E. MICKLE, Auditor.

CITY AND COUNTY TREASURY,
San Francisco, Nov. 9, 1857.

W. K. Osborne, Esq., District Attorney, etc., present:

DEAR SIR:—I beg to wait on you with the annexed list of auctioneers in this city upon whom I have served notices, such as the blank enclosed, and I would take the liberty of urging upon you the necessity of instituting the necessary proceeding against them, under the provisions of article five of the revenue act, and amendments.

They are all prepared for action in the premises, and are as desirous of having the matter settled as we are.

My predecessor and yours were both censured for delaying this pro-

cess, by the state officers, and you will, no doubt, soon have the subject agitated by the Attorney General.

Your ob't serv't,
WM. H. TILLINGHAST, Treasurer.

LIST OF AUCTIONEERS.

John Alexander,
Bioren & Oakley,
Thomas Barclay,
H. A. Cobb,
Currie & Richardson,
R. D. W. Davis & Co.,
Fonda & Gray,
Samuel Fromberg,
N. Hayes,
Jones & Bendixen,
William Montgomery,
John Middleton,
McRuer & Merrill,
Newhall & Gregory,
Poulterer, DeRo, & Eldridge,
B. F. Rountree,
Edward S. Spear,
A. Van Vleck,
Smiley Brothers & Co.,
Washburn & Co.,
Wainwright, Randall & Co.,
Ashem & Brother,
Barnett & Co.,
Badger & Co.,
Fonda & Gray,
S. L. Jones & Co.,
Selover & Sinton,
H. A. Cobb & Co.

[C]

To Messrs. Ormsby, Hill, and Cherry, Committee:

GENTLEMEN:—The auctioneers of the city and county of San Francisco respectfully represent to the Legislature of the State of California, through the committee appointed to examine into the matters entrusted to their care, the following statement of their reasons for an apparent neglect of their duties to the state, and an apparent violation of law.

The auctioneers as aforesaid are and have ever been willing to contribute their just proportion of taxes and obligations resting upon them as good citizens of the state they have selected for their homes; with permanent business relations, and permanent business connections, they have never desired to shrink from the performance of any duties imposed on them by law; but when, under cover of law, an onerous, unjust, and unequal imposition is laid, they consider that they are only obeying the first law of human nature (self-protection,) by invoking the aid of law to establish and define their personal and pecuniary rights.

The auctioneers of San Francisco, since 1849, at various intervals, have endeavored to induce the Legislature of the state to pass such laws as would be well defined, not susceptible of equivocation or of debate, and yet so carefully framed, as to give them some protection in return for the heavy charges in which they are assessed—at the same time, always professing their ignorance of any just reasons for *their* profession being singled out as the object of special legislation and special legislative prosecution.

The auctioneers of San Francisco, in reply to the inquiries as to the reasons for non-payment of licenses, respectfully represent, that a perusal of the law, with their explanation, will satisfy all, that under any circumstances, and with the best desire to fulfill the requirements of the law, they *could not and can not* become *legally licensed auctioneers.* Section 14, article 154, of the Laws of California, provides, "that bonds must be given before any person can be qualified to act as an auctioneer." Article 158, section 15, provides that their bonds shall be approved by the court of sessions.

Article 160, section 17, provides, that "after (not before) these bonds are approved, the county treasurer shall issue a license on payment of the sums prescribed."

In the case of Burgoyne *v.* the Supervisors, Cal. R., p. 22, Murray, C. J., ruled, "that the eighth section of the ninth article of the constitution necessarily limits the jurisdiction of these courts (courts of session) to *criminal* business. The approval of auctioneers' bonds is not criminal business—the bonds cannot be approved by the court of sessions, and without the bonds, no license can be obtained. The law is inoperative in its character, and under its operations, there is not, and can not be, a legally licensed auctioneer in the state.

In regard to the imposition of the state duty of one-half of one per cent., we beg leave to call your attention to the discrepancies of the present law; uncertain in their character, capable of being evaded in their provisions, in their operations, they afford no *protection* to the honest auctioneer, and he is obliged to submit to the business competion of his neighbor, who, less scrupulous in regard to his oath, hesitates not to exempt, in his own mind, the goods he may offer for sale from the payment of the state duty. Article 165, section 49, Laws of 1857, provides, that *all* goods "offered for sale," shall be subject to the payment of state duties, and yet in the *oath* in the same law, article 167, section 51, no provision is made by which goods *offered* are included. We submit to your consideration the impropriety of the present law; many goods offered are not sold; sample lots are sold; the balance are offered at the same price; there being no buyers for the increased quantity, the auctioneer is obliged to and does legitimately withdraw the goods *offered*, and proceeds to others that his customers need; thus, the honest auctioneer is obliged to pay duties on the goods offered, while the dishonest auctioneer fails in his duty to the state or to his competitors in business.

In this connection, it may be remarked that the provisions of the law make an unnecessary exposure of private business and its extent. The disadvantages of the law, in this respect, are too apparent to require any further notice at our hands. Why should the state embarrass auctioneers, in the pursuit of their profession, more than the lawyer, physician, or mechanic? The money of each is equally earned by labor—hard labor—and no man's *profession*, in our opinion, is a fit subject for legislative action.

Our consignors, as a body, will not and do not pay us the state tax. An attempt, on our part, to collect it, will inevitably amount to driving us from business. Our consignors already, under the operation of law, claim that their taxes are paid on these very goods. Under the operation of law, in addition to state and municipal taxes, a state tax of one-half per cent. is imposed on consigned goods; if sent to auction, another tax of a half per cent. is levied, and when they desire to remit the proceeds to their owners, still another (stamp) tax is imposed before the money is permitted to leave the state;—thus taxing the property when it comes to the state, taxing it while in the state, and taxing it to get it out of the state. They will not pay us the tax—refuse to do it; and yet the state says we shall do it, and not only does not offer to pay us for doing it, but claims that we should pay a license for the privilege of collecting the state dues for the state. If not collected by us, and if *we* are obliged to pay the same, the charge of one-half per cent. actually amounts to an assessment of from sixteen and two-thirds to sixty per cent. of our *net earnings* or profits, and of our gross earnings, must be from ten to twenty per cent., as we may charge five or two and a half per cent. for selling goods intrusted to our care.

The amount due the state has, we understand, attracted the attention of the Legislature, and fabulous sums are mentioned as being due. The facts are these:—In 1854 and 1855, the state duties, as per returns on file, were paid in full, (in amount, about twenty thousand dollars each year,) *on April* 9, 1856, (*Stat. Cal., p.* 116,) *the law imposing the state duty was repealed, and was not renewed until April* 29, 1857, (*Cal. Stat.*, 1857, *p.* 342). The auctioneers then paid to R. E. Woods, county treasurer, after this date, over eleven thousand dollars, in full to date. The money was paid to R. E. Woods, county treasurer, through his deputy, T. A. Lynch; (the money, we believe, has never reached the state treasury.) The law prescribes that we must make our returns to the county treasurer, and must take his receipt therefor. We have obeyed all the forms, all the substance, and all the spirit of the law, and have the receipts for the payment thereof. We are at a loss to conceive how or why we should again be called upon to pay the state, by reason of the faithlessness of her own appointed agent. The Legislature will perceive that the only indebtedness of the auctioneers, admitting the constitutionality of the law, has accrued since April 29, 1857, to the present time.

The constitutionality of the law, we doubt; and are confirmed in this opinion by eminent counsel whom we have consulted. *Unequal in its operation—incongruous in its details—varied in its penalties—excessive in its punishments, and oppressive in its operation*—we do do not avoid a trial of its merits by law, at the same time willing and anxious not to be driven to this extremity.

If, then, it is the determination of the Legislature to tax our profession, we would submit to your honorable body a bill, correct in its details, and not oppressive in its character;—one that will give the auctioneer the protection he so much needs, in return for his contributions to the coffers of the state, and one which, thinking we have a right to demand at your hands, we respectfully solicit your co-operation in its passage.

THOS. J. L. SMILEY,
E. W. WASHBURN,
THOS. J. POULTERER,
JOHN MIDDLETON,
HENRY GREGORY,
} Committee of Auctioneers.

FEBRUARY, 25, 1858.

The following resolution was introduced by Mr. Briggs, referred to the Committee on Mines and Mining Interests, with instructions to report on Monday next, and ordered printed:

Resolved, By the Assembly, the Senate concurring that our Senators be, and they are hereby instructed, and our representatives in Congress requested, to use due diligence and all honorable means to secure the passage of a bill granting and securing to companies, or individuals, an easement of the right of way over the public domain in the state of California, for mining-canals or water-ditches for mining purposes, subject to recognized and established private rights; and that said right of way shall be so construed as to embrace so much and no more of the public lands, and material thereon, as may be necessary for the practical construction and operation of such canals or ditches as may have been, or shall hereafter be constructed; *Provided*, that no greater extent or quantity of land be granted, than the actual dimensions of such ditch or canal.

Mr. Gray, on leave, introduced joint resolutions, instructing our senators and requesting our representatives to have American consuls established at the ports of Guaymas, Mazatlan, and La Paz.

Read first and second times, and referred to the Committee on Federal Relations.

On motion of Mr. Lee, the rules were suspended, and Assembly bill No. 259, an act to provide places of deposit for the safe-keeping and return of all moneys, gold dust, and other valuables of individuals, was ordered printed.

Senate bill No. 180, an act empowering the Governor of this state to pardon one Cyrus W. Deable, was reported back by Mr. Lewis, chairman of Prison Committee, the rules suspended, read third time, and on its final passage, Messrs. Howell, Tatman, and Ferguson demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Aud, Caldwell, Crane, Graham, Havens, Hitchens, King, Lee, McCoy, O'Brien, Safford, Simons, Stratton, Ward, Young, and Mr. Speaker—17.

NOES—Messrs. Ballou, Banks, Briggs, Burbank, Cherry, Clarke, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gray, Haldeman, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Holman, Holladay, Hobart, Howell, Lewis, Loofbourrow, Markley, Minis, Mitchell, Moore, Moses, Neblett, Parker, Shepard, Sheridan, Sherwin, Spilman, Stocker, Stout, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Warfield, Warmcastle, and Willson—47.

Mr. Parker gave notice of a motion to reconsider the vote just taken.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Safford, for an act to amend section one of an act entitled an act to provide revenue for the support of the government of this state, from a tax to be levied and collected from foreign and inland bills, and other matters, approved April 29, 1857.

Read first and second times, and referred to the Committee on Ways and Means, and ordered printed.

By Mr. Harris, for an act concerning the county records of the county of Sutter.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Moore, for an act to grant certain parties the right of making a macadamized wagon road from the city and county of San Francisco, to Redwood City, the county seat of San Mateo county.

Read first and second times, and referred to San Francisco and San Mateo delegation;

Also, for an act to regulate the number of justices of the peace and constables in and for the city and county of San Francisco, and justices' courts therein, and to prescribe the powers and duties, and the fees of said justices and constables, and to create and establish the district therein, and to prescribe the fees of jurors and witnesses in such courts;

And an act to establish a municipal or inferior court in the city and county of San Francisco, to be called "The Municipal Civil Court of the City and County of San Francisco;"

Which were read first and second times, and referred to the San Francisco delegation.

By Mr. Lewis, for an act to audit the claim of Daniel McLaren.

Read first and second times, and referred to the Committee on Claims.

By Mr. Briggs, for an act for the relief of J. T. Overton.

Read first and second times, and referred to a special committee of five, viz : Messrs. Briggs, Lee, Banks, Stocker, and Palmer.

By Mr. Heath, for an act for the relief of the county of Santa Barbara.

Read first and second times, and referred to the Committee on Claims.

Mr. Ballou presented the claim of Wines & Co.'s Express, for envelopes furnished in 1856.

Referred to Committee on Claims.

THIRD READING.

Assembly bill No. 221, an act authorizing and requiring the tax collector of Plumas county to deduct from the tax for the year 1858, certain taxes illegally collected in the year 1857, in said county, was taken up.

Mr. Ely moved to lay on the table.

Lost.

Mr Davis moved that the bill be recommitted to Committee of Ways and Means, with instructions to insert a proviso that all the counties in the state be embraced within its provisions.

On the motion to recommit, Messrs. Hamlin, Tuttle, and De Long, demanded the ayes and noes, and the House refused to recommit by the following vote :

AYES—Messrs Aud, Briggs, Cherry, Crane, Davis, Hamlin, Hancock, Harris, Hill of Nevada, Holladay, Holman, Howell, Kabler, King, Markley, McCoy, Minis, Mitchell, Ormsby, Palmer, Parker, Pico, Safford, Shepard, Simons, Spilman, Stakes, Stratton, Thomas, Tuttle, Ward, Warmcastle, and Willson—33.

NOES—Messrs. Ballou, Banks, Burbank, Caldwell, Clarke, De Long, Edwards, Ely, Ferguson, Galbraith, Gray, Graham, Haldeman, Hill of Sierra, Hitchens, Hobart, Hirst, Lee, Loufbourrow, Moses, Neblett, O'Brien, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stocker, Stout, Street, Tatman, Tipton, Walker, Warfield, Young, and Mr. Speaker—35.

Mr. Ely moved to indefinitely postpone the bill, and moved the previous question, which was not sustained.

Pending the consideration of the bill, on motion of Mr. Lee, at ten minutes past four o'clock, the House adjourned to ten o'clock, A M., to-morrow.

IN ASSEMBLY.

FRIDAY, March 12, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called.

All present except those absent on leave.

Mr. Anderson had indefinite leave of absence.

Journals of yesterday read and approved.

Mr. Moore presented the petition of citizens of San Francisco for reform school, etc.

Referred to San Francisco delegation.

REPORTS.

Mr. Crane made the following report:

MR. SPEAKER:—The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 254, entitled an act concerning the county records of the county of Sutter, and beg leave to report the same back, without amendment, and recommend its passage.

CRANE, Chairman.

Mr. Simons made the following report:

MR. SPEAKER:—The Committee on Military Affairs, to whom was referred Assembly bill No. 201, an act to provide for the pay of troops called out by the Governor of this state to quell insurrection in the year 1856, have spent some time in its consideration, and, while fully agreed as to the propriety, justice, and even necessity of paying, to the uttermost farthing, every claim of the citizen soldier, when called into service under the laws of the state, we are as deeply sensible that the treasury should not be depleted without even the form of law.

The bill provides for the pay of troops, which, from the vouchers before us, it appears, were volunteer or independent companies, assumed to have been called into the service of the state in 1856. If they were called into service by the commander-in-chief, under the provisions of section seventeen of an act concerning the organization of the militia, passed April 25, 1855, the commanding officer of each company received an order from the commander-in-chief to muster his company into service, mentioning likewise the time and place of rendezvous, and the officer to whom to report.

We have been unable to ascertain the existence, either in the past or present, of any such order.

This first link in the chain of evidence necessary to the establishment of this claim is, at present, absolutely wanting.

True, they may be in existence, and be produced in time to secure the favorable action of the present Legislature upon this subject, in view of which, your committee beg leave to report the bill back to the House, and recommend that it be laid, for the present, on the table.

SIMONS,
PICO,
MITCHELL,
LEWIS,
HOLMAN.

Mr. Groom made the following report:

MR. SPEAKER:—Your Committee on Commerce and Navigation, to whom was referred Senate bill No. 132, an act to amend an act declaring Feather River navigable, passed March 14, 1857, have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

GROOM, Chairman.

The following messages were received from the Senate:

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Assembly bill No. 102, an act to ratify and approve order No. 46 of the board of supervisors of the city and county of San Francisco, approved August 6, 1857.

J. T. EWING, Assistant Secretary Senate.

SENATE CHAMBER,
March 11, 1858.

MR. SPEAKER:—The Senate have this day passed Senate bill No. 174, an act to audit the claim of John S. Love.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 174, above reported, read first and second times, and placed on file.

Mr. De Long, from the Yuba delegation, verbally reported Assembly bill No. 202, an act to ascertain the indebtedness of Sierra county to the county of Yuba, and to provide for the payment of the same, and recommend its passage, and the indefinite postponement of the same recommended by the Sierra delegation.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Groom, an act authorizing the board of supervisors of the county of San Diego to levy a special tax for road purposes;

By Mr. Howell, an amendment to the second standing rule of the House.

INTRODUCTION OF BILLS.

Mr. Moore introduced a bill for an act to establish the industrial school department of the city and county of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 105, an act to authorize Mary Latimer to sell and convey real estate, read third time, and passed.

Assembly bill No. 147, an act to amend an act entitled an act for securing liens to mechanics and others, passed April 19, 1856, made the special order for twelve o'clock, M., on Wednesday next, and ordered printed.

Mr. Parker moved to reconsider the vote by which the House, on yesterday, refused to pass Senate bill No. 180, an act empowering the Governor of this state to pardon one Cyrus W. Deable.

Mr. De Long moved to indefinitely postpone the motion to reconsider, upon which Mr. Hamlin moved the previous question.

Lost.

The House refused to indefinitely postpone by the following vote, Messrs. Hill of Nevada, Smith of Nevada, and De Long, demanding the ayes and noes:

AYES—Messrs. Ballou, Banks, Buel, Burbank, Curtis, De Long, Ely, Galbraith, Gray, Groom, Haldeman, Hamlin, Harris, Hill of Nevada,

Hobart, Howell, Kabler, Loofbourrow, Markley, Neblett, Sheridan, Smith of Nevada, Stocker, Stout, Tatman, Tipton, and Warmcastle—27.

NOES—Messrs. Aud, Briggs, Caldwell, Clarke, Crane, Davis, Edwards, Graham, Hancock, Havens, Heath, Hill of Sierra, Hitchens, Holladay, Holman, Hirst, King, Lee, Lewis, McCoy, Minis, Mitchell, O'Brien, Ormsby, Palmer, Parker, Pico, Safford, Sherwin, Simons, Spilman, Stakes, Street, Thomas, Walker, Ward, Warfield, Willson, Young, and Mr. Speaker—40.

And the House reconsidered, by the following vote, Messrs. De Long, O'Brien, and Hitchens, demanding the ayes and noes:

AYES—Messrs. Aud, Caldwell, Clarke, Crane, Davis, Edwards, Graham, Hancock, Havens, Heath, Hill of Sierra, Hitchens, Holladay, Holman, Hirst, King, Lee, Lewis, McCoy, Minis, O'Brien, Ormsby, Palmer, Parker, Pico, Safford, Sherwin, Simons, Spilman, Stakes, Street, Thomas, Walker, Ward, Warfield, Willson, Young, and Mr. Speaker—38.

NOES—Messrs. Briggs, Buel, Burbank, Curtis, De Long, Ely, Galbraith, Groom, Haldeman, Hamlin, Harris, Hill of Nevada, Hobart, Howell, Kabler, Loofbourrow, Markley, Mitchell, Neblett, Sheridan, Smith of Nevada, Stocker, Stout, Tatman, Tipton, and Warmcastle—26.

Mr. Hill of Nevada moved a call of the House.

Lost.

On its passage, Messrs. Harris, De Long, and Hill of Nevada, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Aud, Caldwell, Clarke, Crane, Davis, Edwards, Graham, Hancock, Havens, Heath, Hill of Sierra, Hitchens, Holman, Hirst, King, Lee, Lewis, Marshall, McCoy, Minis, O'Brien, Ormsby, Palmer, Parker, Pico, Safford, Sherwin, Simons, Spilman, Stakes, Stratton, Street, Thomas, Walker, Ward, Warfield, Willson, Young, and Mr. Speaker—39.

NOES—Messrs. Ballou, Banks, Buel, Burbank, Curtis, De Long, Ely, Galbraith, Gray, Groom, Haldeman, Hamlin, Harris, Hill of Nevada, Hobart, Holladay, Howell, Kabler, Loofbourrow, Markley, Mitchell, Neblett, Sheridan, Smith of Nevada, Smith of San Bernardino, Stocker, Stout, Tatman, Tipton, and Warmcastle—30.

Assembly bill No. 106, an act for the better protection of settlers on public lands in this state, and to secure the rights of parties in certain cases, unfinished business of preceding day, was, on motion of Mr. Street, placed on general file.

Mr. McCoy introduced a bill for an act to amend an act to create the county of Alameda, and to establish the seat of justice therein, to define its boundaries and provide for its organization.

Read first and second times, and placed on file.

Assembly bill No. 156, an act to provide for the preservation of school land sections numbers sixteen and thirty-six, from waste and other injuries—

Amendments adopted and ordered engrossed.

The following message was received from the Senate:

SENATE CHAMBER,
March 12, 1858.

MR. SPEAKER:—The Senate have this day passed Senate bill No. 122,

an act entitled an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles.

THOS. N. CAZNEAU, Sec. of the Senate.

Senate bill No. 122, above reported, read first and second times, and referred to Committee on County and County Boundaries.

The following message was received from the Senate:

SENATE CHAMBER,
March 12, 1858.

MR. SPEAKER:—The Senate, on yesterday, adopted the report of the Committee on Claims, relative to the claim of James Smiley for the construction of a state prison wall, confirming the amount and price as set forth in their report herewith, and have directed me to inform the Assembly of the same.

THOS. N. CAZNEAU, Secretary of Senate.

Report of Committee on Claims, above reported, adopted.

Mr. Stakes introduced a bill for an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

Assembly bill No. 9, an act to repeal, in part, an act to amend an act entitled an act to authorize the construction of plank and turnpike roads, passed May 12th, 1853, approved April 28th, 1857.

Amendments adopted, further amended, rules suspended, considered engrossed, read third time, and passed, and the title amended.

ORDERED ENGROSSED.

The following bills were ordered engrossed:

Assembly bill No. 184, an act to define the head of navigation on the Mokelumne River;

Assembly bill No. 211, an act to separate the offices of county recorder, county auditor, and clerk of the probate court, from the office of county clerk, in the county of Shasta;

Assembly bill No. 216, an act to authorize the board of supervisors of the county of Tehama to levy a special tax for building purposes, and to provide for the payment of the indebtedness of the county, contracted prior to March 1, 1858;

Assembly bill No. 100, an act to amend an act entitled an act to amend an act entitled an act to fund the debt of the county of Napa, and provide for the payment of the same, approved February 13, 1857;

And Assembly bill No. 131, an act to abolish public executions;

Assembly bill No. 210, an act to amend an act entitled an act restricting the herding of sheep to certain pastures in the counties of Sonoma and Marin;

Were referred to Sonoma, Marin, and Sutter delegations.

The claim of Pacific Sentinel was referred to the Committee on Ways and Means.

Assembly bill No. 209, an act to legalize certain statements in the form of affidavits, made before the county recorders of this state, amendments adopted, and bill ordered engrossed

THIRD READING.

Senate bill No. 90, an act to amend an act entitled an act concerning the courts of justice of this state, and judicial officers, passed May 19, 1854;

Also, Senate bill No. 109, an act to amend an act entitled an act concerning forcible entries and unlawful detainers, passed April 22, 1850.

Were read third time, and passed.

Senate bill No. 39, an act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses, and for other purposes, on the coast and waters of this state—amendments adopted, further amended, read third time, and passed.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and find correctly enrolled, Assembly bill No. 102, an act to ratify and approve order No. 46, of the board of supervisors of the city and county of San Francisco, approved August 6, 1857;

Also, Assembly bill No. 70, an act to separate the office of collector of taxes from the offices of sheriff and assessor, in the county of Placer.

GEO. A. YOUNG, Chairman.

On motion of Mr. Crane, at a quarter past three o'clock, P. M., the House adjourned to ten o'clock, A. M, to-morrow.

IN ASSEMBLY.

SATURDAY, March 13, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All present except those absent on leave. Mr. Graham had indefinite leave granted.

Journal of yesterday read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. De Long, of Joseph Nougues, relative to building new state capitol;

Referred to Committee on Public Buildings.

By Mr. Davis, remonstrances of citizens of Solano county, relative to the herding of sheep;

Referred to special committee, consisting of Sonoma, Marin, and Sutter delegations.

REPORTS.

Mr. Stakes made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom were referred Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals and for draining and reclaiming certain swamp and overflowed lands in Tulare valley, approved April 11, 1857;

Also, Assembly bill No. 113, an act to change the name of Henri Alfred

Kreicer to Henry Miller, have had the same under consideration, report both bills back, and recommend their passage.

A. G. STAKES, Chairman.

Assembly bill No. 113, above reported, considered engrossed, read third time, and passed.

Mr. Crane, Chairman of the Committee on Counties and County Boundaries, made the following report:

MR. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 122, entitled an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles, have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

CRANE, Chairman.

Senate bill No. 122, above reported, read third time, and passed.

Assembly bill No. 257, an act to authorize George W. Chedic to sell certain property of Georgia M. C. F. Chedie, was taken up, considered engrossed, read third time, and passed.

Assembly bill No. 294, an act concerning official bonds of justices of the peace and constables, of the counties of this state, substitute for Senate bill No. 162, substitute adopted, read third time, and passed.

Mr. Moses made the following reports:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 281, for an act to pay Thomas Tennent for storage of the standard of weights and measures belonging to the state;

Also, Assembly bill No. 280, for an act authorizing the Treasurer of State to issue bonds in favor of Walter McDonald and A. M. Jones, for services rendered as Indian commissioners, in the year 1856.

H. A. MOSES, Chairman.

Mr. Davis, chairman of the Committee on Swamp and Overflowed Lands, made the following report:

MR. SPEAKER:—The Committee on Swamp and Overflowed Lands, having had under consideration Assembly bill No. 207, an act for the improvement of the navigation of the San Joaquin River, and for reclaiming certain swamp and overflowed lands, report the same back, with amendments, and recommend its passage.

DAVIS, Chairman.

Mr. Holladay, from San Francisco delegation, verbally reported and recommended the passage of Assembly bill No. 252, an act to confer further powers upon the board of supervisors of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned.

Ordered on file.

NOTICES OF BILLS.

Notices of the introduction of bills were given, as follows:

By Mr. Hill of Nevada, an act to prohibit the adulterating of wines and spirituous liquors;

By Mr. McCoy, to authorize the funding the unfunded debt of the city of San José;

By Mr. Holladay, an act to prohibit the killing of swans;

By Mr. Pico, an act to amend section 219 article 953, of the civil practice act;

Also, an act to amend an act concerning marks and brands, passed May 1st, 1851;

By Mr. Young, an act concerning poll-taxes;

By Mr. Davis, an act to authorize the board of supervisors of Solano county to order an election, at which the people shall vote for the permanent location of the county seat;

By Mr. Street, an act to prohibit the creation of further county debt in the county of Shasta, and for placing the finances of the said county on a cash basis;

By Mr. Aud, an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

By Mr. Crane, an act to authorize certain parties to construct a toll-bridge across the Pajaro River;

By Mr. Lewis, an act to grant the right of way to certain parties to construct a toll-bridge across the Sacramento river, at the town of Red Bluffs;

By Mr. Burbank, an act to change the civil practice act.

Mr. De Long offered the following preamble and resolution:

Whereas, Wednesday, the seventeenth day of March is the anniversary of the birth of Saint Patrick, the patron saint of a large and respectable portion of the constituents of the Democracy of the Assembly, and that day is ever venerated by the said constituents;

Resolved, That when this House adjourns on Tuesday, the 16th instant, it shall adjourn to Thursday, March 18th.

Upon the suspension of the rules, Messrs. Mitchell, Tatman, and De Long, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs. Caldwell, Davis, De Long, Gray, Haldeman, Hamlin, Hancock, Harris, Kabler, Lewis, Loofbourrow, Marshall, Minis, Mitchell, Pico, Simons, Smith of Nevada, Stakes, Tatman, Walker, Ward, Warfield, Young, and Mr. Speaker—24.

NOES—Messrs. Aud, Banks, Briggs, Buel, Burbank, Crane, Curtis, Edwards, Ely, Galbraith, Groom, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Hirst, King, Markley, McCoy, O'Brien, Ormsby, Palmer, Parker, Pearis, Safford, Shepard, Sheridan, Sherwin, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Thomas, Tipton, Warmcastle, and Willson—41.

Mr. De Long then gave notice that he would, on Tuesday next, introduce a resolution to the same effect.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ely, an act to amend an act entitled an act concerning crimes and punishments, passed April 16, 1850;

By Mr. Groom, an act to authorize the board of supervisors of the county of San Diego, to levy a special tax for road purposes;

By Mr. Stakes, an act to authorize the judges of the Supreme Court to employ a secretary;

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

By Mr. Haldeman, an act to separate the office of collector of taxes from the office of sheriff in the county of Tuolumne.

Read first and second times, and referred to the Tuolumne delegation.

By Mr. Ward, an act to fix the amount of the official bonds of the county officers in the counties of Merced, Tulare, and Fresno.

Read first and second times, and referred to the Merced, Tulare, and Fresno delegations.

By Mr. Lewis, an act to regulate fees in office in the counties of Colusa and Tehama;

Read first and second times, and ordered engrossed.

The following message was received from the Senate:

SENATE CHAMBER,
March 12, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 185, an act authorizing Andrew P. Jackson to construct a wharf in Solano county;

Also, Senate bill No. 184, an act authorizing Andrew P. Jackson to excavate and render navigable a certain slough in Solano county;

Also, Assembly bill No. 52, an act amendatory of an act to incorporate a state agricultural society, and appropriate money for its support, approved May 13, 1854.

THOS N. CAZNEAU, Secretary of Senate.

Senate bills Nos. 184 and 185, above reported, were read first and second times, and referred to Committee on Commerce and Navigation.

Assembly bill No. 224, an act to provide for funding the debt of San Joaquin county that may be outstanding on the first day of July, A. D. 1858, and not heretofore funded, was taken up, amended, considered engrossed, read third time, and passed.

Assembly bill No. 191, an act to authorize Geo. H. Ensign, and others, owners of the Spring Valley water-works, to lay down water-pipes in the public streets of the city and county of San Francisco, amendments adopted, considered engrossed, read third time, and passed.

Assembly bill No. 129, an act to fix the compensation of certain officers in the county of San Joaquin and Alameda, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 108, an act amendatory of an act dividing the state into counties, and establishing the seats of justice therein, passed April 25, 1851; and to repeal an act concerning the same, passed May 15, 1854;

Also, Assembly bill No. 13, an act to amend an act entitled an act to re-organize and establish the county of San Mateo, approved April 18, 1857;

Were ordered engrossed.

Mr. Osgood had leave to record his vote in the negative on the resolutions relative to the admission of Kansas.

Mr Davis had leave to withdraw petitions in relation to the pilot laws.

Assembly bill No. 231, an act to amend section twelve of an act to provide for the incorporation of towns, approved April 19, 1856, amendments concurred in, and ordered engrossed.

Mr. Burbank made the following report:

MR. SPEAKER :—The San Francisco delegation, to whom was referred Senate bill No. 74, an act for the relief of the Mountain Lake Water Company, report the same back, with amendments, and recommend its passage.

PALMER, for the Delegation.

Senate bill No. 46, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, read third time and passed.

Mr. Tuttle offered the following resolution, which was referred to the Committee on Indian Affairs:

Resolved, By the Assembly, the Senate concurring, that the Superintendent of Indian Affairs for the state of California, be requested to remove from the limits of Tuolumne, Stanislaus, Mariposa, El Dorado, Nevada, Yuba, and Plumas counties, the Indians now remaining therein, to some suitable reservation.

Resolved, That a copy of the above resolution be forwarded to the Hon. Thos. J. Henley, Superintendent of Indian Affairs, by the Secretary of State.

Senate bill No. 74, an act for the relief of the Mountain Lake Water Company, was taken up, amendments adopted, read third time, and passed.

Assembly bill No. 225, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 146, an act amendatory of an act concerning offices, passed April 28, 1851, amendments adopted, considered engrossed, read third time, and passed.

Assembly bill No. 40, an act to legalize the acknowledgment of certain conveyances, and other instruments in writing, was taken up and made the special order for Friday next, at twelve o'clock, M.

Mr. De Long moved that the House adjourn.

Lost.

Assembly bill No. 166, an act authorizing the Sierra Nevada Lake Water and Mining Company to change its principal place of business, was amended, considered engrossed, read third time, and passed.

Assembly bill No. 204, an act to provide for the erection of a jail in the county of Tulare;

And, Assembly bill No 240, an act to amend an act entitled an act to provide for the payment of the debt of Santa Cruz county, approved April 24, A. D. 1857;

Were considered engrossed, read third time, and passed.

Mr. De Long moved that the House adjourn.

Lost.

Assembly bill No. 273, an act fixing the time of holding the courts of sessions and county courts in the counties of Plumas and Shasta, and to change the manner of summoning juries for the county courts of said counties, substitute for Assembly bill No. 145, on its third reading, substitute adopted, and ordered engrossed.

Assembly bill No. 164, an act to authorize the courts of record of this

state to admit Samuel Plomer Semper as an attorney and counselor at law, ordered engrossed.

Mr. De Long moved to adjourn.

Lost.

Assembly bill No. 86, an act to create the office of township assessor and to abolish the office of county assessor;

And, Assembly bill No. 230, an act to amend an act entitled an act concerning crimes and punishments, passed April 16, 1850;

Were indefinitely postponed.

Mr. Mitchell moved that the House adjourn.

Lost.

Assembly bill No. 223, an act for the relief of Sutherland & Co., referred to the Committee on Ways and Means.

Senate bill No. 108, an act for the relief of Thos. R. Eldredge, for correcting proof of Spanish laws of 1856, was considered in Committee of the Whole, Mr. Ballou in the chair, read third time, and passed.

Assembly bill No. 194, an act to amend an act entitled an act defining the time of commencing civil actions, passed April 22, 1850, was taken up, and, pending its consideration, the House, on motion of Mr. Buel, at quarter past three o'clock, P. M., adjourned.

IN ASSEMBLY.

MONDAY, March 15, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all were present except those absent on leave, and Messrs. Lee, Gray, Warncastle, and Caldwell, who had leave for one day each.

Journals of yesterday read and approved.

On motion of Mr. De Long, Assembly bill No. 201, an act to provide for the pay of troops called out by the Governor of this State, to quell insurrection in the year 1856, was taken from the table, and recommitted to the Committee on Claims.

Mr. De Long offered the following resolution, which was adopted:

Resolved, By the Assembly, that his Excellency, the Governor of this state, and the Adjutant and Quartermaster General of this State, be requested to furnish this House with copies of all orders issued to any military officer in this state, in connection with the insurrection in San Francisco, in 1856, which may be on file in their respective offices.

REPORTS.

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

MR. SPEAKER:—The Committee of Ways and Means, to whom was referred Senate bill No. 36, entitled an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857, having considered its provisions, report

the same back to this House, and recommend its passage, with certain amendments thereto attached.

All of which is respectfully submitted.

TUTTLE, Chairman.

Mr. Clarke, from the Committee on Mines and Mining Interests, made a report, which was recommitted, with instructions to report to-morrow morning.

Mr. Moses made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 9, an act to repeal in part an act entitled an act to amend an act to authorize the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1853—approved April 28, 1857;

Assembly bill No. 131, an act to abolish public executions;

Assembly bill No. 216, an act to authorize the board of supervisors of the county of Tehama to levy a special tax for building purposes, and to provide for the payment of the indebtedness of the county contracted prior to March 1, 1858;

Assembly bill No. 209, an act to legalize certain statements, in the form of affidavits, made before the county recorders of this state;

Assembly bill No. 211, an act to separate the offices of county recorder, county auditor, and clerk of the probate court, from the office of county clerk of Shasta;

Assembly bill No. 100, an act to amend an act entitled an act to fund the debt of the county of Napa, and provide for the payment of the same, approved February 13, 1857;

Assembly bill No. 184, an act to define the head of navigation of the Mokelumne River;

Assembly bill No. 156, an act to provide for the preservation of school sections numbers sixteen and thirty-six, from waste and other injuries;

Assembly bill No. 191, an act to authorize George H. Ensign and others, owners of the Spring Valley water-works, to lay down water-pipes in the public streets of the city and county of San Francisco

H. A. MOSES, Chairman.

Mr. Howell, chairman of the Committee on Agriculture, made the following report:

MR. SPEAKER:—The Committee on Agriculture have had under consideration Assembly bill No 160, an act supplemental to an act to regulate rodeos, passed April 30, 1851, and have amended the same, and recommend its passage, as amended

They have also had under consideration, the petition of Denton Offutt, relative to diseases of cattle, and recommend its reference Col. J. L. L. F. Warren.

HOWELL, Chairman.

Mr. Mitchell made the following report:

MR. SPEAKER:—The delegation, to whom was referred Assembly bill No. 297, for an act entitled an act to fix the amount of the official bonds of the county officers in the counties of Merced, Tulare, and Fresno, have

had the same under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage, without amendment.

MITCHELL,
WARD.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No 3, an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco;

Also, Assembly bill No. 213, an act in relation to the office of county assessor of the county of San Joaquin;

Also, Assembly bill No. 151, an act to provide for the transcribing and transferring certain records in Sonoma and Solano counties to the county of Napa;

Also, Assembly bill No. 74, an act to provide for a monthly statement of receipts and disbursements by the county treasurer of the county of Sierra;

Also, Assembly bill No. 269, an act to provide for the maintenance of the indigent sick of the county of Trinity;

Also, Assembly bill No. 232, an act legalizing the assessment roll of Tehama county for the year 1857, and extending the time for collecting the revenue in said county.

GEO. A. YOUNG, Chairman.

Mr. Thomas, from the Committee on State Hospitals, verbally reported and recommended the passage of Assembly bill No. 279, an act to amend an amendatory act entitled an act to establish an asylum for the insane of the state of California, passed May 1, 1854.

Mr. Lewis moved to take up Assembly concurrent resolution relative to the adjournment of the Legislature, which was the special order for Saturday last.

Lost.

The following message was received from the Senate:

SENATE CHAMBER,
March 13, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 173, an act to authorize and empower the city and county of San Francisco to convey to the United States a site for a light-house;

Also, Assembly bill No. 232, an act legalizing the assessment roll of Tehama county for the year 1857, and extending the time for collecting the revenue in said county;

Also, Assembly bill No. 269, an act to provide for the maintenance of the indigent sick of the county of Trinity;

Also, Assembly bill No. 115, an act amendatory of an act entitled an act to regulate rodeos, passed April 30, 1851;

Also, Assembly bill No. 176, an act supplementary to and amendatory of an act defining the duties of State Librarian, and prescribing rules for the government of the state library, passed April 9, 1850;

Also, have concurred in Assembly concurrent resolution asking of Congress a donation of five per cent. upon the sales of public lands in this state, for school purposes;

Also, Senate bill No. 123, an act to amend an act entitled an act author-

izing the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1853;

Also, Senate bill No. 160, an act fixing the compensation of the board of supervisors of Stanislaus county.

J. T. EWING, Assis't Sec'y Senate.

The House concurred in Senate amendments to Assembly bills Nos. 115, 173, and 176, above reported.

Senate bill No. 160, above reported, was read first and second times, and referred to the Stanislaus delegation.

Senate bill No. 123, above reported, was read first and second times, and placed on file.

Senate amendments to Assembly bill No. 52, reported on Saturday last, was further amended by Mr. Holladay, and concurred in.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Groom, an act to fix the amount of the official bonds of the county officers of the counties of San Diego and San Bernardino;

By Mr. Stout, an act amendatory of an act to incorporate the city of Sacramento, passed March 26th, 1851;

By Mr. Mitchell, an act to fix the compensation of the district attorney for the county of Tulare;

By Mr. Ferguson, an act to audit the claims of Jonathan Nichols for rent of room for state law library from April 1st, 1856 to January 1st, 1857;

Also, an act to prevent the killing of hares at certain seasons of the year in Sacramento county;

By Mr. Young, an act concerning the collection of foreign miners' licenses;

By Mr. Hobart, an act for the removal of the seat of government of this state to the city of Oakland;

Also, concurrent resolutions relative to the same.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Aud, an act amendatory of and supplementary to the act entitled an act to regulate proceedings in criminal cases, passed May 1st, 1851.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Young, an act authorizing and regulating the collection and settlement of poll-tax.

Read first and second times, and referred to the Committee on Ways and Means, and ordered printed.

By Mr. Pico, an act amendatory of and supplementary to an act to regulate proceedings in civil cases in the courts of justice in this state.

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

By Mr. McCoy, an act to authorize the funding of the unfunded debt of the city of San José, and to provide for the payment of the same.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Thomas, an act to suppress injurious publications.

Read first and second times, and referred to the Committee on Public Morals.

Mr. Howell offered the following resolution, which was indefinitely postponed:

Resolved, That the second standing rule of the House be and the same is hereby amended, by placing the order for motions and resolutions next after the order for notices.

Mr. Sheridan presented the claim of Joseph Nougues, in relation to the state-house.

Referred to Committee on Claims.

THIRD READING.

Assembly bill No. 209, an act to legalize certain statements in the form of affidavits made before the county recorders of this state;

Also, Assembly bill No. 211, an act to separate the offices of county recorder, county auditor, and clerk of the probate court, from the office of county clerk, in the county of Shasta;

Also, Assembly bill No. 100, an act to amend an act entitled an act to amend an act entitled an act to fund the debt of the county of Napa, and provide for the payment of the same, approved February 13th, 1857;

Also, Assembly bill No. 156, an act to provide for the preservation of school sections, numbers sixteen and thirty-six, from waste and other injuries;

Also, Assembly bill No. 131, an act to abolish public executions;

Also, Assembly bill No. 184, an act to define the head of navigation of Mokelumne River;

And Assembly bill No. 216, an act to authorize the board of supervisors of the county of Tehama to levy a special tax for building purposes, and to provide for the payment of the indebtedness of the county, contracted prior to March first, 1858;

Were read third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 15, 1858.

To the Assembly of California:

I have, this day, approved the following acts, viz.:

An act to separate the office of collector of taxes from the office of sheriff and assessor, in the county of Placer;

Also, approved an act to legalize the assessment and enforce the collection of taxes within the city of Sacramento, for the municipal year commencing April, 1857.

JOHN B. WELLER.

Mr. Lewis again moved to suspend the rules to consider the resolution to adjourn *sine die* on the fifth of April next.

Lost.

GENERAL FILE.

Assembly bill No. 97, an act to change the manner of paying officers of

elections in the county of Stanislaus—House refused to indefinitely postpone, the bill was amended, and ordered engrossed.

Assembly bill No. 255, an act to repeal sections fifty-five, fifty-six, and fifty-seven, of an act entitled an act concerning courts of justice and judicial officers, passed May 19, 1853;

Also, Assembly bill No. 253, an act granting the privilege to J. C. Owen and R. B. Cannon of conducting water into and through Suisun City, in the county of Solano, and supplying the inhabitants therewith;

The rules were suspended, bills considered engrossed, read third time, and passed.

Assembly bill No. 248, an act to give to the proceedings of courts of probate the same effect as courts of general jurisdiction, was ordered engrossed.

Senate bill No. 134, an act to amend an act entitled an act concerning the eighth, ninth, and fifteenth judicial districts of this state, and the judges thereof, approved March 31, 1857, was read third time, and passed.

Assembly bill No. 249, an act amendatory of and supplementary to an act entitled an act to exempt the homestead and other property from forced sale in certain cases, passed April 21, 1851, was laid on the table.

Assembly bill No. 140, an act to legalize and amend the county records in the counties of this State;

And Assembly bill No. 229, an act amendatory of an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 23, 1857;

Amended, considered engrossed, read third time, and passed.

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

Resolved, That the Committee on Mileage be instructed to report the amount of mileage due each member of the select committees appointed: the one relative to auction licenses, and the other in relation to state prison stock, etc.

Assembly bill No. 189, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 28, 1857, rules suspended, considered engrossed, read third time and passed.

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

Resolved, That the Committee on Claims, be authorized to employ a clerk from and after the thirteenth instant.

Assembly bill No. 276, an act granting to Matthew Wood the right to construct a wire suspension or truss bridge across the Yuba River, considered engrossed, read third time, and passed.

On motion of Mr. De Long, at half past three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

SATURDAY, March 16, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called.

All present except Messrs. Pearis, Pico, and Street, and those absent on leave.

Journals of yesterday read and approved.

REPORTS.

The following report was made by Mr. Havens, which was ordered printed:

MR. SPEAKER:—The Committee on Corporations, to whom was referred Assembly bill No. 138, entitled an act to amend an act concerning corporations, passed April 22, 1850, herewith present the following

REPORT:

Your committee have had the subject presented in this bill under careful consideration, in reference to the importance of the principle involved, both as a question of public policy, and as it affects the rights and interests of corporations, formed or to be formed, under the act as proposed to be amended.

The essential feature of the bill under consideration, limits the right of all corporations, formed under it, to a fixed price for freight, and also a fixed price for passengers. There is no provision by which this rule may be varied under any circumstances.

Your committee conceive that this provision is unwise, for the reason which must be apparent to every person at all conversant with the subject of steamboat navigation, and particularly on our fresh water streams, that the same price per mile which would be an adequate compensation for a long distance, would not be adequate for a short one; that a sum which would be adequate for freight or passage to a point up to which there existed no material impediment, would not justify the investment of capital at the same rates, to navigate the upper sources of a stream where its greater rapidity and more frequent shoals and bars would involve greater difficulties to overcome, and a greatly increased expense of navigation. Again, it is obvious that a different rate would be applicable to freight and passage ascending a fresh-water stream from that which would be proper for descending; and still a different rule should prevail as between ocean navigation and the navigation of fresh-water streams generally.

It is a conclusion, therefore, your committee cannot avoid, that, assuming the rates fixed in the bill as proper for either branch of navigation spoken of, they cannot, in justice, be equally applied to all; and in this respect the bill is materially defective. But your committee have had no evidence before them that the rates fixed in the bill are proper, under any circumstances. In order to arrive at a sound conclusion upon this subject, it would be necessary to institute a careful and thorough investigation of the whole subject of steam navigation, the capital embarked therein, and the necessary expenses attendant thereon; as well as the quantity of freight and number of passengers passing annually over the several routes to be affected. In regard to all these matters, your committee are not in possession of reliable facts sufficient to enable them to form a correct judgment. And they are of opinion that every rule of sound legislation forbids that, in matters of such grave importance, we should act without a clear conviction that we are acting right.

There is another and more comprehensive view of this subject, which in this connection should not be overlooked.

The principle of this bill is directly opposed to another principle of trade: that all capital and labor should be left free for competition, in subjection only to the great rule of supply and demand.

Your committee cannot see why the Legislature should not undertake to reduce or regulate the price of labor, as to fix the rate of freight and passage on steamboats. It is no answer to this to say that this bill applies to corporations, and not to natural persons. Corporations, it is true, are the creatures of law, and it may be claimed that the law should regulate them. This is true to a degree; but not universally. If corporations were of no public benefit, and intended solely to advance the interests of corporations, it is a forced presumption to claim that the Legislature would pass general laws for their formation; and it is equally clear that if those laws violate the great principles of trade, and hamper associations formed under them, by rules unknown to commerce, they must be *ex vi termini* inoperative; and any benefit the public might otherwise derive from their enactment, would be virtually lost.

Laws of this character, therefore, while so guarded as to protect the community from frauds, and compel the rigid performance of contracts, should not be fettered with such provisions as to materially impair their vitality. But your committee, while considering these objections to the bill upon general grounds, cannot dismiss the subject without adverting to the avowed fact, that the bill in question is intended directly to affect the California Steam Navigation Company. Two questions present themselves in this connection:

First—Have the company in question charged such exorbitant and oppressive rates as to warrant legislative interference?

Your committee have had no facts submitted to them sufficient to enable them to arrive at an affirmative answer to this question. In fact, no evidence whatever to sustain this position has been laid before them. In the absence of such testimony, your committee would be compelled, in conformity with the principles they have adopted for the government of legislation on this subject, to conclude that this bill is inexpedient; but your committee have received, from the agent of said company resident at this place, a statement showing the condition of the company, and the rates of freight and passage charged by them at the time of their organization and at the present time, and also presenting certain other facts and arguments upon the question involved, which your committee believe are entitled to consideration, and which statement your committee have appended to this report, as a schedule, marked A.

The other question presenting itself in considering this bill as it affects the California Steam Navigation Company, is a question purely of constitutional law, and involves the power of the Legislature to pass laws affecting the rights of corporations, formed under previous laws of a general character, retroactively. This question is one of great practical importance, and its determination, in either way, must seriously affect legislation of that character. Your committee are informed that this precise question is now before the Supreme Court on appeal, and it would be premature and inexpedient so far to anticipate their decision as to express a decided opinion on that point. For the reasons above assigned, therefore, and without expressing an opinion upon the legal question involved, your committee are compelled to report back Assembly bill No. 138, and recommend its indefinite postponement.

MARCH 10, 1858. H. W. HAVENS, *Chairman.*

SCHEDULE A.

At the period of the organization of the California Steam Navigation Company, an amount of steamboat property had accumulated far beyond the legitimate requirements of commerce, and between the clashing interests to which they belonged, a rivalry had sprung up, that threatened pecuniary ruin to all concerned.

The idea was then conceived of forming a community of interests, and by a concentration of the business, and employment only of such means of transportation as the requirements of trade demanded, to effect a profit in reducing the expense attendant upon running a large number of superfluous boats, many of which were old, worthless, and unsafe. A law, already on the statute book, invited the formation of such associations, and, accepting its provisions, the company commenced its existence on the twenty-second of February, 1854. At that time, its stock sold freely at its par value of one thousand dollars per share. Its present market value is four hundred and fifty dollars per share. For about twenty-six months out of the forty-eight since its organization, no dividends were declared, and the entire amount of its cash profits will not quite average one per cent. per month for the entire period named. Were the company a monopoly, with the power and disposition to extort exorbitant rates, would they have been content with this low rate of interest on their capital, or suffered their stock to depreciate in the market? The rates fixed at its organization have since undergone a gradual and regular reduction, until now, on all the routes, they are at least one-half, and in some instances less than one-third, what they were at the first-named period. No one uniform rate can, with justice, be made to apply to routes so different in their nature as the various waters in this state. From San Francisco to this city is a broad channel, comparatively free from danger, with a depth of six feet water on the shoalest places. Should there not be a much greater equivalent for the transportation of freight and passengers on a route like that from this city to Red Bluffs, when during a large portion of the year steamers are unable to carry anything in themselves, but are obliged to convey their freight in barges, which are towed several hundred feet behind the steamers, and rendering necessary, at a great additional expense, the employment of crews for both steamboat and barges? It would require five times the rate on the Bluff route to be remunerative that might be applicable to the trade between San Francisco and Sacramento. The same remarks will also apply to the navigation of Feather River, the character of which is similar to that of the Upper Sacramento. The boats plying above this city are required to land small lots of freight at the intermediate ranches on their entire route. We will suppose a person living five miles above, desires to send up one ton of freight, the compensation for which, at three cents per mile, would be fifteen cents, while the drayman, who hauled from the store to the boat, would receive one dollar for his services. Until the company commenced its operations, the navigation of the Sacramento, above Colusa, during low water, was considered impracticable. For an average of over six months in the year, no boat attempted to ascend above that point, deterred by the myriads of snags that, accumulating for ages, presented barriers that in many places prevented the passage even of a canoe. At an expense of over thirty thousand dollars, not one cent of which has ever been reimbursed, the company fitted up a boat for the purpose, removed the snags, deepened the channel on the bars and shoals, cut down the timber on the banks that was in danger of falling in, and have

opened a broad navigable channel at all seasons of the year, accomplishing a work far beyond the reach of private enterprise, and giving the advantage of steamboat navigation to a vast extent of country previously dependent upon the uncertainties and expense incident to land carriage.

The company has, also, expended large sums in the improvement of Yuba and Feather Rivers. But the laws of trade are imperative, and regulate prices, beyond the control of companies or legislative enactments. In the transportation of freight from San Francisco to the cities of Stockton and Sacramento, fleets of sailing-vessels enter into direct competition, and the amount conveyed is almost equally divided between the said vessels and steamers. The speed and regularity of the steamers command a preference, so that when their rate is five dollars per ton, the schooner's rate is three dollars, and the same ratio has been maintained at the reduced rate for which it is now carried. Any enactment, therefore, fixing the price on steamers from San Francisco, as directly regulates and controls that of sailing-vessels as if their rates were fixed by law.

Again, there has always existed a strong rivalry between the towns on the northern coast of our state and those on the Sacramento River, for the trade of an intermediate section of country, which is now about equally supplied by the coast and river routes. The reduction to a ruinously low rate by the river would direct almost the entire transportation from the seaboard, and affect in an unnatural and disastrous manner, large interests on the coast of this state. There is no limit to which legislation on this subject may not be extended. The hours of departure may be changed, and thereby subject the company to heavy forfeitures for violation of mail contracts, which have been entered into for years, and which prescribe fixed times of departure.

The company has no exclusive right, and claims no privilege not enjoyed by all. The only advantage in organizing under the general laws of the state is that it requires two-thirds of the stockholders to disorganize the company under said laws, while, by a trusteeship, any individual could draw out his interest at pleasure.

Steamboat property is perishable in its nature, requiring constant repairs, which cause long delays. The efficient management of the company requires that there should be a large number of extra boats, ready for service, to take the place of those, that, through any contingency, may be disabled. These boats constitute a reserve fleet that, though apparently idle and useless, are really as essential a part of the steamboat interest of the country as those in active service.

There is no demand by the people for legislation on this subject. If the company had oppressed the community by unreasonable exactions, would not public indignation have found voice through the press, or would not parties aggrieved have assembled in mass-meetings, or made known their grievances by petition. But where, within the confines of our state, excepting in a certain limited locality has there been a voice raised in censure or condemnation.

The stock of the association is held by boatmen of every station many of them men of very limited means, driven to associate together for self-preservation. They hold out the hand of fellowship to all who wish to unite with them in good faith, and invite all to join them on equal terms. There is no pretence that the company, in its organization, did not comply with all the provision of the general law, nor since that period, in the prosecution of its business, has there been a failure to observe its requirements in all its details.

It would be officious to offer any suggestions in regard to the constitu-

tionality of the proposed enactment, to a committee comprising so much legal ability, but I would respectfully refer them to a report of Attorney General Wallace, which can be found in the House Journals for 1856, p. 735.

In conclusion, the advantages derived by the state at large, in the organization and operation of said company, are clearly shown in the improvement of the navigable waters of the state, which individual capital could not have effected; the gradual reduction in price of freight and passage; the safety of life and property consequent upon running only the best boats, and the laying up a large number that were old and dangerous; and the avoidance of the fluctuation in rates consequent upon the former irregularity of business, thereby establishing a uniformity highly desired by the mercantile community.

Appended, is a list of rates at different periods which, if desired, will be verified by affidavit:

RATES.	FROM.	TO.
San Francisco and Sacramento.		
Just prior to the date of the organization of the company freight from San Francisco to Sacramento was per ton		$10 00
Now is		3 00
Then passage was	$7 00	10 00
Now is	4 00	5 00
San Francisco and Marysville.		
Then freight from San Francisco to Marysville, in low water was, per ton	$15 00	$30 00
In high water		20 00
Now is		6 00
Then passage was		15 00
Now is		8 00
Sacramento and Red Bluffs.		
Then freight from Sacramento to Red Bluffs was, per ton	$60 00	$100 00
Now is		25 00
Then passage was	15 00	20 00
Now is		10 00
San Francisco and Stockton.		
Then freight from San Francisco to Stockton was, per ton		$10 00
Now is		5 00
Then passage was	$7 00	10 00
Now is	4 00	5 00

ALFRED REDINGTON, Agent C. S. N. Co., Sacramento.

Mr. Crane, of the Committee on Ways and Means, made the following report:

MR. SPEAKER:—The Committee of Ways and Means, to whom was referred Senate bill No. 36, entitled an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857, beg leave to present the following minority report:

For the subjoined, as well as numerous other reasons, we object to the passage of this bill:

First—Because its provisions transfer from the state to the county treasuries a large amount now paid into the former by said counties—to wit: the counties in which said licenses are collected to any amount, while in a large number of the counties of this state, the revenue is almost exclusively derived from direct taxes upon property.

Second—Because the passage of this bill is calculated to produce a further inequality of taxation throughout the various counties of this state.

Third—Because the benefits of the bill accrue to populous and wealthy counties, which pay but a small portion of the revenues derived from direct taxation, and no provision is made for any equitable set-off in the smaller and more sparsely settled counties, which almost exclusively pay into the state treasury a direct tax much greater in proportion to their wealth, population, and representation in the legislature. This class, if they wish to derive a greater revenue for county purposes, are compelled to resort to an additional property tax. The burden of both state and county taxation in these counties, is already sufficiently onerous; far more so than in the mining districts of the state; their county debt is proportionately quite as heavy, while their resources are much less in the elements of wealth, population, and adequate representation.

All of which is respectfully submitted

CRANE,
McCOY,
MOORE,
GROOM.

Mr. Clarke, of the Committee on Mines and Mining Interests, made the following report, which was ordered printed:

MR. SPEAKER:—The Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 76, an act to protect the owners of growing crops and other improvements in the mining districts in this state, and to repeal a similar act, approved April 25, 1855, having fully considered the same, report it back to the House, and recommend that it be indefinitely postponed, for the reason, that the expenses provided for in said bill are too great for the object to be obtained, and it provides that the measure of damages shall be ascertained, fixed, and paid, before the miner shall be entitled to enter and destroy such growing crops, etc. And your committee are of the opinion, that it is time enough for the payment of damages after they have accrued, and that it is impossible for a miner to know how much damage he will commit in working a mining claim, as he is unable to tell where the paying lead will terminate. And your committee are of the opinion, that the bill is altogether too unwieldy in its proportions for the purpose for which it was intended.

Also, have considered Assembly bill No. 19, an act to amend an act entitled an act to protect the owners of growing crops, buildings, and

other improvements in the mining districts of this state, and recommend its passage, without amendment.

Your committee have also considered Assembly bill No. 57, an act to regulate the manner of recording and conveying quartz mining claims, and recommend that the same be indefinitely postponed; for the reason, that the laws of the state, as they now stand, give to the miners in each mining district the right to make their own rules and regulations, and to prescribe the mode in which mining claims of every nature shall be held and conveyed. And your committee believe that the present policy in that regard, is one founded in great wisdom, and with great regard to the best interests of the people of the whole state. And your committee believe that state legislation, in reference to the manner of holding and conveying mining claims, should be carefully avoided.

Your committee have also considered Assembly concurrent resolution, relative to mining-canals or water-ditches for mining purposes, and recommend the indefinite postponement of the same, for the following reasons:

The owners of water-ditches and canals are protected by law to the same extent that other claimants of the public domain are; that is to say, they have the right to take up, claim, and appropriate the water in any of the natural streams in the mining districts of this state which is unclaimed and unappropriated, and the right to divert the same from its natural channel; and they have also the right of way over any and all unclaimed public domain for their water-ditches and canals, and the right to use the unclaimed public domain for reservoir purposes, and the right to use and consume all timber necessary for the construction and erection of their canals and ditches. They can also support and maintain actions at law to protect themselves against wrongs and trespasses committed upon such ditches and flumes.

Again, if such right of way be granted to all such canals or ditches as may have been, or shall be hereafter constructed, your committee are fearful that it will result in a great monopoly—that capitalists will purchase all of the ditches and canals already constructed which are of any value, and will claim and occupy all of the available water in the mining districts, and thus control the whole mining interests of the state, by having it within their power to fix the price of water in the mines, which can be rated so high that miners will be compelled to abandon their claims for the want of the means of a subsistence, and the claims so abandoned become the prey of the moneyed water-monopolist, who, by means of hired labor, is thus enabled to reap a much greater profit from the use of the water in such ditches than could be obtained by a direct sale of the same to the independent miner at a reasonable rate.

Again, it is claimed by those who favor the resolution, that ditch-owners know not how soon riparian rights may be enforced against those who have heretofore, or may hereafter, divert the water from the natural channels. In reply to this proposition, the committee say that the resolution does not reach that question at all, as there is nothing therein asking that riparian rights shall not be enforced against ditch-owners, and that such rights could be enforced to the same extent, after the passage of a law in strict accordance with the resolution, as could be done without it—as the resolution only asks for the easement of the right of way, use of timber, and reservoir privileges, and your committee have no right to consider proposed laws which have not been submitted to them.

And, finally, your committee hold the opinion that all legislation in relation to the title to the mineral lands in this state is wholly inexpedient,

and should be carefully guarded against and avoided; and that the policy pursued by the general government and this state, for nine years past, is one founded in great wisdom; and that no system of legislation can be devised which will tend to develop the mineral resources of this state with greater speed and profit to individuals than the present wise and just policy.

J. A. CLARKE,
Chairman Committee on Mines and Mining Interests.

Mr. Edwards, chairman of the Committee on Public Lands, made the following report:

MR. SPEAKER:—The Committee on Public Lands, to whom was referred Assembly bill No. 256, an act authorizing the Governor to issue patents to certain parties who have heretofore located school lands, have had the same under consideration, report it back, without amendment, and recommend the passage of the same.

URIAH EDWARDS, Chairman.

Mr. Moses made the following reports:

MR. SPEAKER:—The Engrossing Committee have examined, and found correctly engrossed, the following bills, viz.:

Assembly bill No. 129, an act to fix the compensation of certain officers in the counties of San Joaquin and Alameda;

Assembly bill No. 225, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage;

Assembly bill No. 166, an act authorizing the Sierra Nevada Lake Water and Mining Company to change its principal place of business;

Assembly bill No. 240, an act to amend an act entitled an act to provide for the payment of the debt of Santa Cruz county, approved April 24, 1857;

Assembly bill No. 164, an act to authorize the courts of records of this state to admit Samuel Plomer Semper, as an attorney and counsellor at law;

Assembly bill No. 113, an act to change the name of Henri Alfred Kreicer to Henri Miller;

Assembly bill No. 224, an act to provide for funding the debt of San Joaquin county that may be outstanding on the first day of July, A. D. 1858, and not heretofore funded;

Assembly bill No. 108, an act amendatory of an act dividing the state into counties, and establishing the seats of justice therein, passed April 25, 1851, and to repeal an act concerning the same, passed May 15, 1854;

Assembly bill No. 146, an act amendatory of an act concerning offices, passed April 28, 1851;

Assembly bill No. 273, an act fixing the time of holding the courts of sessions and county courts in the counties of Plumas and Shasta, and to change the manner of summoning juries for the county courts of said counties;

Assembly bill No. 257, an act to authorize George W. Chedie to sell certain property of Georgia M. C. F. Chedie;

And Assembly bill No. 237, an act to amend section twelve of an act to provide for the incorporation of towns, approved April 19, 1856.

H. A. MOSES, Chairman.

Mr. O'Brien, of the Committee on Mileage, made the folllowing report:

MR. SPEAKER:—The Committee on Mileage having had under consideration the amount of mileage due the members of the committee appointed to investigate matters connected with the indebtedness of the auctioneers of San Francisco to the state for licenses, and also of the committee appointed to visit San Quentin, to take an inventory of property connected with the state prison, beg leave to report as follows:

SAN FRANCISCO COMMITTEE.

MEMBERS OF COMMITTEE.	MILES.	MILEAGE.
J. S. Ormsby,	240	$48 00
J. W. Cherry,	240	48 00
William Hill,	240	48 00

SAN QUENTIN COMMITTEE.

MEMBERS OF COMMITTEE.	MILES.	MILEAGE.
C. E. De Long,	310	$62 00
J. T. Stocker,	310	62 00

All of which is respectfully submitted.

THOMAS O'BRIEN, Chairman.

Mr. Walker, of the Committee on Indian Affairs, made the following report:

MR. SPEAKER:—The Committee on Indian Affairs, to whom were referred Assembly concurrent resolutions, have had the same under consideration, and report a substitute, with a recommendation that it be adopted.

A. B. WALKER, Chairman.

Mr. Thomas, of special committee, made the following report:

MR. SPEAKER:—The committee, to whom was referred Senate bill No. 160, an act fixing the compensation of the members of the board of supervisors of Stanislaus county, have had the same under consideration, and recommend that the same be passed as originally introduced, striking out the amendments made in the Senate.

GEO. W. THOMAS, Chairman.

Mr. Edwards, of special committee, made the following report:

MR. SPEAKER:—The special committee, to whom was referred Assembly bill No. 210, an act to amend an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin, have

had the same under consideration, report it back, with amendments, and recommend the passage of the same, as amended.

URIAH EDWARDS,
J. T. STOCKER,
JAS. O. HARRIS.

Amendments to Assembly bill No. 210, above reported, concurred in, and further amended.

Upon motion of Mr. Lee, to reconsider the vote by which El Dorado was included in the provisions of the bill, the ayes and noes were demanded, and it was lost, as follows:

AYES—Messrs. Aud, Ballou, Briggs, De Long, Hancock, Hill of Nevada, Hirst, King, Lee, Lewis, Loofbourrow, Markley, Moses, Neblett, O'Brien, Safford, Sherwin, Smith of Nevada, Smith of San Bernardino, Spilman, Tatman, Tuttle, Walker, Ward, Willson, and Mr. Speaker—26.

NOES—Messrs. Banks, Buel, Cherry, Clarke, Curtis, Davis, Edwards, Galbraith, Harris, Havens, Hill of Sierra, Hobart, Holladay, Holman, Howell, Kabler, Marshall, McCoy, Minis, Mitchell, Ormsby, Osgood, Sheridan, Simons, Stout, Thomas, and Tipton—27.

On the passage of the bill, Messrs. Lee, Smith of San Bernardino, and Heath, demanded the ayes and noes, and the same was passed, by the following vote:

AYES—Messrs Aud, Banks, Briggs, Buel, Cherry, Crane, Curtis, Davis, De Long, Ferguson, Galbraith, Hancock, Harris, Havens, Heath, Hill of Sierra, Hobart, Holladay, Holman, Howell, Kabler, King, Lewis, Marshall, McCoy, Mitchell, Neblett, O'Brien, Ormsby, Osgood, Palmer, Parker, Sheridan, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Thomas, Tipton, and Willson—41.

NOES—Messrs. Ballou, Haldeman, Hamlin, Hirst, Lee, Loofbourrow, Markley, Minis, Moses, Safford, Sherwin, Smith of Nevada, Stout, Tatman, Tuttle, Walker, Ward, and Mr. Speaker—18.

Messrs. De Long, Buel, and Ballou, gave notice of motion to reconsider the vote just taken.

Assembly concurrent resolution relative to mining-canals or water-ditches for mining purposes, made the special order for Wednesday next, March twenty-third, at twelve o'clock, M.

Mr. Hancock made the following report:

MR. SPEAKER:—As a member of the special committee, to whom was referred that portion of the inaugural address of Governor Weller, which relates to the matter of the equalization of taxation, and to whom were also referred Assembly bills Nos. 205 and 206, I am constrained to dissent from the opinion of the majority, and to make the following minority report:

Firstly—I cannot agree with the majority in recommending the indefinite postponement of bill No. 206, for the reason that I am of the opinion that some general law, similar to it, and in accordance with what is enunciated by its title, ought to be spread on the pages of our statute. I do, however, disapprove the bill, so far as it limits the extent of the claim and time of possession, and do further object to section three of said bill, the provisions of which would admit of persons holding a claim for an

entire year, without expending labor on it, to the detriment of others who might wish to work it; would be injudiciously curtailing the chances of the miner, and denying, perhaps, hundreds of migratory explorers the privilege of making the tests which they might be desirous of doing, greatly to the prejudice of the speedy development of the hidden wealth of our mineral lands; besides, for aught this bill provides, a miner might buy up of other miners, who might be leaving the mines, or a particular locality in the mines, an innumerable number of mining claims, and thus by such a speculation materially clog the mining enterprise to a ruinous extent. I deem it meet that miners, under such a bill, should be allowed different classes of claims, according to the season of the year, or extraneous circumstances which may surround them, and at the same time to be limited to one of each class.

In fact, miners unquestionably ought to be allowed to make their own local laws, according to the wants and peculiar adaptation of the respective localities, and to be left to alter and amend them, just as the various stages of, at one time, an evanescent, and at another an overwhelming incoming population, may justify and require.

The only justifiable legislative intervention being such as may be found absolutely necessary to enforce the mining population to obey the general laws of the land, and to bear their due proportion of the burden of the expense of sustaining the government and in administering the laws, I would deprecate every species of taxation which would tend to trammel operations in the mines, by saddling a tax on the worthy explorer and experimenter, and would, therefore, have the constables of the different precincts collect a certain per centage on all sums raised by the successful miner over and above his actual expenses, and have the same paid over to the respective county treasurers as a state and county tax, and have a portion of the same constitute a sinking fund, for the purpose of liquidating the state indebtedness. It is true that such a thing cannot be until the mineral lands shall be ceded to the state by Congress; and also true, that at the same time all other property in the mines should be moderately taxed, but policy would dictate that the same should only be had to an extent sufficient to meet the requirements of the constitution.

Secondly—I disagree with a majority of the committee concerning bill No. 205, inasmuch as I have to insist that in lieu of a tax being paid on the net cash valuation of the annual product, or revenue, it should be paid on the actual cash, or market value, of any possessory right in a pre-emption or mining claim; for, in such a case there would be a discrimination made between pre-emptors and miners, and the commercial and all other kindred classes, which would be in conflict with section eleven, article one, of the state constitution, which requires that all laws of a general nature shall have a uniform operation, and that portion of section thirteen, article eleven, of the same constitution, which declares that taxation shall be equal and uniform throughout the state, and that all property throughout this state shall be taxed in proportion to its value, for in the one case the principal or amount of investment would be taxed, and in the other the naked income. I regret to differ in opinion with my associates, but have to confess that I shall ever be slow to believe that one class of citizens ought to be taxed to govern another, or that one citizen should be taxed on the amount of his investment, while another is only taxed on the amount of his annual income; to believe that any member of the body politic can be possessed of a lucrative species of property, in the enjoyment of which he is protected by the laws, without being under obligations to defray his proportion of the necessary expense of

enacting and administering such laws; and also slow to concede that the general government has a right to interfere with the exercise of a sovereign right within the limits of a state relative to its domestic policy.

HENRY HANCOCK.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 16, 1858.

To the Assembly of California:

I have this day approved the following bills, viz.:

An act to provide for the maintenance of the indigent sick of the county of Trinity;

Also, an act legalizing the assessment roll of Tehama county for the year 1857, and extending the time for collecting the revenue in said county;

Also, an act to provide for the transcribing and transferring certain records, in Sonoma and Solano counties, to the county of Napa;

Also, an act in relation to the office of the county assessor of the county of San Joaquin.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 16, 1858.

To the Assembly of California:

I have this day approved an act to provide for a monthly statement of receipts and disbursements by the county treasurer of the county of Sierra. In approving this act, I deem it proper to say that, in my opinion, it will have a salutary effect, and I can see no reason why its provisions should not be extended to the other counties of the state. The information which the people of Sierra county require, in regard to their treasurer, would be equally desirable in other localities. The guard which this bill provides for the safe-keeping and proper disbursements of the public money ought not to be confined to that county alone. I therefore recommend the passage of a general act, similar in its requirements to the one now before me. I am aware my efforts to reduce the number of special or local acts have not met with much favor, but a sense of public duty will compel me to continue.

JOHN B WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 16, 1858.

To the Assembly of California:

I beg leave to call the attention of your honorable body to the enormous amount paid yearly for the transportation of prisoners to San Quentin. The act of May 15, 1854, defines the legal distances from each county seat to the prison. Since the passage of the act, so many improvements have been made in the construction of roads and in the facilities of traveling, that the distances have been materially diminished. Besides, I think it will be found, upon examination, that the grossest inaccuracies and inequalities exist in that law. Indeed, it cannot be considered correct in any particular. As this is the basis on which the sheriffs are paid for the transportation of prisoners, I respectfully recommend that the actual distance usually traveled be made the legal distance.

The act of April 21, 1856, fixing the fees for transportation of prisoners,

allows the sheriffs seventy-five cents per mile for the first convict, and fifty cents for each of the others whom he may convey at the same time. This is certainly extravagant and unreasonable. With the present facilities for traversing the state, and reaching the prison, in my opinion these fees should be reduced forty per centum. The amount annually appropriated for this purpose is thirty-five thousand dollars. A reduction of at least twenty thousand dollars in the expenses of the government can here be made, without doing the slightest injustice to any one. The prison has been a very heavy tax upon the people, and I think sound policy demands an entire reform in this, as in other respects. The people are no doubt willing to pay all the necessary and proper expenses of transporting convicts to San Quentin, but it can scarcely be expected that they wish to have their money taken to enrich officials.

The act to which I have referred applies to other officers as well as sheriffs, but I have confined my remarks to the prison alone, as I desire this to stand as one of the proposed reforms in the expenses of that institution.

In my judgment, this evil should be corrected at once, and I therefore respectfully invoke the early action of the Legislature upon it.

JOHN B. WELLER.

The message was referred to a select committee, consisting of Messrs. Buel, Heath, Hamlin, Marshall and Neblett.

The following messages were received from the Senate:

SENATE CHAMBER,
March 15, 1858.

MR. SPEAKER:—The Senate, on the 13th instant, refused to concur in Assembly amendments to Senate bill No. 39, an act to provide for the relinquishment to the United States in certain cases of title to lands for sites for light-houses, and for other purposes, on the coasts and waters of this state, and have appointed Messrs. Merritt, Grant, and Melony, a committee of free conference on the part of the Senate on the disagreeing vote of the two Houses;

Also, have, this day, adopted the report of the joint committee relative to the translation of the laws into the Spanish language, appointing John P. Brodie state translator, and ask the concurrence of the Assembly.

THOS. N. CAZNEAU, Sec. Senate.

The speaker appointed Messrs. Davis, Crane and Holladay, committee on the part of the House, on the disagreeing vote on amendments to Senate bill No. 39, above reported.

SENATE CHAMBER,
March 16, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 172, an act providing for the examination and settlement of the accounts of S. A. McMeans, late State Treasurer.

J. T. EWING, Assistant Secretary Senate.

SENATE CHAMBER,
March 16, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 266, an act to repeal, in part, an act entitled an act concerning hogs found

running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March 26th, 1857;

Also, Senate bill No. 158, an act to amend an act entitled an act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March 30th, 1853, amended April 7th, 1857.

JAS. T. EWING, Ass't Sec'y Senate.

Senate bill No. 158, above reported, read first and second times, and referred to Committee on Ways and Means.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Tatman, an act concerning the reporters for newspapers who are permitted to occupy seats upon the floor of this House;

By Mr. Stakes, an act to fix the tare on certain merchandise;

Mr. Markley, an act to amend article 3057, section twelve, of the revenue act, concerning hawkers and pedlers;

Mr. Hill of Sierra, an act to provide for the organization of a new county from portions of Sierra, Plumas, Butte, and Yuba counties, to be known as Summit county;

By Mr. Ward, an act supplementary to and amendatory of the fifth section of an act passed March 30th, 1853, to provide for the protection of foreigners.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Burbank, for an act to provide for the recovery of the possession of lands in certain cases in this state, and for the protection of settlers.

Read first and second times, referred to Committee on Public Lands, and four hundred and eighty copies ordered printed.

By Mr. Stout, for an act to amend an act entitled an act to regulate proceedings in civil cases.

Read first and second times, and referred to Committee on Public Lands.

By Mr. Cherry, for an act relating to auctioneers.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Howell, for an act to authorize the State Treasurer, to issue to the heirs of Charles H. Russ, deceased, two duplicate school land warrants, in lieu of certain warrants destroyed.

Read first and second times, and ordered on file.

By Mr. Groom, for an act to fix the amount of the official bonds of the county officers in and for the counties of San Diego and San Bernardino.

Read first and second times, and referred to San Diego and San Bernardino delegations.

By Mr. Hancock, for an act authorizing the board of supervisors of Los Angeles county to contract a loan for the purpose of erecting a courthouse, and completing the jail.

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

By Mr. Heath, for an act amendatory of an act entitled an act to provide for the payment of the debts of the counties of San Luis Obispo and Santa Barbara.

Read first and second times, and ordered on file.

By Mr. Holman, for an act concerning settlers upon the public domain.

Read first and second times, and referred to the Committee on Public Lands, and ordered printed.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 115, an act amendatory of an act entitled an act to regulate rodeos, passed April 30, 1851;

Also, Assembly bill No. 172, an act providing for the examination and settlement of the accounts of S. A. McMeans, late State Treasurer;

Also, Assembly bill No. 173, an act to authorize and empower the city and county of San Francisco to convey to the United States a site for a light-house.

GEO. A. YOUNG, Chairman.

Mr. Ferguson presented the claim of Jonathan Nichols for rent of library rooms.

Referred to Committee on Claims.

The House refused to suspend the rules to take up the resolutions offered by Mr. Lewis, relative to *sine die* adjournment of the Legislature by the following vote, Messrs. Kabler, Lewis, and Clarke, demanding the ayes and noes:

AYES—Messrs. Cherry, Clarke, Hancock, Harris, Havens, Hill of Nevada, Hobart, Hirst, Kabler, Lewis, Neblett, Ormsby, Sheridan, Smith of Nevada, Spilman, and Willson—16.

NOES—Messrs. Aud, Ballou, Briggs, Buel, Burbank, Crane, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Groom, Haldeman, Hamlin, Heath, Hitchens, Holman, Howell, King, Lee, Lootbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moses, O'Brien, Osgood, Palmer, Parker, Safford, Shepard, Simons, Stakes, Stocker, Stout, Tatman, Thomas, Tipton, Tuttle, and Young—43.

THIRD READING.

Assembly bill No. 164, an act to authorize the courts of record of this state to admit Samuel Plomer Semper as an attorney and counselor at law.

Assembly bill No. 231, an act to amend section twelve of an act to provide for the incorporation of towns, approved April 19, 1856;

And, Assembly bill No. 273, an act fixing the time of holding the courts of sessions and county courts in the counties of Plumas and Shasta, and to change the manner of summoning juries for the county courts of said counties, were read third time, and passed.

GENERAL FILE.

Senate bill No, 47, an act amendatory of and supplementary to an act to incorporate the town of Columbia, in the county of Tuolumne, approved April 9, 1857, amendments concurred in, read third time, and passed.

Senate bill No. 11, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land donated to the state for school purposes, and the seventy-two sections donated this state for

the use of a seminary of learning, was made the special order for Thursday, March 25th, at twelve o'clock, M., and ordered printed, with the amendments reported by the Committee on Public Lands.

Assembly bill No. 259, an act to provide places of deposit for the safe-keeping and return of all moneys, gold-dust, and other valuables of individuals, was made the special order for Saturday next, at twelve o'clock, M.

Assembly bill No. 252, an act to confer further powers upon the board of supervisors of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned;

And Assembly bill No. 190, an act to authorize the board of supervisors of the city and county of San Francisco to allow, confirm, and direct the auditing of certain claims therein mentioned;

Were, the rules having been suspended, read third time, and passed.

The last-named bill, Mr. Gray moved to indefinitely postpone, which was lost.

Assembly bill No. 29, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, was indefinitely postponed.

Assembly bill No. 250, an act to change the time of holding the courts of sessions, county courts, and probate courts, of the counties of Santa Barbara and San Luis Obispo, ordered engrossed.

Senate bill No. 45, an act to change and fix the amounts of the official bonds of certain officers in the county of San Luis Obispo, amendments adopted, read third time and passed.

Senate bill No. 174, an act to audit the claim of John S. Love, was read third time, and passed.

Assembly bill No. 226, an act to authorize Simpson Thompson and T. H. Thompson to construct a wharf at Suscol Ferry, in Napa county, on east bank of Napa River; amendments adopted, and bill ordered engrossed.

Messrs. Lewis, De Long, and Ballou, each gave notice to reconsider the vote by which Assembly bill No. 252 was passed.

By Mr. Shepard, to reconsider vote by which Assembly bill No. 190 was passed.

Assembly bill No. 65, an act to extend the terms of office of the board of supervisors of El Dorado county, and to change the manner of their election, and define their duties in certain cases, and establish their salaries; amendments adopted, and ordered engrossed.

Assembly joint resolntion No. 3, relative to land titles in California, was considered.

Amendments of committee adopted, and laid on the table.

Assembly bill No. 182, an act amendatory of an act concerning notaries public, approved April 30th, 1857, was taken from the table, and ordered on file.

A communication was received from the Governor, transmitting certain papers in relation to the San Francisco insurrection in the year 1856.

Referred to the Committee on Claims

The following resolution was offered by Mr. De Long:

Whereas, Wednesday, the seventeenth day of March is the anniversary of the birth-day of Saint Patrick, the patron saint of a large and respectable portion of the constituents of the Democracy of the Assembly, and that day is ever venerated by the said constituents; be it

Resolved, That when this House adjourns on this day, it adjourns to meet on Thursday, the 18th instant.

To which Mr. O'Brien offered the following substitute:

Whereas, It is the belief of this Assembly that the Irish adopted citizens of this state do not wish to retard the legislation of this body by desiring its adjournment in honor of the birth-day of St. Patrick; therefore be it

Resolved, With all due respect to the memory of Ireland's patron saint, and to the feelings of our adopted citizens of Irish birth, we deem it inexpedient, with the present amount of business before our body, to lose a day by adjourning over until Thursday next.

The resolution and substitute were laid upon the table, on motion of Mr. Palmer,

Messrs. Tatman, De Long, and Hamlin, demanding the ayes and noes, as follows:

AYES—Messrs. Aud, Banks, Briggs, Buel, Burbank, Cherry, Crane, Curtis, Davis, Edwards, Ferguson, Galbraith, Havens, Heath, Hill of Nevada, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, Kabler, Lee, Loofbourrow, McCoy, Minis, Moore, Neblett, O'Brien, Ormsby, Osgood, Palmer, Parker, Safford, Shepard, Sheridan, Sherwin, Spilman, Stakes, Stout, Thomas, Tuttle, and Willson—43.

NOES—Messrs. Ballou, Clarke, De Long, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, King, Lewis, Marshall, Mitchell, Simons, Smith of Nevada, Tatman, Walker, Ward, Young, and Mr. Speaker—20.

On motion of Mr. Clarke, at four o'clock P. M., the House adjourned.

IN ASSEMBLY.

WEDNESDAY, March 17, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called, and all were present except Messrs. Howell, Pico, [illegible] Walker, and those absent on leave.

Mr. Pico had two days' leave of absence.

Journals of yesterday read and approved.

REPORTS.

Mr. Stakes, chairman of the Judiciary Committee made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom were referred Assembly bill No. 34, an act to amend an act concerning sheriffs, passed April 29, 1851;

And Assembly bill No. 293, an act to amend the act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

Also, Assembly bill No. 235, an act to amend an act entitled an act to

regulate the settlement of the estates of deceased persons, passed May 1, 1851;

Also, Assembly bill No. 299, an act to authorize the board of supervisors of the county of San Diego to levy a special tax for road purposes;

Have had the same under advisement, report the four bills back, and recommend their passage.

Assembly bill No. 64, an act in relation to the salaries of, and the fees received by, the county clerk, (as clerk of the various courts,) and the county recorder of the city and county of San Francisco, and prescribe certain of their powers and duties, referred to your committee, with special instructions, is herewith reported back, with a substitute, and the committee recommend the adoption of the substitute.

Senate bill No. 27, an act to amend an act entitled an act concerning sheriffs, passed April 29, 1851, your committee report back, and recommend it be indefinitely postponed.

Your committee have also had under deliberation, Assembly bill No. 162, proposed amendments to the constitution, and after careful consideration, have framed a substitute, which they recommend be adopted in place of the original amendments submitted to them.

A. G. STAKES, Chairman.

Mr. Groom made the following report:

MR. SPEAKER:—Your committee, to whom was referred Senate bill No. 184, an act authorizing Andrew P. Jackson to excavate and render navigable a certain slough in the north half of the southwest quarter of section No. 36, township five north, range two west, Mount Diablo base and meridian, in the county of Solano;

Also, an act authorizing Andrew P. Jackson to construct a wharf in Solano county;

Have had the same under consideration, and beg leave to report the same back, without amendment, and recommend their passage.

R. W. GROOM, Chairman.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No 13, an act to amend an act entitled an act to reorganize and establish the county of San Mateo, approved April 18, 1857;

Also, Assembly bill No. 189, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 28, 1857;

Also, Assembly bill No. 229, an act amendatory of an act entitled an act authorizing the Treasurer of State to issue bonds for the payment expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857.

H. A. MOSES, Chairman.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, found correctly enrolled, Assembly bill No. 176, an act supplementary and amendatory of an act defining the duties of state librarian, and p

scribing rules for the government of the state library, passed April 9th, 1850;

Also, Assembly bill No. 266, an act to repeal, in part, an act entitled an act concerning hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March 26th, 1857.

GEO. A. YOUNG, Chairman.

Mr. Stratton, chairman of the Committee on Public Morals, made the following report:

MR. SPEAKER:—The Committee on Public Morals, to whom was referred Assembly bill No. 303, an act to suppress injurious publications, have considered the same, and a majority of the committee have directed me to report it back to the House, without amendment, and recommend its passage.

STRATTON, Chairman.

Mr. Groom made the following report:

MR. SPEAKER:—Your committee, to whom was referred Assembly bill No. 310, an act to fix the amount of the official bonds of the county officers in and for the counties of San Diego and San Bernardino, have had the same under consideration and beg leave to report the same back to the House, without amendment, and recommend its passage.

GROOM of San Diego.
SMITH of San Bernardino.

The following message was received from the Senate:

SENATE CHAMBER,
March 16, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 192, an act to audit the claim of the Pacific Express Co.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 192, above reported, was read first and second times, and ordered on file.

Mr. Ballou, chairman of the Committee on Public Expenditures and Accounts, made the following report:

MR. SPEAKER:—The Committee on Public Expenditures and Accounts have had under consideration Assembly bill No. 20, for an act to reduce and establish the salaries of officers and pay of members of the Legislature; also, Assembly bill No. 60, for an act to establish the pay of officers and employees of the Senate and Assembly, and to repeal the existing laws relating thereto. Your committee herewith report a substitute for Assembly bill No. 60, and unanimously recommend its adoption by the House.

Also, a minority herewith report a substitute for Assembly bill No. 20, embodying all the essential provisions of said bill, together with the substitute for Assembly bill No. 60, and recommend the same to the earnest consideration of the House.

S. A. BALLOU, Chairman.

Assembly joint resolution No. 3, relating to land titles in California, was taken from the table, and placed on file.

Mr. McCoy introduced a bill for an act amendatory of and supplementary to the estray law of this state.

Read first and second times, and referred to the Committee on Agriculture, and ordered printed.

SPECIAL ORDER.

Assembly bill No. 147, an act to amend an act entitled an act for securing liens to mechanics and other persons, passed April 19th, 1856, was taken up, when Mr. Stakes moved a call of the House, which was not sustained.

The bill was read.

After which, Mr. Stakes again moved a call of the House, which was sustained, and the following members were absent, viz.:

Messrs. Clarke, Ely, Ferguson, Groom, Hamlin, Harris, Hitchens, Holladay, Howell, Lee, Lewis, Loofbourrow, Moses, Ormsby, Pearis, Smith of Nevada, Smith of San Bernardino, Stocker, Stratton, Tuttle, and Walker.

The sergeant-at-arms was dispatched for the absentees.

Messrs. Whitesides, Ely, and Lee, appeared at the bar of the House, and were admitted, and excued. Messrs. Hitchens, Smith of Nevada, and Hamlin, appeared, and were not excused.

Whereupon, further proceedings under the call were dispensed with.

Mr. Briggs offered an additional section to the bill, which was adopted, the bill read a third time, and passed.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Kabler, an act to abolish the office of county assessor and create the office of district assessor, in the counties of this state.

By Mr. Stout, an act to authorize the appointment of a board of commissioners, whose duty it shall be to codify the laws of this state in force after the Legislative session of 1858, and to superintend the publication and distribution of the same.

INTRODUCTION OF BILLS.

Mr. Stout introduced a bill for an act amendatory of an act entitled an act to incorporate the city of Sacramento, passed March 26, 1851.

Read first and second times, and referred to the Sacramento delegation.

THIRD READING OF BILLS.

Assembly bill No. 13, an act to amend an act entitled an act to re-organize and establish the county of San Mateo, approved April 18, 1857, read third time, and passed.

Mr. Hobart moved a call of the House, which was sustained, and the the following members were absent, viz.:

Messrs. Cherry, Curtis, De Long, Ferguson, Groom, Haldeman, Hamlin, Heath, Howell, Lee, Lewis, Loofbourrow, Mitchell, Moore, Neblett,

O'Brien, Osgood, Parker, Pearis, Simons, Smith of San Bernardino, Stocker, Tipton, Walker, and Willson.

The sergeant-at-arms was dispatched for the absentees.

Mr. Simons appeared at the bar of the House, was admitted, and excused.

Further proceedings under the call were dispensed with.

Mr. Crane moved that the House take a recess until two o'clock.

Lost.

Mr. Ballou moved to reconsider the vote by which Assembly bill No. 252, an act to confer further powers upon the board of supervisors of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned, was passed on yesterday.

Mr. Sherwin moved to indefinitely postpone said motion, upon which Messrs. Tatman, De Long, and Gray, demanded the ayes and noes, and the same was lost, as follows:

AYES—Messrs. Ballou, Banks, Buel, Burbank, Cherry, Clarke, Edwards, Ferguson, Galbraith, Haldeman, Hamlin, Hill of Sierra, Hobart, Holladay, Holman, King, Mitchell, Neblett, Ormsby, Osgood, Palmer, Shepard, Sherwin, Smith of Nevada, Stout, and Tipton—26.

NOES—Messrs. Aud, Caldwell, Davis, De Long, Ely, Gordon, Gray, Hancock, Harris, Havens, Heath, Hill of Nevada, Kabler, Lee, Lewis, McCoy, Minis, O'Brien, Parker, Safford, Sheridan, Simons, Spilman, Tatman, Tuttle, Young, and Mr. Speaker—27.

On the motion to reconsider, Mr. Cherry demanded the previous question, which was sustained, and Messrs. Gray, De Long, and Tatman, demanded the ayes and noes, and the House refused to reconsider, by the following vote:

AYES—Messrs. Aud, Caldwell, Clarke, Crane, De Long, Gray, Harris, Havens, King, Lee, Lewis, Markley, McCoy, O'Brien, Parker, Sheridan, Simons, Spilman, Stratton, Tatman, Tuttle, Ward, Warfield, Willson, and Young—25.

NOES—Messrs. Ballou, Banks, Buel, Burbank, Cherry, Curtis, Davis, Edwards, Ely, Galbraith, Gordon, Haldeman, Heath, Hill of Sierra, Hobart, Holladay, Holman, Kabler, Loofbourrow, Minis, Mitchell, Moses, Neblett, Ormsby, Osgood, Palmer, Safford, Shepard, Sherwin, Smith of Nevada, Stocker, Stout, Thomas, and Tipton—34.

Mr. Ely moved to adjourn.

Lost.

Assembly bill No. 229, an act amendatory of an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857, was read third time, and passed.

Mr. De Long moved to reconsider the vote by which Assembly bill No. 210, an act to amend an act entitled an act restricting the herding of sheep to certain pastures in the counties of Sonoma and Marin, was passed yesterday.

Mr. Parker moved to adjourn.

Lost.

Messrs. De Long, Tuttle, and Ward, demanded the ayes and noes, and the House refused to reconsider, by the following vote:

AYES—Messrs. Aud, Ballou, Caldwell, Clarke, De Long, Gray, Haldeman, Hamlin, Hill of Nevada, Hirst, Lee, Lewis, Loufbourrow, Markley, Moses, Safford, Sherwin, Smith of Nevada, Spilman, Tatman, Tuttle, Ward, Warfield, Willson, and Mr. Speaker—25.

NOES—Messrs. Banks, Briggs, Buel, Burbank, Cherry, Curtis, Davis, Edwards, Ely, Ferguson, Galbraith, Gordon, Harris, Havens, Hill of Sierra, Hobart, Holman, Kabler, King, Marshall, McCoy, Minis, Mitchell, Neblett, O'Brien, Ormsby, Osgood, Palmer, Parker, Sheridan, Simons, Smith of San Bernardino, Stocker, Stout, Stratton, Thomas, Tipton, and Young—38.

On motion of Mr. Warfield, at half-past three o'clock, P. M., the House adjourned to ten o'clock, A. M., to-morrow.

IN ASSEMBLY.

THURSDAY, March 18, 1858.

House met pursuant to adjournment.
Speaker in the chair.
The roll was called.
All present except those absent on leave.
Journals of yesterday read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Burbank, of citizens of San Francisco, for change in the attachment law.

Referred to Judiciary Committee.

By Mr. Hill of Sierra, of citizens of portions of Sierra, Yuba, Butte, and Plumas counties to organize a new county, to be called Summit county.

Referred to delegations from same counties.

By Mr. Holman, of William M. Vance, marshal of Stockton, for relief.

By Mr. Sheridan, claim of J. M. Shepherd, of Sacramento Daily Democrat.

Referred to Committee on Claims.

REPORTS.

Mr. Lee made the following report:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 237, entitled an act to provide for the registration of marriages, births, divorces, and deaths in the state of California, beg leave to report the accompanying sub-titute for the same, and recommend its passage.

The same committee, to whom was referred Senate bill No. 158, entitled an act to amend an act entitled an act to provide for the protection of foreigners and to define their liabilities and privileges, passed March 30, 1853, amended April 7th, 1857, report the same back, with a slight verbal amendment, and recommend the passage of the same.

All of which is respectfully submitted.

H. LEE,
Chairman Committee Ways and Means.

Mr. Buel was excused from serving on the Committee on Ways and Means, and Mr. Holman appointed in his place.

Mr. Burbank introduced a bill for an act to settle and fix the time allowed by law to the tax collector of the city and county of San Francisco for the collection of taxes.

Read first and second times, considered engrossed, read third time, and passed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 17, 1858.

To the Assembly of California:

I have, this day, approved the following bills, viz.:

An act amendatory of an act entitled an act to regulate rodeos, passed April 30th, 1851;

Also, an act to authorize and empower the city and county of San Francisco to convey to the United States a site for a light-house;

Also, an act providing for an examination and settlement of the accounts of S. A. McMeans, late State Treasurer.

JOHN B. WELLER.

The following message was received from the Senate:

SENATE CHAMBER,
March 17, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 147, an act appropriating money for transporting to the insane asylum certain insane convicts.

JAS. T. EWING, Assistant Secretary Senate.

Senate bill No. 147, above reported, read first and second times, and ordered on file.

NOTICES.

Notices for the introduction of bills were given as follows:

By Mr. Neblett, an act to fix the terms of the court of sessions of the county of Trinity;

Also, an act to restrict actions at law for the recovery of debts for liquors sold at retail;

By Mr. Holladay, an act concerning conveyances;

By Mr. Willson, an act amendatory of and supplementary to an act to establish, regulate, and support common schools, and to repeal an act concerning the same, passed March 28th, 1857;

By Mr. Sheridan, for an act to prevent stallions from running at large in the county of Sacramento.

By Mr. Curtis, proposed amendments to section three, article eleven, of the constitution of this state.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Mitchell, for an act amendatory of an act entitled an act fixing the salaries of the county judge and of the district attorney of the county of Tulare, approved April 16, 1856.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Hill of Nevada, for an act to prevent the adulteration of wines and liquors.

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

By Mr. Hill of Sierra, for an act to organize the county of Summit.

Read first and second times, and referred to Sierra, Butte, Plumas, and Yuba delegations.

By Mr. Markley, for an act amendatory of an act entitled an act to provide revenue for the support of the government of this state, passed May 15, 1854.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Heath, for an act to exempt the homestead from forced sale in certain cases.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

Mr. Safford made the following reports:

MR. SPEAKER:—Your Committee on Claims, to whom was referred Assembly bill No. 187, an act for the relief of Daniel J. Thomas, have had the same under consideration, and have directed me to report the same back, and recommend its passage

A. P. K. SAFFORD, Chairman *pro tem.*

MR. SPEAKER:—Your Committee on Claims, to whom was referred the claim of Benj. F. Marshall, have had the same under consideration, and find a legal question involved, upon which the claim principally depends, and have directed me to report the same back, and recommend that it be referred to the Judiciary Committee.

A. P. K. SAFFORD, Chairman *pro tem.*

The bill was so referred.

Mr. Ormsby offered the following resolutions:

Resolved, That this House has borne with the interference and abuse of its members by a reporter named Weed, until patience has ceased to be a virtue.

Resolved, That said Weed be expelled from this House.

Mr. Buel moved that the subject be referred to a special committee of five, with power to send for persons and papers.

Mr. Davis offered to amend by adding, "and that in the meantime, and pending the investigation, the reporter, Weed, be expelled from the House."

Mr. Lee moved the previous question, which was sustained, and Messrs. Sherwin, Lewis, and Tatman, demanded the ayes and noes, and the amendment was adopted by the following vote:

AYES—Messrs. Aud, Briggs, Caldwell, Crane, Curtis, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Haldeman, Hancock, Havens, Heath,

Hill of Sierra, Hitchens, Holladay, Holman, Kabler, Lewis, Markley, Marshall, Mitchell, Neblett, O'Brien, Ormsby, Osgood, Parker, Pico, Sheridan, Simons, Smith of San Bernardino, Spilman, Stout, Stratton, Tipton, Tuttle, Walker, Ward, Warfield, and Young—42.

NOES—Messrs. Ballou, Banks, Buel, Burbank, Cherry, Clarke, Gray, Groom, Hamlin, Hill of Nevada, Hobart, Lee, Loofbourrow, McCoy, Minis, Moore, Palmer, Safford, Shepard, Sherwin, Smith of Nevada, Stakes, Tatman, Thomas, Warmcastle, Willson and Mr. Speaker—27.

On the motion to refer, Messrs. Tatman, Banks, and Buel, demanded the ayes and noes, and it was referred, by the following vote:

AYES—Messrs. Aud, Briggs, Buel, Caldwell, Cherry, Curtis, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Haldeman, Hamlin, Hancock, Harris, Havens, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holman, Kabler, Markley, Marshall, McCoy, Minis, Mitchell, Neblett, O'Brien, Ormsby, Palmer, Parker, Pico, Safford, Shepard, Sheridan, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stout, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warmcastle, and Willson—51.

NOES—Messrs. Ballou, Banks, Burbank, Clarke, Crane, Gray, Groom, Heath, Holladay, Lee, Lewis, Loofbourrow, Osgood, Sherwin, Spilman, Stratton, Warfield, Young, and Mr. Speaker—19.

The speaker appointed Messrs. Buel, Briggs, Markley, Neblett, and Caldwell, such committee.

INTRODUCTION OF BILLS CONTINUED.

By Mr. Young, an act to provide for the protection of foreigners, and to define their liabilities and privileges.

Read first and second times, referred to the Committee on Ways and Means, and ordered printed.

By Mr. Gray, an act to repeal the act to amend the act entitled an act defining the time for commencing civil actions, passed April 22, 1850.

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

Assembly bill No. 108, an act amendatory of an act dividing the state into counties, and establishing the seats of justice therein, passed April 25, 1851, and to repeal an act concerning the same, passed May 15, 1854, was read third time, and passed, Messrs. Edwards, Buel, and Tipton, demanding the ayes and noes, as follows:

AYES—Messrs. Banks, Caldwell, Crane, Davis, De Long, Haldeman, Havens, Hill of Nevada, Hitchens, Lee, Lewis, Loofbourrow, Minis, Moses, Neblett, Osgood, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stakes, Stocker, Walker, Ward, Warfield, Warmcastle, and Young—28.

NOES—Messrs. Ballou, Buel, Burbank, Edwards, Galbraith, Gordon, Gray, Harris, Hill of Sierra, Hobart, Ormsby, Shepard, Stout, Tipton, and Mr. Speaker—15.

Mr. Warmcastle gave notice of reconsideration of the vote just taken.

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

Resolved, That the chairman of the Committee on Ways and Means be, and he is hereby, authorized and required to report to this House the

names of all members of said committee who shall neglect to attend the regular meeting of said committee without sufficient excuse therefor.

The following messages were received from the Senate:

SENATE CHAMBER,
March 18, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 164, an act to authorize the courts of record of this state to admit Samuel Plomer Semper as an attorney and counselor at law.

J. T. EWING, Assistant Secretary.

SENATE CHAMBER,
March 18, 1858.

MR. SPEAKER:—The Senate, on yesterday, concurred in Assembly concurrent resolutions relative to the admission of Kansas.

J. T. EWING, Assistant Secretary Senate.

SENATE CHAMBER,
March 18, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that, on the 15th instant, the Senate passed Senate bill No. 198, an act to amend an act entitled an act to fix the time of holding the district courts throughout this state, passed May 16, 1853, approved May 4, 1855, and to repeal an act fixing the times for holding the terms of the district court of the second judicial district;

Also, on the 16th instant, passed Senate bill No. 155, an act authorizing and empowering the county recorder of Butte county to make certified copies of certain records, and indexes of records, of said county, and fixing the amount of his compensation therefor;

Also, Senate bill No. 156, an act fixing the amount of compensation of the supervisors of Butte county, and the amount of compensation of the clerk of the board of supervisors of said county;

Also, Senate bill No. 124, an act granting the right of way over certain lands of this state in the counties of San Francisco and San Mateo;

Also, concurred in Assembly amendments to Senate amendments to Assembly bill No. 52, an act amendatory of an act to incorporate a state agricultural society, and appropriate money for its support, approved May 14, 1854;

Also, passed Assembly bill No. 113, an act to change the name of Henri Alfred Kreicer to Henry Miller;

Also, Assembly bill No. 166, an act authorizing the Sierra Nevada Lake Water and Mining Company, to change its principal place of business;

Also, on the 17th instant, passed Senate bill No. 195, an act to appropriate money for the relief of certain persons;

Also, Senate bill No. 191, an act to audit the claim of the Pacific Express company;

Also, Senate bill No. 152, 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;

Also, Senate bill No. 193, an act to audit the claim of Pacific Express company;

Also, Senate bill No. 142, 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.

THOS. N. CAZNEAU, Secretary of Senate.

Senate bills Nos. 152 and 198, above reported, were read first and second times, and referred to the Committee on the Judiciary.

Senate bills Nos. 155, 156, and 195, above reported, were read first and second times, rules suspended, read third time, and passed.

Senate bill No. 124, also above reported, was read first and second times, and referred to the San Francisco and San Mateo delegation.

Senate bills Nos. 191 and 193, also above reported, were read first and second times, and ordered on file.

Senate bill No. 142, also above reported, was read first and second times, and referred to the Committee on Ways and Means.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 18, 1858.

To the Assembly of California:

I have, this day, approved an act to ratify and approve order number forty-six (46) of the board of supervisors of the city and county of San Francisco, approved August 6, 1857.

JOHN B. WELLER.

Assembly joint resolution No. 3, relative to land titles in California, was taken up, to which Mr. Sheridan offered the following substitute:

Whereas, The interests of the people of this state imperatively require that all private land claims shall be immediately segregated from the public domain, and such unsurveyed domain opened to settlement; therefore,

Resolved, By the Assembly, the Senate concurring, that our senators in Congress be, and they are hereby instructed, and our representatives requested to urge upon Congress the passage of a law authorizing the United States Surveyor General for this state, to survey as soon as possible, all private grants to lands, whether confirmed or unconfirmed, that in the event of a final decree of confirmation of such grant, such preliminary survey so to be made, be adopted as final, unless good cause be shown to the contrary. Also, to survey all public lands adjacent to such private grants, and so to amend the pre-emption laws as to open all such public lands to settlement; and, also, that the State of California may be authorized, at her own cost, to segregate from the United States domain the swamp and overflowed lands granted to her by acts of Congress, the taking reliable testimony under oath, and furnishing maps of the same to the proper department at Washington.

Resolved, That his Excellency the Governor, be, and he is hereby, requested to forward copies of this preamble and resolution to each of our senators and representatives in Congress.

Agreed to.

The previous question having been moved by Mr. Curtis and sustained, the resolution was adopted, Messrs. King, Sheridan, and Curtis, demanding the ayes and noes, by the following vote:

AYES—Messrs. Aud, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Crane, Curtis, Davis, De Long, Ely, Galbraith, Gordon, Gray, Groom, Haldeman, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holman, Hirst, Kabler, King, Lewis, Loofbourrow,

Markley, Marshall, McCoy, Minis, Mitchell, Moses, Neblett, Ormsby, Osgood, Parker, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Stratton, Thomas, Tipton, Tuttle, Ward, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—60.

No—Mr. Clarke—1.

GENERAL FILE.

Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own names, as sole traders, passed April 12, 1852, was taken up, read a third time, and, on motion of Mr. Curtis, Messrs. Curtis, Burbank, and Davis, demanding the ayes and noes, the bill was indefinitely postponed, by the following vote:

AYES—Messrs. Banks, Buel, Burbank, Caldwell, Cherry, Clarke, Crane, Curtis, De Long, Ely, Galbraith, Gray, Groom, Hamlin, Havens, Hitchens, Hobart, Holladay, Howell, Hirst, Kabler, Lee, Lewis, Marshall, O'Brien, Palmer, Parker, Shepard, Sheridan, Sherwin, Simons, Smith of San Bernardino, Spilman, Stocker, Stout, Thomas, Tuttle, Walker, Warmcastle, and Willson—40.

NOES—Messrs. Aud, Ballou, Briggs, Davis, Edwards, Ferguson, Gordon, Haldeman, Hancock, Heath, Hill of Nevada, Holman, King, Loofbourrow, Markley, Minis, Mitchell, Moses, Neblett, Ormsby, Osgood, Pico, Safford, Smith of Nevada, Stakes, Stratton, Tipton, Ward, Warfield, Young, and Mr. Speaker—31.

Mr. Parker gave notice of a reconsideration of the vote just taken.

The following message was received from the Senate:

SENATE CHAMBER,
March 18, 1858.

MR. SPEAKER:—The Senate have, this day, concurred in Assembly concurrent resolution relative to land titles in California.

J. T. EWING, Assistant Secretary Senate.

Mr. Mitchell moved to adjourn to half-past nine o'clock to-morrow morning.

Lost.

On motion of Mr. Ely, at half-past three o'clock, the House adjourned.

IN ASSEMBLY.

FRIDAY, March 19, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All were present, except Messrs. Haldeman and Minis, and those absent on leave.

Messrs. Haldeman and Minis had leave of absence for one day.

Journal of yesterday read and approved.

Mr. Spilman presented a petition of citizens of portions of Sierra, Yuba, Butte, and Plumas counties, for a new county, to be called Summit.

Referred to delegations from said counties.

REPORTS.

Mr. Havens, chairman of Committee on Corporations, made the following report:

MR. SPEAKER:—The Committee on Corporations report and recommend the passage of Assembly bill No. 215, an act amendatory of and supplementary to an act entitled an act to reincorporate the city of San José, approved March 27, 1857, with an additional section, number six;

Also, report and recommend the passage of Assembly bill No. 305, an act to authorize the funding of the unfunded debt of the city of San José, and to provide for the payment of the same, without amendment.

H. W. HAVENS, Chairman.

MARCH 19, 1858.

Mr. Crane, chairman of the Committee on Counties and County Boundaries, made the following report:

MR. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 322, entitled an act amendatory of an act entitled an act fixing the salaries of the county judge and of the district attorney of the county of Tulare, have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

CRANE, Chairman.

Mr. Safford, chairman of Committee on Education, made the following report:

MR. SPEAKER:—The Committee on Education, to whom was referred Assembly bill No. 161, entitled an act to abolish the office of county superintendent of common schools, in the county of Sonoma, and to provide for the distribution of the moneys belonging to the same, having had the same under consideration, report the same back to the House, with a substitute of a general character, and recommend the passage of the substitute.

A. P. K. SAFFORD, Chairman.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 250, an act to change the times of holding the courts of session, county court, and probate court of the counties of Santa Barbara and San Luis Obispo;

Also, Assembly bill No. 276, an act granting Matthew Wood the right to construct a wire suspension or truss bridge across the Yuba River;

Also, Assembly bill No. 255, an act to repeal sections fifty-five, fifty-six, and fifty-seven, of an act entitled an act concerning courts of justice and judicial officers," passed May 19, 1853;

Also, Assembly bill No. 298, an act to regulate fees in office in the county of Tehama;

Also, Assembly bill No. 226, an act to authorize Simpson Thompson and T. H. Thompson to construct a wharf at Suscol ferry, in Napa county, on the east bank of Napa River;

Also, Assembly bill No. 97, an act to change the manner of paying officers of elections in the county of Stanislaus;

Also, Assembly bill No. 140, an act to legalize and amend the county records in the counties of this state;

Also, Assembly bill No. 248, an act to give to the proceedings of courts of probate the same effect as courts of general jurisdiction;

Also, Assembly bill No. 147, an act to amend an act entitled an act for securing liens to mechanics and others, passed April 19, 1856;

Also, Assembly bill No. 253, an act granting the privilege to J. C. Owen and R. B Cannon, of conducting water into and through Suisun city, in the county of Solano, and supplying the inhabitants therewith;

Also, Assembly bill No. 210, an act to amend an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin;

And Assembly bill No. 190, an act to authorize the board of supervisors of the city and county of San Francisco to allow, confirm, and direct, the auditing of certain claims therein mentioned.

H. A. MOSES, Chairman.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 113, an act to change the name of Henri Alfred Kreicer to Henri Miller;

Also, Assembly bill No. 164, an act to authorize the courts of record of this state to admit Samuel Plomer Semper as an attorney and counselor at law;

Also, Assembly bill No. 166, an act authorizing the Sierra Nevada Lake Water and Mining Company to change its principal place of business;

Also, Assembly bill No. 52, an act amendatory of an act to incorporate a state agricultural society, and appropriating money for its support, approved May 14th, 1854;

Also, Assembly concurrent resolution relative to land titles in California;

Also, Assembly concurrent resolutions relative to the admission of Kansas;

Also, Assembly concurrent resolution asking Congress for a donation of five per cent. upon the sale of public lands for school purposes

GEO. A. YOUNG, Chairman.

Mr. Stratton, chairman of the Committee on Public Morals, made the following report:

MR. SPEAKER:—The Committee on Public Morals, to whom were referred Assembly bills Nos. 186, 197, 200, and Senate bill No. 98, have had the said bills under consideration, and report them back to the House, with the recommendation that they be indefinitely postponed, and beg leave to report the accompanying bill as a substitute for the bills, an act to amend an act entitled an act to prohibit gaming, approved April 27th, A. D. 1857, and recommend the passage of the same.

STRATTON, Chairman.

Mr. Aud, chairman of the Committee on Claims, made the following report:

MR. SPEAKER:—Your Committee on Claims, to whom were referred Assembly bill No. 290, an act for the relief of the county of Santa Barbara; And a memorial from W. M. Vance, marshal of Stockton, have directed me to report the same back, and recommend they be rejected;

Also, Assembly bill No. 84, an act to provide for the payment of the claim of Henry Caperton, have directed me to report the same back, and recommend its passage;

Also, Assembly bill No. 83, an act for the relief of D. S. Lord & Co., have directed me to report the same back, and recommend it be rejected;

Also, memorial of Adam Schuppert for translating and printing into the German language, the report of the Superintendent of Public Instruction, have directed me to report the same back, with the accompanying bill, and recommend its passage.

FRANCIS L. AUD, Chairman.

Assembly bill, an act for the relief of Adam Schuppert, was read first and second times, and ordered on file.

The following message was received from the Senate:

SENATE CHAMBER,
March 19, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 173, an act to audit the claim of R. G Crozier.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 173, above reported, read first and second times, and ordered on file.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Stakes, an act concerning the office of county judge of San Joaquin county:

Also, an act to regulate the fire department of the city of Stockton;

By Mr Sheridan, an act to incorporate the city of Sacramento, and to repeal previous acts in regard to said city;

By Mr. Pico, an act amendatory of and supplementary to an act concerning marks and brands;

Also, an act concerning rodeos;

Also, an act to better define the western boundaries of the county of Los Angeles.

Mr. Parker moved to reconsider the vote by which, on yesterday, the House indefinitely postponed Senate bill No. 105, an act to repeal an act to authorize married women to transact business in their own names, as sole traders, passed April 12, 1852

Upon which, Mr. Buel moved the previous question, which was sustained, and the House refused to reconsider, by the following vote, Messrs. Sherwin, Ely, and Spilman, demanding the ayes and noes:

AYES—Messrs. And, Briggs, Davis, Gordon, Groom, Harris, Heath, Hill of Nevada, King, Loofbourrow, Mitchell, Moses, Neblett, Parker, Safford, Smith of Nevada, Stakes, Stocker, Stratton, Tipton, Ward, Warfield, Young, and Mr. Speaker—24.

NOES—Messrs. Banks, Buel, Burbank, Caldwell, Cherry, Clarke, Crane, Curtis, De Long, Ely, Ferguson, Galbraith, Hamlin, Hancock, Havens,

Hitchens, Hobart, Holladay, Howell, Hirst, Kabler, Lee, Lewis, Markley, Marshall, O'Brien, Ormsby, Osgood, Palmer, Pico, Shepard, Sheridan, Sherwin, Simons, Smith of San Bernardino, Spilman, Stout, Thomas, Tuttle, Walker, Warncastle, and Willson—42.

Assembly bill No. 40, an act to legalize the acknowledgment of certain conveyances and other instruments in writing, the special order of the day, was taken up, made the special order for Wednesday next, to be taken up after other special orders, and ordered printed, with amendments of Judiciary Committee.

Mr. Briggs presented the claim of Samuel Neal, Jr., for assisting in completing the Journals of the Legislature for the year one thousand eight hundred and fifty-seven.

Referred to Committee on Claims.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Crane, an act to authorize the construction of a bridge across the Pajaro River.

Read first and second times, and referred to the Santa Clara and Monterey delegations.

By Mr. Neblett, an act to fix the terms of the court of sessions of the county of Trinity;

Read first and second times, and ordered engrossed.

By Mr. Tuttle, an act amendatory of an act entitled an act to reincorporate the city of Sonora, approved April 19, 1855;

Read first and second times, and referred to the Tuolumne delegation.

By Mr. Kabler, an act to abolish the office of county assessor, and provide for the election of district assessors, in the counties of this state;

Read first and second times, referred to the Committee on Ways and Means, and ordered printed.

By Mr. Sheridan, an act to prevent stallions from running at large in the county of Sacramento;

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Curtis, proposed amendments to the constitution.

By Mr. Ballou, an act in reference to contracts in certain cases;

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

By Mr. Warfield, an act to restrict and prevent the immigration to, and residence in this state, of negroes and mulattoes;

Read first and second times, referred to select committee, viz.: Warfield, Lee, Stakes, Thomas, and Galbraith, and ordered printed.

The following message was received from the Senate:

SENATE CHAMBER,
March 19, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 196, an act relating to the thirteenth judicial district, and to define the time of holding the courts in said district.

J. T. EWING, Assis't Sec'y Senate.

Senate bill No. 196, above reported, read first and second times, rules suspended, read third time, and passed.

THIRD READING OF BILLS.

Assembly bill No. 248, an act to give to the proceedings of courts of probate the same effect as courts of general jurisdiction;

Also, Assembly bill No. 140, an act to legalize and amend the county records in the counties of this state;

Also, Assembly bill No. 298, an act to regulate fees in office in the county of Tehama;

Also, Assembly bill No. 97, an act to change the manner of paying officers of election in the county of Stanislaus;

Also, Assembly bill No. 250, an act to change the time of holding the courts of sessions, county courts, and probate courts of the counties of Santa Barbara, and San Luis Obispo;

And Assembly bill No. 226, an act to authorize Simpson Thompson and T. H. Thompson to construct a wharf at Suscol Ferry, in Napa county, on the east bank of Napa River;

Were read third time, and passed.

GENERAL FILE.

Assembly bill No. 139, an act to fix the compensation of the county judge and district attorney of Santa Clara county, was indefinitely postponed.

Assembly bill No. 243, an act amendatory of and supplementary to an act entitled an act to regulate elections, passed March 20, 1850—amendments adopted, and ordered engrossed.

Senate bill No. 161, an act to audit the claim of J. M. Anderson, was read third time, and, on its passage, Messrs. Howell, Sheridan, and Stout, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Aud, Ballou, Briggs, Buel, Burbank, Clarke, Crane, Davis, De Long, Gordon, Gray, Groom, Hancock, Harris, Havens, Heath, Hitchens, Holladay, Holman, Kabler, King, Lee, Markley, Marshall, Mitchell, Neblett, Osgood, Palmer, Pico, Safford, Shepard, Simons, Smith of San Bernardino, Street, Thomas, Tuttle, Ward, Warmcastle, and Mr. Speaker—39.

NOES—Messrs. Banks, Caldwell, Edwards, Ferguson, Hill of Nevada, Hill of Sierra, Hobart, Howell, Ormsby, Sheridan, Sherwin, Smith of Nevada, Stout, Tatman, Warfield, and Young—16.

Mr. Safford gave notice of reconsideration of the vote just taken.

Assembly bill No. 316, an act concerning the offices of county clerk, sheriff and county recorder, of the city and county of San Francisco, recommitted to the San Francisco delegation.

Mr. Stakes moved a call of the House, which was sustained, and the following members were found to be absent:

Messrs. Curtis, Haldeman, Hamlin, Hirst, Lewis, Loofbourrow, McCoy, Moses, and Simons.

The sergeant-at-arms was dispatched for the absentees.

Further proceedings under the call were dispensed with.

Mr. King moved that the House adjourn.

Lost.

Senate bill No. 119, an act to provide for a more thorough distribution of the laws of this state, was read third time, and on the motion to indefinitely postpone, Messrs. Stratton, Hill of Nevada, and Sherwin, demanded the ayes and noes, and the House refused to postpone by the following vote:

AYES—Messrs. Aud, Banks, Caldwell, Curtis, Davis, Heath, Hill of Nevada, Hill of Sierra, Holman, Howell, Kabler, Lee, Markley, Moses, O'Brien, Osgood, Parker, Safford, Sheridan, Sherwin, Smith of Nevada, Spilman, Stakes, Stocker, Stout, Tatman, Thomas, Tipton, and Tuttle—29.

NOES—Messrs. Ballou, Briggs, Burbank, Cherry, Crane, De Long, Edwards, Galbraith, Gordon, Gray, Hamlin, Hancock, Harris, Havens, Hitchens, Hobart, Holladay, Hirst, King, Lewis, Loofbourrow, Mitchell, Neblett, Ormsby, Palmer, Pearis, Pico, Smith of San Bernardino, Stratton, Street, Walker, Ward, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—37.

Messrs. Havens and Stratton gave notice of a motion to reconsider the vote just taken.

On motion of Mr. Mitchell, at half past three o'clock the House adjourned.

IN ASSEMBLY.

SATURDAY, March 20, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All present except those absent on leave, and Messrs. Howell and McCoy, who were granted leave of absence for two days each.

Journal of yesterday read and approved.

Mr. Havens moved to reconsider the vote by which the House, on yesterday, refused to indefinitely postpone Senate bill No. 119, an act to provide for a more thorough distribution of the laws of this state.

Mr. Sheridan moved to lay the motion on the table, and make it the special order for Monday next, at twelve o'clock, M.

Upon which, Messrs. De Long, Burbank, and Mitchell, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Caldwell, Clarke, Curtis, Davis, Ely, Groom, Havens, Heath, Hill of Nevada, Hill of Sierra, Holman, Lee, Lewis, Markley, Mitchell, Moses, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stakes, Stratton, Street, Tatman, Thomas, Tuttle, Walker, and Mr. Speaker—31.

NOES—Messrs. Ballou, Banks, Briggs, Buel, Burbank, Cherry, Crane, De Long, Edwards, Galbraith, Gordon, Gray, Haldeman, Hamlin, Hancock, Harris, Hitchens, Hobart, Holladay, Hirst, Kabler, King, Loofbourrow, Marshall, Neblett, O'Brien, Ormsby, Osgood, Palmer, Parker, Pico, Shepard, Smith of San Bernardino, Stocker, Stout, Tipton, Ward, Warfield, Warmcastle, and Young—40.

On the motion to reconsider, Mr. Buel moved the previous question, which was sustained.

Mr Stakes moved a call of the House.

Messrs. De Long, Mitchell, and Burbank demanded the ayes and noes, and the House refused to reconsider, by the following vote:

AYES—Messrs. Aud, Ballou, Banks, Caldwell, Clarke, Curtis, Davis, Groom, Havens, Heath, Hill of Nevada, Hill of Sierra, Holman, Kabler, Lee, Lewis, Markley, Mitchell, Moses, O'Brien, Parker, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stakes, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, and Mr. Speaker—36.

NOES—Messrs. Briggs, Buel, Burbank, Cherry, Crane, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Haldeman, Hamlin, Hancock, Harris, Hitchens, Hobart, Holladay, Hirst, King, Loofbourrow, Marshall, Moore, Neblett, Ormsby, Osgood, Palmer, Pearis, Pico, Shepard, Smith of San Bernardino, Stocker, Stout, Ward, Warfield, Warmcastle, and Young—37.

On motion of Mr. Stakes, the bill was tabled.

Mr. De Long gave notice of reconsideration.

Mr. Safford moved to reconsider the vote by which the House, on yesterday, passed Senate bill No. 161, an act to audit the claim of J. M. Anderson, upon which Messrs O'Brien, Thomas, and Aud, demanded the ayes and noes, and the vote was reconsidered, as follows:

AYES—Messrs. Aud, Ballou, Banks, Briggs, Caldwell, Cherry, Crane, Curtis, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Hamlin, Harris, Havens, Hill of Nevada, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, Kabler, Loofbourrow, Markley, Mitchell, Moore, Moses, Neblett, O'Brien, Palmer, Parker, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tuttle, Walker, Warfield, Warmcastle, and Young—53.

NOES—Messrs. Buel, Davis, King, Lee, Lewis, Marshall, Ormsby, and Osgood—8.

And the bill was recommitted to the Committee on Claims.

Mr. Stakes, chairman of the Judiciary Committee, made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 270, an act to regulate the interest of money;

Also, Assembly bill No. 295, an act to amend an act entitled an act concerning crimes and punishments, passed April 16, A. D. 1850;

Also, Assembly bill No. 300, an act to authorize the judges of the Supreme Court to employ a secretary;

Also, Senate bill No. 8, 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;

Have had the same under advisement, report the four bills back, and recommend their passage.

Your committee have also had under consideration Assembly bill No. 311, an act authorizing the board of supervisors of Los Angeles county to contract a loan for the purpose of erecting a court-house and completing the jail;

Also, Assembly bill No. 132, an act to declare the force and validity of

titles derived under the revenue laws of this state, and the ordinances of municipal corporations;

Also, Senate bill No. 198, an act to amend an act entitled an act to fix the time of holding the district courts throughout this state, passed May 16, 1853, approved May 4, 1855, and to repeal an act fixing the time for holding the terms of the district court of the second judicial district;

Report the three bills back, each with certain amendments, and recommend their passage, as amended.

Assembly bill No. 328, an act to repeal the act to amend an act entitled an act defining the time for commencing civil actions, passed April 22, 1850, is herewith reported back to the House, with the recommendation that the same be indefinitely postponed.

A. G. STAKES, Chairman.

The House resolved itself into the Committee of the Whole, Mr. Havens in the chair, to consider the special order of the day, Assembly bill No. 259, an act to provide places of deposit for the safe-keeping and return of all moneys, gold-dust, and other valuables of individuals, substitute for Assembly bill No. 170.

The Committee rose, reported, and were discharged.

Mr. Stratton moved to indefinitely postpone the bill.

Mr. Lewis moved to recommit the bill to a select committee of five, upon which Mr. Ballou moved the previous question, which was sustained.

Messrs. Pearis, Lee, and Palmer, demanded the ayes and noes, and the House refused to recommit, by the following vote:

AYES—Messrs. Banks, Caldwell, Davis, DeLong, Ely, Gordon, Gray, Harris, Havens, King, Lee, Lewis, Loofbourrow, Markley, Mitchell, Moses, Ormsby, Parker, Pearis, Simons, Smith of San Bernardino, Spilman, Thomas, Tuttle, Warmcastle, Willson, Young, and Mr. Speaker—28.

NOES—Messrs. Ballou, Briggs, Buel, Clarke, Curtis, Edwards, Ferguson, Haldeman, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holman, Hirst, Kabler, Neblett, O'Brien, Osgood, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Stout, Stratton, Street, Tatman, Walker, and Warfield—31.

And the bill was then indefinitely postponed.

Mr. Briggs offered the following resolution, which was adopted.

Resolved, That the special committee, to whom was referred Assembly bill No. 264, relative to the indebtedness of Amador county to Calaveras county, be, and they are hereby, authorized and empowered to send for persons and papers, to be used in the investigation of said bill, provided that each county pays the expenses of its own witnesses.

Mr. Hill of Sierra gave notice of reconsideration.

The following message was received from the Senate:

SENATE CHAMBER,
March 20, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 219, an act to repeal an act entitled an act to incorporate the city of Nevada, approved April 19, 1856—amended February 4, 1857;

Also, Senate bill No. 220, an act to amend an act to authorize a special

term of the district court, to be held in the county of Butte, and to fix the time for holding said special term.

JAS. T. EWING, Assistant Secretary of Senate.

Senate bill No. 220, above reported, read first and second times, rules suspended, read third time, and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Sheridan, for an act amendatory of an act entitled an act to incorporate the city of Sacramento, passed March 26, 1851.

Read first and second times, and referred to Sacramento delegation.

By Mr. Smith of San Bernardino, for an act fixing the times of holding the terms of the court of sessions, county court, and probate court, in and for the county of San Bernardino.

Read first and second times, considered engrossed, read third time, and passed.

Mr. Loofbourrow gave notice of a bill for an act to exempt the wages of laborers and other employees, in certain cases, from execution or other legal process.

Mr. De Long made the following report, which was laid on the table :

MR. SPEAKER :—We, the undersigned members of a special committee, constituting a majority, to whom was referred Assembly bill No. 324, beg leave, most respectfully, to report the same back to the House, and recommend the indefinite postponement of the same, for the following reasons, viz. :

This bill proposes to take from the several counties of Yuba, Butte, Plumas, and Sierra, certain portions of the territory at present belonging to said counties, and to form therefrom a new county, to be called Summit county.

We, your committee, being representatives from said counties in this House, deem this action premature, and almost entirely unwarranted by any voice from our constituents; and deeming it to be our bounden duty, at all times, to obey the expressed will of a majority of our constituents, and by their silence, reasonably informing us of their disapprobation, we are thereby constrained to submit this majority report.

Respectfully,

DE LONG, of Yuba, Chairman.
N. E WHITESIDES,
BEN. E. S. ELY,
HITCHENS, of Butte,
CLARKE, of Sierra,
BALLOU, of Plumas,
SHERWIN, of Plumas,
FRANCIS L. AUD, of Yuba.

On motion of Mr. Davis, at half past three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

MONDAY, March 22, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All were present, except Messrs. Burbank, Cherry, Ferguson, Galbraith, Graham, Harris, Holladay, Hirst, Marshall, and Tipton, and those absent on leave.

Messrs. Burbank, Cherry, Galbraith, Harris, Holladay, Hirst, Ferguson, and Tipton, were granted leave of absence for one day each; and Messrs. Marshall and Stakes, for two days.

Journals of Saturday last read and approved.

Mr. De Long moved to reconsider the vote by which Senate bill No. 119, an act to provide for a more thorough distribution of the laws of this state was laid on the table on Saturday last, which motion was declared to be in order by the speaker.

Upon an appeal taken by Mr. Stakes, the decision of the speaker was sustained by the House.

On the motion to reconsider, Messrs. Banks, De Long, and Warmcastle, demanded the ayes and noes, and the House refused to reconsider, by the following vote:

AYES—Messrs Ballou, Banks, Briggs, Buel, Crane, De Long, Edwards, Gordon, Hamlin, Hitchens, Hobart, King, Loufbourrow, Moore, Moses, Neblett, Ormsby, Osgood, Palmer, Pearis, Smith of San Bernardino, Stocker, Ward, Warfield, Warmcastle, Willson, Young, and Mr. Speaker —28.

NOES—Messrs. Aud, Caldwell, Clarke, Curtis, Davis, Ely, Gray, Havens, Heath, Hill of Nevada, Hill of Sierra, Holman, Kabler, Lee, Lewis, Markley, Mitchell, Parker, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stakes, Stout, Stratton, Street, Tatman, Thomas, Tuttle, and Walker—33.

Mr. Hill of Sierra moved to reconsider the vote by which the resolution offered by Mr. Briggs, authorizing the special committee to whom was referred Assembly bill No. 264, relative to the indebtedness of Amador county to Calaveras county, to send for persons and papers, was adopted on Saturday last.

Lost.

PETITIONS.

Petitions were presented as follows:

By Mr. Tuttle, of trustees of the city of Sonora, for amendment of city charter.

Referred to Tuolumne delegation.

By Mr. Haldeman, of citizens of Tuolumne county, relative to the creation of a new county.

Referred to Committee on Counties and County Boundaries.

By Mr. Sherwin, of citizens of Sierra, Yuba, Butte, and Plumas counties, relative to the creation of a new county, to be called Summit.

Referred to the special committee already appointed.

Mr. Holman had leave to withdraw the claim of W. M. Vance, marshal of Stockton.

Mr. Simons, chairman of the Committee on Military Affairs, made the following report:

MR. SPEAKER:—The Committee on Military Affairs, to whom was referred Assembly bill No. 63, an act concerning the militia of this state, have had the same under consideration, and beg leave to report the bill back to the House, with a substitute, and recommend the passage of the substitute.

SIMONS, Chairman.

MARCH 20, 1858.

The substitute, above reported, was ordered printed.

Mr. Aud, chairman of the Committee on Claims, made the following reports:

MR. SPEAKER:—Your Committee on Claims, to whom was referred Assembly bill No. 245, an act for the relief of W. G. Poindexter, have directed me to report the same back, with a substitute bill, and recommend its passage.

FRANCIS L. AUD, Chairman.

MR. SPEAKER:—Your Committee on Claims, to whom was referred the claim of F. R. Bunker for services as clerk in Treasurer's office;

Also, claim of Augustus F. Eisen, for work done on Treasurer's department;

Also, claim of F. D. Gilbert, for lumber and material furnished state prison;

Also, claim of W. D. Kirk, sheriff of Stanislaus county, for conveying prisoners to state prison;

Also, claim of D. W. Gelwicks & Co., (Mountain Democrat,) for publishing Governor's message, etc.;

Also, claim of Greenbaum & Bucki, for articles furnished state;

Also, claim of Sacramento Gas Company, for furnishing gas to state capitol and public offices;

Have had the same under consideration, and have directed me to report them back with the accompanying bills, and recommend their passage.

Also, claim of Ferris Forman, post-master, for postage furnished state, in 1856;

Have directed me to report the same back, with accompanying bill, and recommend its passage.

And, the claim of J. M. Shepard, for paper furnished Assembly, (Daily Democrat,) in 1854;

Have directed me to report the same back, and recommend it be rejected.

FRANCIS L. AUD, Chairman.

The three bills, above reported, were read first and second times, and placed on file

Mr. Ormsby, chairman of the Committee on Agriculture, made the following report:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred

Senate bill No. 24, an act to amend the act of April 27, 1855, concerning lawful fences;

Also, Assembly bill No. 179, an act for the better protection of stock raisers;

Also, Assembly bill No. 336, an act to prevent stallions from running at large in the county of Sacramento;

Also, Assembly bill No. 168, an act for the protection of keepers of livery-stables, and wagon and drove-yards;

Have had the same under consideration, and recommend the passage of Senate bill No. 24, and Assembly bill No. 178;

Also, of Assembly bill No. 336, as amended;

And report Assembly bill No. 168, without recommendation.

ORMSBY, Chairman.

Mr. Edwards, chairman of the Committee on Public Lands, made the following report:

MR. SPEAKER:—The undersigned, a majority of the Committee on Public Lands, to whom was referred Assembly bill No. 307, an act to amend act to regulate proceedings in civil cases, in relation to the recovery of real property, have had the same under consideration, report it back without amendment, and recommend its passage.

URIAH EDWARDS,
J. E. SHERIDAN,
J. A. HOBART,
JAS. O. HARRIS,
R. D. FERGUSON.

We, the undersigned, minority of said committee, respectfully dissent from the above report, and recommend the indefinite postponement of the bill.

GEO. W. CRANE,
J. T. STOCKER.

Assembly bill No. 307, above reported, was referred to the Judiciary Committee.

Mr. Ely, chairman of the Committee on Federal Relations, made the following report:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Assembly joint resolution No. 9, in relation to the establishment of American consulates at certain ports of the Pacific, report the same back, abridged, and recommend its passage.

BEN. E. S. ELY, Chairman.

Mr. Warfield, from select committee, made the following report:

MR. SPEAKER:—The select committee, to whom was referred Assembly bill No. 339, an act to restrict and prevent the immigration to, and residence in this state, of negroes and mulattoes, have had the same under consideration, report it back to the House without amendment, and recommend its passage.

J. B. WARFIELD, Chairman.

Assembly bill No. 339, above reported, made the special order for Friday, 26th day of March, at twelve o'clock, M.

Mr. Simons reported as follows:

MR. SPEAKER:—The select committee, composed of the Santa Clara and Monterey delegations, to whom was referred Assembly bill No. 333, entitled an act to authorize the construction of a bridge across the Pajaro River, have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

SIMONS, } Santa Clara
McCOY, by SIMONS, } County.
CRANE, Monterey County.

Mr. Haldeman made the following report:

MR. SPEAKER:—The select committee, to whom was referred Assembly bill No. 296, an act to separate the office of collector of taxes from the office of sheriff, in the county of Tuolumne, have had the same under consideration, and beg leave to report the same back, with amendments, and recommend its passage, as amended.

P. M. HALDEMAN,
A. A. H. TUTTLE,
WM. J. MARKLEY,
T. T. HAMLIN,
} Delegation from Tuolumne.

Mr. Hill of Sierra, of select committee, made the following report:

MR. SPEAKER:—The select committee, composed of the Sierra, Yuba, Butte, and Plumas county delegations, to whom was referred Assembly bill No. 324, have had the same under consideration, and a minority of said committee beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

B. R. SPILMAN,
R. D. HILL.

Assembly bill No. 324, above reported, was made the special order for Saturday, the 27th instant., at twelve o'clock, M.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 65, for an act to extend the term of office of the board of supervisors of El Dorado county, and to change the manner of their election, and define their duties in certain cases, and establish their salaries;

Also, Assembly bill No. 252, for an act to confer further power upon the board of supervisors of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned;

Also, Assembly bill No. 334, for an act to fix the terms of the court of sessions of the county of Trinity.

H. A. MOSES, Chairman.

Mr. Tuttle, from select committee, made the following report:

MR. SPEAKER:—The select committee, composed of the delegation from Tuolumne, to whom was referred Assembly bill No. 335, an act amendatory of an act entitled an act to reincorporate the city of Sonora, approved March 9, 1855, have considered the same, and beg leave to report the same back, without amendment, and recommend its passage.

TUTTLE, Chairman.

Assembly bill No. 335, above reported, considered engrossed, read a third time, and passed.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 20, 1858.

To the Assembly of California:

I have, this day, approved an act amendatory of an act to incorporate a state agricultural society, and appropriate money for its support, approved May 13, 1854;

Also, an act supplementary to and amendatory of an act defining the duties of State Librarian, and prescribing rules for the government of the state library, passed April 9, 1850;

Also, an act to repeal, in part, an act entitled an act concerning hogs found running at large in the counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March 26, 1857.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 20, 1858.

To the Assembly of California:

I have, this day, approved an act authorizing the Sierra Nevada Lake Water and Mining Company to change its principal place of business.

In approving this bill, I avail myself of the occasion to say that the necessity for it grows out of what I conceive to be a defect in the general law upon the subject of corporations. That act requires the company to fix the place where an office shall be kept in the articles of incorporation, and no power is given in it to change this. As cases of this sort will frequently occur, in order to avoid special legislation I recommend a modification of the general law, so as to vest this power either in the directory or stockholders, under such restrictions and limitations as may be deemed proper.

JOHN B. WELLER.

The following messages were received from the Senate:

SENATE CHAMBER,
March 20, 1858.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 191, an act to authorize Geo. H. Ensign, and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco.

J. T. EWING, Assistant Secretary Senate.

MR. SPEAKER:—The Senate, on the 18th instant, passed Assembly bill No 320, an act to settle and fix the time allowed by law to the tax collector of the city and county of San Francisco for the collection of taxes.

J. T. EWING, Assistant Secretary Senate.

SENATE CHAMBER,
March 22, 1858.

MR. SPEAKER:—The Senate, on Saturday, 20th inst., passed Senate bill No. 202, an act concerning the treasury of Sacramento county:

Also, Senate bill No. 194, an act the better to enable the collection of judgments in favor of the state;

Also, Senate bill No. 139, an act creating a state land office for the state of California;

Also, Senate concurrent resolution, asking of Congress an appropriation to build a breakwater at Crescent City, in this state;

Also, on Friday, the 19th instant, passed Assembly bill No. 253, an act granting the privilege to J. C. Owen and R. B. Cannon, of conducting water into and through Suisun city, in the county of Solano, and supplying the inhabitants therewith;

Also, have, this day, passed Senate bill No. 209, an act to audit the claim of M. Scott, Jr., as an employee or subordinate officer of the state prison, and witness before a committee of the Legislature.

Also, Senate bill No. 230, an act to amend an act passed March 26, 1851, entitled an act to incorporate the city of Sacramento.

JAS. T. EWING, Ass't Sec'y Senate.

Senate bills Nos. 202 and 209, above reported, were read first and second times, and ordered on file.

Senate bill No. 194, also above reported, was read first and second times, and referred to the Judiciary Committee.

Senate bill No. 230, also above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 139, also above reported, was read first and second times, and ordered printed.

Senate bill No. 219, also above reported, was read first and second times, and referred to the Nevada delegation.

Senate concurrent resolution No. 31, above reported, was referred to the Committee on Federal Relations.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Safford, an act to create state and county boards of instruction, and to define their powers and duties;

Also, to amend the fifty-seventh standing rule of the House, by striking out in the first line the words, "on a motion, or";

By Mr. De Long, an act to amend the act concerning corporations, relative to the principal place of doing business;

By Mr Gray, to take from the table the resolutions endorsing the principles of the Kansas bill introduced by the Hon. Stephen A. Douglas in the Senate of the United States;

By Mr. Haldeman, an act to create the county of Yo Semite, to define its boundaries, and to provide for its organization;

By Mr. Ormsby, an act to tax auctioneers of this state, and for the better regulation of the same;

By Mr. Walker, an act to extend the time of assessing, in the counties of Klamath and Siskiyou;

By Mr. Street, an act affecting fees of office in Shasta county;

By Mr Groom, an act to extend the time of commencing the construction of the San Diego and Gila Southern Pacific and Atlantic Railroad;

By Mr. Clarke, an act to fix the compensation of the district attorney of the county of Sierra.

INTRODUCTION OF BILLS.

Bills were presented as follows:

By Mr. Lewis, an act to grant to H. M. Stone the right of way across the Sacramento river.

Read first and second times, and referred to Tehama, Butte, and Shasta delegations.

By Mr. Gray, an act to encourage the working of mines of precious metals.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

By Mr. Loufbourrow, an act to exempt the wages of laborers, and other employees, in certain cases, from execution, or other legal process;

Also, by Mr. Burbank, 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;

And by Mr. Simons, an act to amend an act concerning crimes and punishments, passed April 16, 1850;

Were read first and second times, and referred to the Judiciary Committee.

By Mr. Stakes, an act to regulate the fire department of the city of Stockton;

Also, an act concerning the office of county judge of San Joaquin county;

Which were read first and second times, and referred to the San Joaquin delegation.

By Mr. Warmeastle, an act to create a sinking fund to pay the outstanding indebtedness of Contra Costa county;

By Mr. Moore, an act to regulate fees in office in the city and county of San Francisco;

Were read first and second times, and ordered on file.

By Mr. Warmeastle, an act to fix the terms of the probate court in the county of Contra Costa.

Read first and second times, considered engrossed, read third time, and passed.

By Mr. Pico, an act amendatory of and supplementary to an act entitled an act amendatory of an act dividing the state into counties, and establishing the seats of justice therein, passed April 25, 1851, approved March 26, 1856.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

Also, an act amendatory of and supplementary to an act entitled an act concerning marks and brands, passed May 1, 1851, approved March 30, 1850.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Neblett, an act to prohibit the collection of accounts for liquors sold at retail.

Read first and second times, and referred to Committee on Public Morals.

THIRD READING OF BILLS.

Assembly bill No. 65, an act to extend the term of office of the board

of supervisors of El Dorado county, and to change the manner of their election, and define their duties in certain cases, and establish their salaries; and,

Also, Assembly bill No. 334, an act to fix the terms of the court of sessions of the county of Trinity;

Were read third time, and passed.

GENERAL FILE.

Assembly bill No. 239, an act concerning divorces, was placed at the foot of the file.

Assembly bill No. 263, an act to authorize the guardian of Dionisia Rodriguez, Isabella Rodriguez, and Dolores Rodriguez, to sell certain of their real estate, considered engrossed, read third time, and passed.

Assembly bill No. 254, an act to authorize the board of supervisors of the several counties of this state, to grant the right to construct wharves on the overflowed and submerged lands of this state, to persons owning or possessing lands adjacent thereto—amendments adopted, considered engrossed, read third time, and passed.

Assembly bill No. 203, an act to ascertain the indebtedness of Nevada county to the county of Yuba, and to provide for the payment of the same, was ordered to foot of file.

Senate bill No. 60, an act to provide for the better observance of the Sabbath, was made the special order for this day, at three o'clock, P. M.

Assembly bill No. 267, an act to abolish the office of county assessor in the county of Sonoma, and create instead thereof the office of township assessor, was ordered to foot of file.

Assembly bill No. 268, an act relative to the board of supervisors of San Diego county; and,

Assembly bill No. 274, an act concerning goods, wares, and merchandise, contained in packages, and usually sold by weight;

Were ordered engrossed.

Assembly bill No. 262, an act to amend an act entitled an act for the relief of insolvent debtors, and protection of creditors, passed May 4, 1852; and,

Assembly bill No. 272, an act to submit the question of the removal of the county seat of Yolo county to a vote of the people thereof;

Were indefinitely postponed.

The petition of the inhabitants of the eastern slope of the Sierra Nevada, was laid on the table.

Senate bill No. 30, an act to provide for binding minors as apprentices, clerks, and servants—amendments adopted, read third time, and passed.

Senate bill No. 138, an act to amend an act entitled an act fixing the age of majority of males and females, passed May 10, 1854, was read third time, and passed.

Senate bill No. 60, an act to provide for the better observance of the Sabbath, the special order for three o'clock, this day, was considered in Committee of the Whole, Mr. Briggs in the chair.

The committee rose, reported, and were discharged.

Mr. Gray moved to amend by inserting after the word "Sunday," in the seventh line of section one, "after the hour of ten o'clock, A. M."

Lost.

Mr. De Long moved to adjourn.

Lost.

Mr. Hill of Sierra, offered to amend by excluding "blacksmith shops in the mining districts of this state."

Upon its adoption, Messrs. Smith of Nevada, Clarke, and De Long, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs. Ballou, Buel, Caldwell, Clarke, De Long, Groom, Hill of Nevada, Hill of Sierra, Hitchens, Kabler, King, Loofbourrow, Mitchell, Moses, O'Brien, Safford, Street, Tatman, Warfield, Young, and Mr. Speaker—21.

NOES—Messrs. Aud, Banks, Briggs, Crane, Curtis, Davis, Edwards, Ely, Gordon, Haldeman, Hamlin, Harris, Havens, Heath, Hobart, Holman, Lee, Minis, Neblett, Ormsby, Osgood, Palmer, Pearis, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Thomas, Tuttle, Ward, Warmcastle, and Willson—38.

Mr. Havens offered the following proviso to section second:

Provided, That nothing in this section contained shall be so construed as to prevent the retailing of wines or spirituous liquors, in restaurants or otherwise.

Adopted.

Mr. Young offered the following amendment, to insert between the section and Mr. Havens' amendment, as follows:

"Or persons engaged in mining, or any person carrying on any business necessary for the carrying on of mining operations."

Mr. Stratton moved the previous question, upon which Messrs. De Long, Ballou, and Crane, demanded the ayes and noes, and the same was sustained, by the following vote:

AYES—Messrs. Aud, Briggs, Buel, Clarke, Curtis, Davis, Ely, Groom, Haldeman, Heath, Hill of Sierra, Kabler, King, Lee, Minis, Ormsby, Osgood, Palmer, Pearis, Shepard, Sheridan, Smith of Nevada Smith of San Bernardino, Spilman, Stout, Stratton, Tatman, Thomas, Ward, Warfield, and Willson—31.

NOES—Messrs. Ballou, Banks, Caldwell, Crane, De Long, Edwards, Gordon, Gray, Hamlin, Hancock, Harris, Havens, Hill of Nevada, Hitchens, Hobart, Holman, Loofbourrow, Mitchell, Neblett, O'Brien, Sherwin, Simons, Street, Tuttle, Warmcastle, Young, and Mr. Speaker—27.

On the adoption of Mr. Young's amendment, Messrs. Clarke, Ely, and Crane, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs. Ballou, Buel, Caldwell, Clarke, De Long, Edwards, Gray, Groom, Hill of Sierra, Hitchens, Kabler, King, Loofbourrow, Mitchell, O'Brien, Street, Warfield, Young, and Mr. Speaker—19.

NOES—Messrs. Aud, Banks, Briggs, Crane, Curtis, Davis, Ely, Gordon, Haldeman, Hamlin, Harris, Havens, Hill of Nevada, Hobart, Holman, Lee, Minis, Neblett, Ormsby, Osgood, Palmer, Pearis, Shepard, Sheridan, Sher-

win, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Tatman, Thomas, Tuttle, Ward, Warmcastle, and Willson—37.

Mr. Ballou offered further to amend, and was ruled out of order by the speaker, from which ruling he took an appeal, and the decision was sustained by the House.

Mr. Warfield moved to adjourn.

Lost.

The bill was then read a third time.

On its passage, Messrs. Hamlin, Sherwin, and Tatman, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Aud, Banks, Briggs, Buel, Crane, Clarke, Davis, Edwards, Ely, Gordon, Haldeman, Hamlin, Harris, Havens, Heath, Hitchens, Hobart, Holman, Kabler, Lee, Loofbourrow, McCoy, Minis, Neblett, Ormsby, Osgood, Palmer, Pearis, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Tatman, Thomas, Tipton, Tuttle, Ward, Warmcastle, and Willson—45.

NOES—Messrs. Ballou, Caldwell, Clarke, De Long, Gray, Groom, Hill of Nevada, Hill of Sierra, Howell, King, Mitchell, O'Brien, Stratton, Street, Warfield, Young, and Mr. Speaker—17.

Messrs. Ballou, Young, and Sherwin, gave notice of reconsideration of the vote just taken.

Mr. O'Brien offered the following resolution:

Resolved, That the gentleman from Calaveras, Mr. Parker, be and he is hereby requested to reconsider his intention of resigning his seat in this body, and he is hereby invited to again take his seat among us.

Mr. Stratton moved to lay the resolution on the table, on which, Messrs. O'Brien, De Long, and Mitchell, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ballou, Buel, Caldwell, Clarke, Curtis, Davis, Gordon, Havens, Hill of Nevada, Kabler, Minis, Palmer, Pearis, Sheridan, Simons, Smith of Nevada, Stout, Stratton, Street, Tuttle, Warfield, Warmcastle, and Young—23.

NOES—Messrs. Aud, Banks, Briggs, Crane, De Long, Edwards, Ely, Gray, Hancock, Harris, Hill of Sierra, Hitchens, King, Loofbourrow, Mitchell, Neblett, O'Brien, Ormsby, Sherwin, Smith of San Bernardino, Spilman, Stocker, Tatman, Ward, and Mr. Speaker—25.

Mr. Tuttle moved to indefinitely postpone the resolution.

Agreed to.

On motion of Mr. Warfield, at a quarter of six o'clock, P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, March 23, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All present, except Messrs. Burbank, Galbraith, Markley, and Parker, and those absent on leave.

Messrs. Burbank and Galbraith had leave of absence, for one day each, and Mr. Markley for two days.

Journal of yesterday read and approved.

Messrs. Ballou, Howell, and Young, were allowed to record their votes in the negative, and Messrs. Stakes, McCoy, and Tipton, in the affirmative, upon the passage, on yesterday, of Senate bill No. 60, an act to provide for the better observance of the Sabbath.

REPORTS.

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

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 331, entitled an act to abolish the office of county assessor, and provide for the election of district assessors in the counties of this state, respectfully represent that this is the third bill of the same import that they have considered the present session, and regarding its provisions, as they did those of its predecessors, as impracticable, and under the present organization of a majority of the counties in this state utterly impossible of reduction to beneficial operation, they therefore deem it inexpedient to make any such change in the office of county assessor, as contemplated in this bill, and therefore recommend its indefinite postponement.

All of which is respectfully submitted.

H. LEE,
Chairman Committee Ways and Means.

Mr. Warmcastle, chairman of the Committee on Internal Improvements, made the following report:

MR. SPEAKER:—Your Committee on Internal Improvements have had under consideration Assembly bill No. 196, an act to grant the right to open the channel of Cache Creek, from Clear Lake to the mouth of the cañon in Sacramento Valley, and report the same back, and recommend its passage.

WARMCASTLE, Chairman.

Mr. De Long offered joint resolution in relation to the release of J. M. Ainsa, an American citizen, held captive in Sonora, Mexico.

Read first and second times, and referred to the Committee on Federal relations.

Mr. Street, on leave, offered the following concurrent resolution, which was referred to the Committee on Federal Relations:

Whereas, No portion of the boundary line between the state of California and the territory of Utah, has ever been definitely ascertained by actual survey, under the authority of the government of the United States, and in consequence thereof conflicting claims exist between said state and territory, as to jurisdiction over lands and their inhabitants, situated near said boundary line;

Therefore, be it Resolved, By the Assembly, the Senate concurring, that our Senators be instructed and our Representatives in Congress be

requested, to procure, at an early day, the passage of a bill authorizing a survey of the boundary line between the state of California and the territory of Utah, to be designated by appropriate monuments. The said survey to conform to the boundary line now established by law of Congress between said state and territory.

Mr. Havens made the following report:

MR. SPEAKER:—The Joint Committee on the Judiciary and State Prison, to whom was committed Assembly bill No. 103, together with a certain resolution, memorial, and message of the Governor relative to the state prison, have instructed me to report the same back to the House, with a bill for the government and support of the state prison, and recommend its passage.

H. W. HAVENS, for Joint Committee.

MARCH 23, 1858.

The bill above reported, was read first and second times, made the special order for Wednesday, March 31, at twelve o'clock, M., and nine hundred and sixty copies ordered printed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Buel, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856.

Read first and second times, and made the special order for March 31, at twelve o'clock, M.

Also, an act to amend the one hundred and twelfth section of an act entitled an act to provide revenue for the support of the government of this state, passed May 15th, 1854.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Briggs, an act for the better protection of laborers, mechanics, and other workmen.

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

By Mr. Ferguson, an act for the relief of Sacramento county for the expenses incurred in the trial of Henry Bates, late State Treasurer of the state of California.

Read first time and laid on the table.

By Mr. Clarke, an act to fix the compensation of the district attorney of the county of Sierra.

Read first and second times, and ordered on file;

Also, an act to repeal, in part, an act entitled an act to fund the debt of Sierra county, and to provide for the payment of the same, approved March 29, 1856;

By Mr. Walker, an act to extend the time for making the assessment and the collection of taxes in the county of Siskiyou;

The last two bills were read third time, and passed.

By Mr. Haldeman, an act to create the county of Yo Semite, to define its boundaries, and to provide for its organization.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Ward, an act to amend an act entitled an act amendatory of

and supplementary to an act entitled an act to provide for the protection of foreigners, and to define their liabilities and privileges, approved March 30, 1853, approved April 7, 1857.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Hirst, an act reducing the amount of bonds to be given by the county officers in and for the counties of Klamath and Del Norte.

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

By Mr. Shepard, an act to authorize the board of supervisors of the city and county of San Francisco to sell certain real estate.

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

By Mr. Buel, an act to regulate the manner of summoning grand and trial jurors for the court of sessions and county court of the county of El Dorado.

Read first and second times, and referred to El Dorado delegation.

Mr. Holman, from San Joaquin delegation, reported back Assembly bill No. 352, an act concerning the office of county judge of San Joaquin county, recommending its passage.

NOTICES OF BILLS.

Notices of bills to be introduced were given as follows:

By Mr. Stakes, for an act to amend the act entitled an act to regulate proceedings in criminal cases;

By Mr. Spilman, for an act to grant the right to construct a bridge across Feather River;

By Mr. Tuttle, for an act to divide the city and county of San Francisco into townships, and to provide for the election of justices of the peace and constables;

By Mr. Harris, for an act defining the east boundary line of Sutter county, and for other county purposes.

Mr. Gray, on leave, introduced the following resolution, which was adopted:

Resolved, That the San Francisco delegation, to whom was referred an act concerning the offices of county clerk, sheriff, and county recorder, of the city and county of San Francisco, are hereby instructed and directed to report the same bill back to this House, on or before Thursday morning next.

The following message was received from the Senate:

SENATE CHAMBER,
March 23, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 210, an act to authorize the congregation of St. Patrick's (Catholic) Church, in the city of Stockton, to remove the remains of deceased persons;

Also, Senate bill No. 218, an act to audit certain claims;

Also, Assembly bill No. 97, an act to change the manner of paying officers of elections in the county of Stanislaus;

Also, Assembly bill No. 129, an act to fix the compensation of certain officers in the counties of San Joaquin and Alameda, with an amendment, and ask the concurrence of the Assembly;

Also, Assembly bill No. 216, an act to authorize the board of supervisors of the county of Tehama to levy a special tax for building purposes,

and to provide for the payment of the indebtedness of the county, contracted prior to March 1, 1858;

Also, Assembly bill No. 105, an act to authorize Mary Latimer to sell and convey real estate;

Also, Assembly bill No. 214, an act for the relief of purchasers at sales of real estate by public officers;

Also, Assembly bill No. 231, an act to amend section twelve of an act to provide for the incorporation of towns, approved April 19, 1856;

Also, Assembly bill No. 273, an act fixing the time of holding courts in the counties of Plumas and Shasta, and to change the manner of summoning juries for the county courts of said counties;

Also, Assembly bill No. 224, an act to provide for funding the debt of San Joaquin county that may be outstanding on the first day of July, A. D. 1858, and not heretofore funded.

JAS. T. EWING, Ass't Sec'y Senate.

Senate amendments to Assembly bill No. 129, above reported, were concurred in.

Senate bills Nos. 210 and 218, above reported, were read first and second times, and ordered on file.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 330, an act to amend an act entitled an act to prohibit gaming, approved April 27, A. D. 1857, substitute for sundry bills on the same subject, was taken up.

After the reading of the bills by the clerk, and some time spent in debate, Mr. Lee moved the previous question.

Sustained.

The substitute was lost, by the following vote, Messrs. Stratton, Ely, and Aud, demanding the ayes and noes:

AYES—Messrs. Banks, Caldwell, Curtis, Davis, Edwards, Haldeman, Havens, Hill of Nevada, Hobart, Holladay, Holman, Howell, Kabler, McCoy, Minis, O'Brien, Palmer, Safford, Shepard, Sherwin, Simons, Smith of Nevada, Spilman, Stout, Stratton, Tipton, and Warmcastle—27.

NOES—Messrs. Aud, Ballou, Buel, Cherry, Clarke, De Long, Ely, Ferguson, Gordon, Gray, Groom, Hancock, Harris, Heath, Hill of Sierra, Hitchens, Hirst, King, Lee, Lewis, Loofbourrow, Mitchell, Neblett, Ormsby, Osgood, Pico, Sheridan, Smith of San Bernardino, Stocker, Street, Tatman, Tuttle, Walker, Ward, Warfield, Willson, Young, and Mr. Speaker—38.

The speaker having ruled that the previous question only extended to the adoption of the substitute, Mr. Willson appealed, and the decision of the chair was sustained.

Senate bill No. 98, an act to suppress gaming, was read third time, and, on its passage, the previous question having been sustained, Messrs. Stratton, Hobart, and Ely, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Aud, Ballou, Buel, Clarke, Crane, Curtis, De Long, Ely, Ferguson, Gordon, Gray, Groom, Hancock, Heath, Hitchens, Howell, Hirst, King, Lee, Lewis, Loofbourrow, Mitchell, Neblett, Ormsby, Osgood, Pico, Shepard, Sheridan, Smith of San Bernardino, Stocker, Stout,

Tatman, Tuttle, Walker, Ward, Warfield, Willson, Young, and Mr. Speaker—39.

NOES—Messrs. Banks, Caldwell, Cherry, Davis, Havens, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Kabler, Minis, O'Brien, Palmer, Safford, Sherwin, Simons, Smith of Nevada, Spilman, Stratton, Street, Thomas, and Warmcastle—23.

Mr. Stratton moved to amend the title by striking out the word "suppress," and inserting the word "encourage."

Upon which, Messrs. Crane, Lewis, and Aud, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Caldwell, Ely, Hobart, Holladay, Kabler, Minis, Palmer, Sherwin, Smith of Nevada, Spilman, Stratton, Street, and Thomas—14.

NOES—Messrs. Aud, Ballou, Buel, Clarke, Crane, Curtis, Davis, De Long, Ferguson, Gordon, Gray, Graham, Groom, Havens, Heath, Hill of Sierra, Hitchens, Holman, Howell, Hirst, King, Lee, Lewis, Loofbourrow, McCoy, Mitchell, Neblett, O'Brien, Ormsby Pico, Safford, Shepard, Sheridan, Simons, Smith of San Bernardino, Stout, Tatman, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—46.

Messrs. De Long and Ely gave notice of a motion to reconsider the vote by which the bill passed, and Mr. Ely, of the vote approving the title.

On motion of Mr. Safford, Assembly bills Nos. 79, 200, 197, 186, 246, and 330, were laid on the table.

Pursuant to notice of Mr. Safford, the fifty-seventh standing rule of the House was amended by striking out of the first line the words, "on a motion or;" and, on motion of Mr. Havens, was further amended, by adding after the word "resolution," in the second line, the words, "or motion affecting the final determination of the same."

Senate bill No. 192, an act to audit the claims of the Pacific Express Company, was laid on the table.

Assembly bill No. 282, an act to exempt from execution printing presses, printing materials, etc., substitute for No. 222, was amended, and the House refused to adopt the substitute, Messrs. Harris, Thomas, and Crane, demanding the ayes and noes, by the following vote:

AYES—Messrs. Banks, Cherry, De Long, Gray, Groom, Haldeman, Hamlin, Heath, Hill of Sierra, Hitchens, Holman, King, Loofbourrow, McCoy, Mitchell, Moore, Neblett, O'Brien, Ormsby, Palmer, Safford, Sheridan, Street, Willson, and Mr Speaker—25.

NOES—Messrs. Aud, Ballou, Buel, Caldwell, Clarke, Crane, Davis, Edwards, Ely, Gordon, Hancock, Havens, Hill of Nevada, Hobart, Howell, Kabler, Lee, Minis, Osgood, Sherwin, Smith of Nevada, Spilman, Stout, Stratton, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, and Young—32.

Mr. Lee gave notice of a motion to reconsider the vote just taken.

On motion of Mr. Smith of Nevada, at half past four o'clock, P. M., the House adjourned to ten o'clock, to-morrow.

IN ASSEMBLY.

WEDNESDAY, March 24, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All were present, except those absent on leave.

Pursuant to notice, Mr. Ely moved to reconsider the vote by which the House, on yesterday, passed Senate bill No. 98, an act to suppress gaming.

Mr. Young moved a call of the House.

Lost.

Mr. De Long moved the previous question.

Not sustained.

After some debate, the previous question having again been moved and sustained, the motion to reconsider prevailed—Messrs. Ely, Sherwin, and Hill of Sierra, demanding the ayes and noes, by the following vote:

AYES—Messrs. Aud, Banks, Burbank, Caldwell, Cherry, Crane, Curtis, Davis, Edwards, Ely, Galbraith, Groom, Hamlin, Harris, Havens, Hill of Nevada, Hill of Sierra, Hobart, Holman, Howell, Kabler, McCoy, Minis, O'Brien, Ormsby, Palmer, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stout, Stratton, Thomas, Warmcastle, Young, and Mr. Speaker—38.

NOES—Messrs. Ballou, Buel, Clarke, DeLong, Gordon, Gray, Hancock, Hirst, King, Lee, Lewis, Loofbourrow, Mitchell, Osgood, Pico, Smith of San Bernardino, Stocker, Tipton, Tuttle, Walker, Ward, Warfield, and Willson—24.

Mr. Havens moved the indefinite postponement of the bill, pending which, the previous question having been sustained, Mr. Lewis moved to adjourn, and the House refused—Messrs. Stocker, Lee, and Lewis, demanding the ayes and noes, as follows:

AYES—Messrs. Hancock, Harris, King, Lee, Lewis, Pico, Smith of San Bernardino, and Warfield—8.

NOES—Messrs. Aud, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Clarke, Curtis, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Groom, Haldeman, Hamlin, Havens, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Howell, Kabler, Loufbourrow, Marshall, McCoy, Minis, Mitchell, O'Brien, Ormsby, Osgood, Palmer, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stocker, Stout, Stratton, Thomas, Tipton, Tuttle, Walker, Ward, Warmcastle, Willson, Young, and Mr. Speaker—54.

Mr. Lee moved a call of the House, which the speaker ruled out of order pending the previous question, whereupon Mr. Lee appealed, and the decision of the chair was sustained, by the following vote, Messrs. Lewis, Lee, and Stocker, demanding the ayes and noes:

AYES—Messrs. Aud, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Curtis, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Haldeman, Hamlin, Hancock, Harris, Havens, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Howell, Kabler, King, Lee, Lewis, Loofbourrow, Marshall, McCoy, Minis, Mitchell, Moore, O'Brien, Ormsby, Osgood,

Palmer, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, and Young—59.

NOES—None.

On the indefinite postponement, Messrs. Stratton, Hill of Sierra, and Lewis, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

AYES—Messrs. Banks, Burbank, Caldwell, Cherry, Curtis, Davis, De Long, Edwards, Ely, Galbraith, Haldeman, Hamlin, Havens, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Howell, Kabler, Marshall, McCoy, Minis, Moore, O'Brien, Palmer, Pico, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stout, Stratton, Street, Thomas, Tipton, Warmcastle, and Young—41.

NOES—Messrs. Aud, Ballou, Briggs, Buel, Clarke, Gordon, Gray, Hancock, Harris, Hitchens, Hirst, King, Lee, Lewis, Loofbourrow, Mitchell, Moses, Neblett, Ormsby, Osgood, Smith of San Bernardino, Stocker, Tuttle, Walker, Ward, Warfield, and Willson—27.

Mr. De Long gave notice of a motion to reconsider.

REPORTS.

Mr. Safford, of the Committee on Claims, made the following report:

MR. SPEAKER:—The Committee on Claims have had under consideration Assembly bill No. 201, an act to provide for the pay of troops called out by the Governor of this state to quell insurrection in the year 1856, and have directed me to report the same back to the House, together with accompanying papers, and recommend they be referred to a special committee..

Your committee have been induced to pursue this course, for the reason that they believe it more properly belongs to some other committee to examine. Besides, they already have more business before them than they can act upon during the remainder of the session.

A. P. K. SAFFORD, Chairmain *pro tem.*

The bill, with accompanying papers, was referred to a select committee, composed of Messrs De Long, Sherwin, Briggs, Gray, and Pico.

Mr. Howell, from the Committee on Agriculture, verbally reported, without recommendation, Assembly bill No. 318, an act amendatory of and supplementary to the estray law of this state.

Mr. Stratton, from the Committee on Public Morals, verbally reported, without recommendation, Assembly bill No. 359, an act to prohibit the collection of accounts for liquors sold at retail.

Messrs. Sheridan and Stout, from the Sacramento delegation, reported Assembly bill No. 340, an act amendatory of an act entitled an act to incorporate the city of Sacramento, passed March 26, 1851, with a substitute, which was ordered printed.

FURTHER REPORTS.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following Assembly bills, viz.:

No. 279, an act concerning goods, wares, and merchandise, contained in packages, and usually sold by weight;

No. 254, an act to authorize the board of supervisors of the several counties of this state to grant the right to construct wharves on the overflowed and submerged lands of this state;

No. 263, an act to authorize the guardian of Dionisia Rodriguez, Isabella Rodriguez, and Dolores Rodrigues to sell certain of their real estate;

And No. 268, an act relative to the board of supervisors of San Diego county;

Also, bill No. 243, an act amendatory of and supplementary to an act entitled an act to regulate elections, passed March 20, 1850.

H. A. MOSES, Chairman.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 191, an act to authorize Geo. H. Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco;

Also, Assembly bill No. 320, an act to settle and fix the time allowed by law to the tax collector of the city and county of San Francisco for the collection of taxes.

GEO. A. YOUNG, Chairman.

Mr. Lee moved to reconsider the vote by which the House refused, on yesterday, to adopt substitute to Assembly bill No. 282, an act to exempt from execution printing presses, printing materials, etc.

Mr. Curtis moved to indefinitely postpone the motion, and demanded the previous question, which was sustained, and the motion was agreed to, by the following vote, Messrs. Curtis, Kabler, and Hill of Sierra, demanding the ayes and noes:

AYES—Messrs. Aud, Ballou, Buel, Burbank, Caldwell, Cherry, Clarke, Crane, Curtis, Davis, Edwards, Ely, Gordon, Havens, Hobart, Holladay, Holman, Howell, Hirst, Kabler, McCoy, Minis, Osgood, Shepard, Sherwin, Simons, Smith of Nevada, Spilman, Stout, Stratton, Thomas, Tuttle, Walker, Ward, Warfield, and Warmcastle—36.

NOES—Messrs. Briggs, De Long, Galbraith, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, Heath, Hill of Sierra, Hitchens, King, Lee, Lewis, Loofbourrow, Marshall, Moses, Neblett, O'Brien, Ormsby, Parker, Pico, Safford, Sheridan, Smith of San Bernardino, Stocker, Street, Tipton, Willson, Young, and Mr. Speaker—32.

SPECIAL ORDER.

The House refused to pass Assembly bill No. 136, an act to extend the time for the collection of taxes in San Bernardino county, notwithstanding the objections of the Governor, by the following vote:

AYES—None.

NOES—Messrs. Aud, Ballou, Briggs, Buel, Caldwell, Cherry, Clarke, Davis, De Long, Edwards, Ely, Gordon, Groom, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, Kabler, King, Lee, Lootbourrow, Markley, McCoy, Neblett, O'Brien, Ormsby, Osgood, Parker, Pico, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Tipton, Walker, Ward, Warfield, Willson, and Mr. Speaker—54.

SPECIAL ORDER.

Assembly bill No. 40, an act to legalize the acknowledgments of certain conveyances, and other instruments in writing, was postponed until tomorrow, at twelve o'clock, M.

FURTHER SPECIAL ORDER.

Assembly concurrent resolutions relative to mining canals, or water-ditches for mining purposes, was then taken up.

Mr. Hill of Nevada offered the following substitute:

Whereas, The true interests of a free and enlightened people are best promoted by legislating for the greatest good to the greatest number, respecting fully the rights of all;

And whereas, All discriminative or class legislation for the benefit of capital is anti-democratic, antagonistic to the true spirit of our government, and peculiarly calculated to engender internal dissensions; therefore,

Resolved, That our senators in Congress be instructed, and our representatives requested, to oppose all special legislation, having for its object discrimination in favor of one franchise above another.

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

Whereupon, Messrs. Hill of Nevada, Hill of Sierra, and Sherwin, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ballou, De Long, Galbraith, Gray, Hill of Nevada, Kabler, Lee, O'Brien, Safford, Stout, and Tuttle—11.

NOES—Messrs. Aud, Banks, Briggs, Buel, Caldwell, Clarke, Crane, Davis, Ely, Gordon, Groom, Hamlin, Hancock, Harris, Havens, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Loofbourrow, McCoy, Minis, Neblett, Ormsby, Osgood, Palmer, Parker, Pico, Shepard, Sheridan, Sherwin, Simons, Spilman, Stocker, Street, Thomas, Tipton, Walker, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—44.

The House then considered the resolution in Committee of the Whole, Mr. Warmcastle in the chair, rose, reported, and were discharged.

Mr. De Long was excused from serving on the select committee, to which was referred Assembly bill No. 201, and Mr. Haldeman was appointed in his place.

The following message was received from the Senate:

SENATE CHAMBER,
March 24, 1858.

MR. SPEAKER:—The Senate have, this day, passed the following resolution:

Resolved, That the Assembly be requested to return to the Senate, an

act regulating certain fees in office in the counties of Alameda and San Joaquin, for the purpose of amendment.

J. T. EWING, Assis't Sec'y Senate.

The clerk was instructed to return to the Senate the bill, in response to the above message; having reconsidered the vote concurring in the Senate amendments.

On motion of Mr. Minis, at half-past four o'clock, the House adjourned.

IN ASSEMBLY.

THURSDAY, March 25, 1858.

House met pursuant to adjournment.

The speaker in the chair.

The roll was called.

All were present, except those absent on leave.

Journals of yesterday read and approved.

Mr. Hobart presented the memorial from the mayor and common council of the city of Oakland, for establishing the seat of government at Oakland.

Referred to a select committee of seven, viz.: Messrs. Burbank, Hobart, McCoy, Davis, Heath, Hirst, and Spilman.

PETITIONS.

Petitions were presented as follows:

By Mr. Holman, of citizens of San Joaquin, in relation to hogs running at large.

Referred to Committee on Agriculture.

By Mr. Sheridan, of citizens of Sacramento county, in relation to stallions running at large.

Referred to Committee on Agriculture.

Mr. De Long moved to reconsider the vote by which the House, on yesterday, indefinitely postponed Senate bill No. 98, an act to suppress gaming.

The speaker ruled the motion in order, whereupon Mr. Havens appealed, and the decision of the chair was sustained.

Mr. Ballou moved the previous question.

Sustained.

Pending which—

Mr. Ely moved a call of the House.

Lost.

On the motion to reconsider, Messrs. Ely, De Long, and Hitchens, demanded the ayes and noes, and the vote was reconsidered, by the following vote:

AYES—Messrs. Ballou, Clarke, De Long, Ferguson, Gordon, Gray, Groom, Hamlin, Hancock, Harris, Heath, Hitchens, Hirst, King, Lee, Lewis, Loofbourrow, Marshall, Mitchell, Moses, Ormsby, Parker, Pico, Smith of San Bernardino, Stakes, Stocker, Tatman, Tipton, Tuttle, Walker, Ward, and Willson—32.

NOES—Messrs. Anderson, Banks, Burbank, Curtis, Davis, Edwards, Ely, Haldeman, Havens, Hill of Sierra, Holladay, Holman, Howell, Kab-

ler, McCoy, Minis, O'Brien, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada. Spilman, Stout, Stratton, Street, Thomas, Warmcastle, Young, and Mr. Speaker—31.

Mr. De Long moved to recommit the bill to special committee of five, which, on motion, the chair ruled it out of order.

Mr. Davis moved to lay the bill on the table.

Messrs. De Long, Lewis, and Mitchell, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Anderson, Banks, Burbank, Crane, Curtis, Davis, Edwards, Ely, Haldeman, Havens, Hill of Sierra, Holladay, Holman, Howell, Kabler, McCoy, Minis, O'Brien, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stout, Stratton, Street, Thomas, Warmcastle, and Mr. Speaker—31.

NOES—Messrs Ballou, Clarke, De Long, Ferguson, Gordon, Gray, Groom, Hamlin, Hancock, Harris, Heath, Hitchens, Hirst, King, Lee, Lewis, Loofbourrow, Marshall, Mitchell, Moses, Ormsby, Parker, Pico, Smith of San Bernardino, Stakes, Stocker, Tatman, Tipton, Tuttle, Walker, Ward, Warfield, Willson, and Young—34.

Mr. Sherwin moved a call of the House.

Lost.

On the question of indefinitely postponing the bill, Messrs. Ely, De Long, and Mitchell, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Anderson, Banks, Burbank, Crane, Curtis, Davis, Edwards, Ely, Haldeman, Havens, Hill of Sierra, Holman, Howell, Kabler, McCoy, Minis, Moore, O'Brien, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Spilman, Stout, Stratton, Street, Thomas, and Warmcastle—29.

NOES—Messrs Ballou, Clarke, De Long, Ferguson, Gordon, Gray, Groom, Hamlin, Hancock, Harris, Heath, Hill of Nevada. Hitchens, Hirst, King, Lee, Lewis, Loofbourrow, Marshall, Mitchell, Moses, Ormsby, Osgood, Parker, Pico, Simons, Smith of San Bernardino, Stakes, Stocker, Tatman, Tipton, Tuttle, Walker, Ward, Warfield, Willson, Young, and Mr. Speaker—38.

On motion of Mr. Lewis, the bill was recommitted to a select committee of five, with instructions to report an amendment making the owner of any gambling establishment liable for any fine imposed for offences committed within such establishment, and the speaker appointed Messrs. Lewis, Loofbourrow, Tuttle, Smith of San Bernardino, and Gray.

Assembly bill No. 138, an act to amend an act entitled an act concerning corporations, passed April 22d, 1850, was made the special order for Friday next, at twelve o'clock, M.

Assembly bill No. 40, an act to legalize the acknowledgment of certain conveyances, and other instruments in writing, was made the special order for Monday, March 29, at twelve o'clock, M.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 25, 1858.

To the Assembly of California:

I have, this day, approved an act to legalize certain conveyances made by the commissioners of the sinking fund of the city of San Francisco.

JOHN B. WELLER.

Senate bill No. 11, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning, and Senate bill No. 139, an act creating a state land office for the state of California, were made the special order for Tuesday, March thirtieth, at one o'clock, P. M.

Assembly bill No. 106, an act for the better protection of settlers on public lands in this state, and to secure the right of parties in certain cases, was amended.

Mr. Young offered a proviso, excepting the county of Sacramento from the provisions of the bill.

The previous question having been sustained, the House refused to adopt the proviso, and ordered the bill engrossed.

Mr. Stocker was appointed in place of Mr. Gray, upon the select committee on the bill providing for the payment of troops called out during the insurrection in San Francisco in 1856.

The following messages were received from the Senate:

SENATE CHAMBER,
March 23, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines.

JAS. T. EWING, Assistant Secretary Senate.

Senate bill No. 61, above reported, was read first and second times, and referred to Committee on Hospitals.

SENATE CHAMBER,
March 24, 1858.

MR SPEAKER:—The Senate, on yesterday, passed Senate bill No. 154, an act entitled an act to incorporate the town of Petaluma;

Also, Assembly bill No. 334, an act to fix the terms of the court of sessions of the county of Trinity;

Also, Assembly bill No. 354, an act to fix the terms of the probate court in the county of Contra Costa;

Also, Assembly bill No. 146, an act amendatory of an act concerning offices, passed April 28, 1851;

Also, Assembly bill No. 248, an act to give to the proceedings of courts of probate, the same effect as courts of general jurisdiction;

Also, amended and passed Assembly bill No. 294, an act concerning official bonds of the justices of the peace and constables of the counties of this state, and ask the concurrence of the Assembly;

Also, amended and passed Assembly bill No. 198, an act to separate the office of collector of taxes, from the offices of sheriff and assessor, in the county of Shasta, and ask the concurrence of the Assembly;

Also, adopted concurrent resolution relative to adjourning *sine die* on the twelfth of April, 1858, at twelve o'clock M.

J. T. EWING, Assistant Secretary.

Senate bill No. 154, above reported, was read first and second times.

Mr. Ormsby moved its reference to the Sonoma and Marin delegations.

Mr. Shepard moved its reference to the Committee on Counties and County Boundaries, and the ayes and noes having been called, it was lost, by the following vote:

AYES—Messrs. Ballou, Cherry, Hamlin, Hitchens, Palmer, Tatman, and Warfield—7.

NOES—Messrs. Aud, Banks, De Long, Ely, Galbraith, Gordon, Gray, Haldeman, Havens, Hill of Nevada, Holladay, Holman, Howell, King, Lewis, Loofbourrow, Marshall, Minis, Moses, Ormsby, Parker, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of San Bernardino, Spilman, Stocker, Stout, Street, Tipton, Ward, and Warmcastle—34.

The motion of Mr. Ormsby was then agreed to.

Assembly bill No. 294, above reported, Senate amendments were concurred in.

Assembly bill No. 198 above reported, Senate amendments were concurred in.

Senate concurrent resolution, fixing the adjournment *sine die* for April 12, at twelve o'clock M.—

Mr. Willson moved to make it the special order for three o'clock P. M., this day.

Mr. Warmcastle for Wednesday, next, at one o'clock P. M.

Mr. Street moved to lay the resolution on the table, and the House refused, Messrs. Safford, Lewis, and Street, demanding the ayes and noes, by the following vote:

AYES—Messrs. Aud, Davis, De Long, Ely, Galbraith, Groom, Haldeman, Havens, Holman, Howell, Loofbourrow, Marshall, Minis, Moses, O'Brien, Parker, Smith of San Bernardino, Stakes, Stout, Street, Tatman, Thomas, Tipton, Tuttle, Warfield, and Mr. Speaker—26.

NOES—Messrs. Burbank, Clarke, Edwards, Gordon, Gray, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Kabler, King, Lewis, Ormsby, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stocker, Stratton, Walker, Ward, Warmcastle, and Willson—28.

The motion of Mr. Willson was lost, and that of Mr. Warmcastle agreed to.

The following message was received from the Senate:

SENATE CHAMBER,
March 25, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed, with amendments, Assembly bill No. 229, an act amendatory of an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857, and ask the concurrence of the Assembly,

Also, have, this day, passed Senate bill No. 159, an act to improve the navigation of Petaluma Creek.

J. T. EWING, Assistant Secretary Senate.

Assembly bill No. 229, above reported—Senate amendments concurred in.

Senate bill No. 159, above reported, was read first and second times, and referred to Sonoma delegation.

REPORTS.

Mr. Stakes, chairman of the Judiciary Committee, made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 194, an act the better to enable the collection of judgments in favor of the state;

Also, Assembly bill No. 360, an act to amend an act concerning crimes and punishments, passed April 16, 1850;

Have had the same under advisement, report the two bills back, and recommend their passage.

Your committee have also had under consideration Assembly bill No. 307, an act to amend an act entitled an act to regulate proceedings in civil cases;

Also, Assembly bill No. 350, an act to exempt the wages of laborers and other employees, in certain cases, from execution or other legal process;

Also, Assembly bill No. 355, 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;

And report the three bills back, and recommend that the same be indefinitely postponed.

A. G. STAKES, Chairman.

Mr. Safford, chairman of the Committee on Claims, made the following report:

MR. SPEAKER:—Your Committee on Claims, to whom were referred the claims of Rasey Biven, for the accounts of Alta California and Evening Journal, for advertising, in 1855, and the claim of Wines & Co, for expressing and government envelopes in 1856, and the claim of C. H. Bradford for court fees in 1855, and the petition of John Smith for services as a volunteer in the Yuma war in 1850, have directed me to report the same back, and recommend they be rejected.

Also, the claim of Jonathan Nichols for rent of state library rooms in the year 1856, have directed me to report same back, with accompanying bill, and recommend its passage; and the claim of T. Penney, for crockery furnished Supreme Court in 1857, have directed me to report same back, and recommend it to be filed in Comptroller's office.

A. P. K. SAFFORD, Chairman *pro tem.*

The bill above reported, an act to audit the claim of Jonathan Nichols, was read first and second times, and ordered on file.

Mr. Ely, chairman of the Committee on Federal Relations, made the following report:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Senate concurrent resolution No. 31, asking of Congress an appropriation to build a breakwater at Crescent City, have instructed me to re-

port the same back, without amendments, and recommend their passage.

BEN. E. S. ELY, Chairman.

Mr. Palmer, of the San Francisco delegation, made the following report:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 316, report the same back, and recommend that it be indefinitely postponed;

Also, Assembly bill No. 238, an act granting certain powers to the board of education of the city and county of San Francisco, with amendments, and recommend its passage, as amended;

Also, Assembly bill No. 174, an act to authorize the treasurer of the city and county of San Francisco to pay certain demands on the school fund, with amendments, and recommend its passage, as amended.

PALMER, for the Delegation.

Mr. Holman, of the San Joaquin delegation, made the following report:

MR. SPEAKER:—The San Joaquin delegation, to whom was referred Assembly bill No. 233, an act to authorize the board of supervisors of San Joaquin county to levy a special tax, for school purposes, have had the same under consideration, and recommend its passage.

HOLMAN, for the Delegation.

MARCH 25, 1858.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 353, for an act to create a sinking fund, to pay the outstanding indebtedness of Contra Costa county;

Also, Assembly bill No. 373, for an act to repeal, in part, an act entitled an act to fund the debt of Sierra county, and to provide for the payment of the same, approved March 29, 1856;

Also, Assembly bill No 369, for an act to extend the time for making the assessments and the collection of taxes in the county of Siskiyou.

H. A. MOSES, Chairman.

Mr. Young, chairman of the Committee on Enrollment made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 253, an act granting the privilege to J. C. Owens and R. B Cannon, of conducting water into and through Suisun City, in the county of Solano, and supplying the inhabitants therewith;

Also, Assembly bill No. 97, an act to change the manner of paying officers of elections in the county of Stanislaus;

Also, Assembly bill No. 105, an act to authorize Mary Latimer to sell and convey real estate;

Also, Assembly bill No. 146, an act amendatory of an act concerning officers, passed April 28, 1851;

Also, Assembly bill No. 214, an act for the relief of purchasers at sales of real estate by public officers;

Also, Assembly bill No. 216, an act to authorize the board of supervisors of the county of Tehama to levy a special tax for building purposes, and to provide for the payment of the indebtedness of the county, contracted prior to March 1, 1858;

Also, Assembly bill No. 224, an act to provide for the funding the debt of San Joaquin county that may be outstanding on the first day of July, A. D. 1858, and not heretofore funded;

Also, Assembly bill No. 231, an act to amend section twelve, of an act to provide for the incorporation of towns, approved April 19, 1856;

Also, Assembly bill No. 248, an act to give to the proceedings of courts of probate the same effect as courts of general jurisdiction;

Also, Assembly bill No 273, an act fixing the time of holding courts of sessions and county courts in the counties of Plumas and Shasta, and to change the manner of summoning juries for the county courts of said counties;

Also, Assembly bill No. 334, an act to fix the terms of the court of sessions of the county of Trinity;

Also, Assembly bill No. 354, an act to fix the terms of the probate court in the county of Contra Costa.

GEO. A. YOUNG, Chairman.

The following message was received from the Senate:

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 233, an act to grant the right of way to certain persons therein named for a railway track within the corporate limits of the city and county of San Francisco, and to run cars thereon;

Also, this day, have passed Senate bill No. 250, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854.

THOS. N. CAZNEAU, Sec. Senate.

MARCH 25, 1858.

Senate bill No. 233, above reported, was read first and second times, and referred to the San Francisco delegation.

Senate bill No. 250, above reported, was read first and second times, and referred to Committee on Commerce and Navigation.

THIRD READING OF BILLS.

The following bills were read third time, and passed:

Assembly bill No. 243, an act amendatory of and supplementary to an act to regulate elections, passed March 20, 1850;

Senate bill No. 70, an act to audit certain claims;

Senate bill No. 165, an act for the relief of James D. Potter;

Senate bill No. 209, an act to audit the claim of M. Scott, Jr., as an employee or subordinate officer of the state prison, and witness before a committee of the Legislature;

Also, Assembly bill No. 268, an act relative to the board of supervisors of San Diego county.

Assembly bill No. 206, an act for the taxation and protection of mining claims in this state, was indefinitely postponed.

Mr. Simons gave notice that he would move, on to-morrow, to so amend the sixty-fifth standing rule, as that no business shall be considered out of its regular order, if more than ten members object thereto.

Assembly bill No. 205, an act supplementary to and amendatory of an act entitled an act to provide revenue for the support of the government of this state, passed April 29, 1857, was made the special order for Monday next, at 12 o'clock, M.

Mr. Buel verbally reported Assembly bill No. 365, an act to regulate the manner of summoning grand and trial jurors for the courts of sessions and county court of the county of El Dorado, with substitute, which was adopted, considered engrossed, read third time, and passed.

Assembly bill No. 235, an act to amend an act entitled an act to regulate the settlement of the estates of deceased persons, passed May 1, 1851, was considered engrossed, read third time, and passed, and the clerk was ordered to take the bill forthwith to the Senate.

Assembly bill No. 138, an act to amend an act entitled an act concerning corporations, passed April 22, 1850, was made, on motion of Mr. Parker, special order for Friday, April 2, 1858.

Mr. Buel introduced a bill for an act for the better protection of the treasury, which was read and rejected.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Stakes, an act concerning trustees other than executors.

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

By Mr. Street, an act to regulate the issue of county warrants in the county of Shasta.

Read three times, and passed.

By Mr. Holman, an act to fix the compensation of the board of supervisors of San Joaquin county.

Read first and second times, and referred to the San Joaquin delegation.

By Mr. Holladay, an act for the protection of game.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Spilman, an act to grant the right to construct a bridge across the Feather River.

Read first and second times, and referred to Butte and Yuba delegations.

By Mr. McCoy, an act concerning artesian wells, in Santa Clara county.

Read three times, and passed.

By Mr. Stakes, an act concerning physicians and apothecaries.

Read first and second times, and referred to the Committee on Hospitals, and ordered printed.

By Mr. Burbank, an act amendatory of and supplementary to an act entitled an act to prescribe the mode of drawing grand jurors and trial jurors in the city and county of San Francisco, approved April 2, 1857.

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

Also, an act in regard to the prosecution of appeals by guardians in certain cases.

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

amended, considered engrossed, read third time, and passed, and the title amended.

By Mr. Shepard, an act to authorize the purchase of a lot for the use of the San Francisco Hospital;

And, an act to authorize the executors of the last will and testament of Imanuel C. Christian Russ, deceased, to sell real estate of the testator at private sale;

Which were read first and second times, and referred to the San Francisco delegation.

By Mr. Tuttle, an act to divide the city and county of San Francisco into townships, and to provide for the election of justices of the peace and constables.

Read first and second times, and referred to the Committee on Counties and County Boundaries, Messrs. Ballou, Burbank, and Sherwin, demanding the ayes and noes, by the following vote:

AYES—Messrs. Aud, Clarke, Crane, Davis, De Long, Ely, Galbraith, Gordon, Gray, Groom, Haldeman, Hamlin, Harris, Hill of Nevada, Hitchens, Holman, Howell, King, Lee, Lewis, Loofbourrow, Marshall, McCoy, Minis, Mitchell, Moses, O'Brien, Ormsby, Palmer, Parker, Sheridan, Smith of Nevada, Spilman, Stakes, Stocker, Stratton, Street, Tatman, Tuttle, Ward, Warfield, and Young—42.

NOES—Messrs. Ballou, Banks, Burbank, Cherry, Hobart, Holladay, Safford, Shepard, Sherwin, Stout, and Willson—11.

By Mr. Street, an act to authorize the board of supervisors of Shasta county to levy a special tax and create a redemption fund for the payment of county indebtedness.

Read three times, and passed.

Assembly bill No 119, proposed amendments to the constitution of the state of California, was taken up, and ordered on file.

Assembly bill No. 277, an act to amend an act entitled an act to create the county of Fresno, to define its boundaries, and to provide for its organization, was considered engrossed, read a third time, and passed.

On motion of Mr. Safford, at half-past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

FRIDAY, March 26, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called.

All present, except those absent on leave, and Mr. Kabler, who had leave of absence for one day.

Journal of yesterday was read and approved.

Messrs. Pearis and Smith of San Bernardino, were added to the Committee on Hospitals.

Mr. Ballou presented accounts of D. M. Hunt and James H. Hardy.

Referred to the Committee on Claims.

PETITIONS.

Mr. Tuttle presented petition of citizens of San Francisco against the re-districting of said city.

Referred to the Committee on Counties and County Boundaries.

Referred to Plumas delegation.

Mr. Sherwin presented petition from Plumas county, favoring a wagon road in said county.

Mr. Harris presented petitions from citizens of Placer and Sutter counties, relative to the county seat of Sutter county, and the boundary line between the two counties.

Referred to Committee on Counties and County Boundaries.

Mr. O'Brien had leave to withdraw the claim of John Smith.

REPORTS.

Mr. Holladay made the following report:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 291, an act to establish the industrial school department of the city and county of San Francisco, have had the same under consideration, and report the same back, with certain amendments thereto attached, and recommend its passage, with said amendments.

HOLLADAY, for the Committee.

MARCH 26, 1858.

Mr. Shepard, of the San Francisco delegation, reported, recommending Assembly bill No. 380, an act to authorize the executors of the last will and testament of Imanuel C. Christian Russ, deceased, to sell real estate of the testator at private sale;

And Assembly bill No. 381, an act to authorize the purchase of the San Francisco hospital.

Mr. Davis made the following report:

MR. SPEAKER:—The committee of conference on the disagreeing vote of Senate and Assembly on Assembly amendments to Senate bill No. 39, an act to provide for the relinquishment to the United States, in certain cases, of titles to lands for sites for light-houses, and for other purposes, on the coasts and waters of this state, have had the same under consideration, and beg leave to make the following recommendation:

First—That the Assembly recede from their amendment to section one, line seven, striking out "fifty," and inserting "twenty-five."

Second—That the Senate concur in all the other amendments of the Assembly.

All of which is respectfully submitted.

SAM. A. MERRITT,
Chairman of Senate Committee.
N. H. DAVIS,
Chairman of Assembly Committee.

The report was adopted.

Mr. Buel made the following report:

MR. SPEAKER:—The special committee appointed under resolution of this House in the Weed investigation, with power to send for persons and papers, would respectfully report, that the subject has received, at the hands of your committee, the impartial and careful consideration which one of so grave a character should ever elicit. Examinations have been made of most important witnesses, and all the light possible thrown upon

the subject. The result of the investigation instituted by your committee has been, that not a scintilla of evidence has appeared derogatory to the integrity of Dr. Ormsby, or any member of the special committee appointed to visit the city of San Francisco, under a resolution of this body, to examine into the matter of duties unpaid the state by delinquent auctioneers of said city.

Touching the future action of this body with reference to Mr. Weed, the reporter of the San Francisco Times, your committee respectfully forbear making any suggestion whatever.

D. E. BUEL,
R. M. BRIGGS,
WM. J. MARKLEY,
E. NEBLETT,
JOHN CALDWELL.

MARCH 26, 1858.

Mr. Sherwin moved to print the report and testimony taken by the committee.

After some discussion, Mr. Curtis moved the previous question, which was sustained, and the House refused to print, the ayes and noes having been demanded, by the following vote:

AYES—Messrs. Ballou, Banks, Buel, Burbank, Cherry, Ely, Ferguson, Gray, Groom, Harris, Heath, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Howell, Hirst, Loofbourrow, Marshall, Mitchell, Moore, Neblett, Palmer, Shepard, Sheridan, Sherwin, Stratton, Street, Tatman, Thomas, Walker, and Willson—32.

NOES—Messrs. Aud, Briggs, Caldwell, Clarke, Crane, Curtis, Davis, De Long, Edwards, Galbraith, Gordon, Haldeman, Hancock, Havens, Holman, King, Lee, Lewis, Markley, Minis, O'Brien, Ormsby, Osgood, Parker, Pearis, Pico, Simons, Smith of Nevada, Spilman, Stout, Tipton, Tuttle, Ward, Warfield, Young, and Mr. Speaker—36.

On motion of Mr De Long, Mr Weed had leave to withdraw his private memoranda from the papers accompanying the report.

The select committee, to whom was referred Assembly bill No. 342, made the following report:

MR. SPEAKER:—The select committee, to whom was referred Assembly bill No. 342, an act to grant H. M. Stone the right of way across the Sacramento River, have had the same under consideration, and report the bill back to the House, with an amendment, striking out the word "five," in the sixth line, and inserting "three," and recommend its immediate passage.

E. J. LEWIS,
CHAS. R. STREET,
JAMES HITCHENS.

The amendment proposed by the committee was adopted, the bill considered engrossed, read a third time, and passed, Messrs. Buel, Lewis, and Tatman, demanding the ayes and noes:

AYES—Messrs. Anderson, Aud, Banks, Clarke, Crane, Curtis, Davis, De Long, Ferguson, Galbraith, Gordon, Gray, Hancock, Havens, King, Lee, Lewis, Loofbourrow, Marshall, Mitchell, Moses, Neblett, O'Brien,

Ormsby, Osgood, Palmer, Parker, Pico, Smith of San Bernardino, Spilman, Stakes, Stocker, Street, Thomas, Tuttle, Walker, Ward, Warmcastle, and Young—39.

NOES—Messrs. Ballou, Buel, Burbank, Cherry, Edwards, Hill of Nevada, Howell, Hirst, Minis, Moore, Pearis, Safford, Shepard, Sheridan, Sherwin, Stout, Tatman, Tipton, and Willson—19.

Mr. Havens, on leave, introduced a bill for an act to provide for the payment of the debt of Humboldt county that existed upon the 31st day of December, A. D. 1857.

The House then resolved itself into Committee of the Whole, Mr. Warmcastle in the chair, for the consideration of the

SPECIAL ORDER OF THE DAY,

Assembly bill No. 339, an act to restrict and prevent the immigration to and residence in this state of negroes and mulattoes.

After considering and amending the same, the committee rose and were discharged.

The bill was amended on motion of Mr. Havens, by striking out "one dollar" at the end of the third section, and inserting "fifty cents."

Mr. Havens likewise moved to strike out sections five, six, and eight, which motion was lost, Messrs. Havens, Crane, and Hill of Sierra, demanding the ayes and noes, by the following vote:

AYES—Messrs. Ballou, Buel, Burbank, Caldwell, Crane, Curtis, Davis, De Long, Ely, Ferguson, Hamlin, Havens, Hill of Sierra, Howell, Hirst, McCoy, Minis, O'Brien, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Warmcastle, Young, and Mr. Speaker—28.

NOES—Messrs. Anderson, Banks, Briggs, Edwards, Galbraith, Gordon, Gray, Hancock, Harris, Heath, Hobart, Holladay, Holman, King, Lee, Lewis, Loofbourrow, Markley, Marshall, Mitchell, Neblett, Ormsby, Osgood, Palmer, Parker, Stakes, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, and Warfield—37.

Mr. Tuttle offered the following substitute to the first section:

"From and after the first day of July, A. D. 1858, no person ineligible to become a citizen of the United States, except those hereinafter excepted, shall immigrate to or reside in this state. Any such person who may, after the first day of July, A. D. 1858, be found in this state without being possessed of the certificate hereinafter provided to be obtained, or without being registered as hereinafter provided, and any person who shall, directly or indirectly, bring into this state any such person with the intent to free him or her from slavery, or shall directly or indirectly aid or assist any such person to immigrate to or settle or reside in this state, except as hereinafter provided, shall be guilty of a misdemeanor, and subject to pay a fine of not less than one hundred dollars, and not more than one thousand dollars, and imprisonment in the county jail at the rate of one day for each five dollars of such fine."

The previous question having been sustained, on its adoption, Messrs. Hirst, Walker, and Sheridan, demanded the ayes and noes, as follows:

AYES—Messrs. Ballou, Banks, Briggs, Caldwell, Cherry, Groom, Haldeman, Hamlin, Hill of Nevada, Hitchens, Hobart, Holladay, Howell, O'Brien, Parker, Safford, Shepard, Sheridan, Sherwin, Stratton, Street, Tatman, Tuttle, and Mr. Speaker—24.

NOES—Messrs. Anderson, Aud, Buel, Burbank, Crane, Curtis, Davis, De Long, Edwards, Ely, Galbraith, Gray, Hancock, Harris, Havens, Heath, Hill of Sierra, Holman, Hirst, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Neblett, Ormsby, Osgood, Palmer, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Thomas, Tipton, Walker, Ward, Warfield, Warmcastle, and Young—46.

So the House refused to adopt.

Mr. Ballou's amendment, making the provisions of the bill extend to "Chinese, and all persons ineligible to citizenship," was lost, by the following vote:

AYES—Messrs Ballou, Banks, Briggs, Caldwell, Cherry, Groom, Haldeman, Hamlin, Hill of Nevada, Hitchens, Hobart, Holladay, Howell, O'Brien, Palmer, Parker, Safford, Shepard, Sheridan, Sherwin, Stratton, Street, Tatman, Tuttle, and Mr Speaker—25.

NOES—Messrs. Anderson, Aud, Buel, Burbank, Crane, Curtis, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Hancock, Harris, Havens, Heath, Hill of Sierra, Hirst, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Neblett, Ormsby, Osgood, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Thomas, Tipton, Walker, Ward, Warfield, Warmcastle, and Young—45.

The bill was then ordered engrossed, by the following vote—Messrs. De Long, Aud, and Sherwin, demanding the ayes and noes:

AYES—Messrs. Anderson, Aud, Buel, Caldwell, Curtis, Davis, De Long, Ely, Galbraith, Gordon, Gray, Hamlin, Hancock, Harris, Heath, Hitchens, Holman, Hirst, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Neblett, Ormsby, Osgood, Parker, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—51.

NOES—Messrs. Ballou, Banks, Burbank, Cherry, Crane, Groom, Haldeman, Havens, Hill of Nevada, Hobart, Holladay, Howell, Moore, O'Brien, Palmer, Safford, Shepard, Sheridan, and Sherwin—19.

Mr. Warmcastle gave notice of reconsideration.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, passed Senate bill No. 188, an act making appropriations to meet deficiencies heretofore made, from January 1, 1857, to July 1, 1858.

THOS. N. CAZNEAU, Sec. Senate.

MARCH 26, 1858.

The bill above reported, was read first and second times, considered in

Committee of the Whole, Mr. Safford in the chair, and made the special order for eleven o'clock, A. M., to-morrow.

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

Resolved, That the report of the special investigating committee, on the "Weed" affair, together with the evidence taken before said committee in the premises, be published in the Daily State Journal; and that the clerk of this House is hereby requested to furnish the publishers of said paper with said report and evidence, the same to be returned to this House as early as practicable.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Havens, for an act to provide for the payment of the debt of Humboldt county, that existed upon the 31st day of December, 1857.

Read three times, and passed.

Also, for an act amendatory of and supplementary to the act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853.

Read first and second times, and referred to the Committee on Corporations.

By Mr. McCoy, for an act to authorize parties therein named to convey real estate.

By Mr. Heath, for an act 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.

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

Mr. Curtis gave notice that he would, at an early day, introduce a bill for an act to discourage the immigration to this state of persons who cannot become citizens.

On motion of Mr. Loofbourrow, at five o'clock, P. M., the House adjourned.

IN ASSEMBLY.

SATURDAY, March 27, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Journals of yesterday read and approved.

The roll was called.

All were present, except those absent on leave.

The clerk had leave of absence for three days.

Assembly bill No. 352, an act concerning the office of county judge of San Joaquin county;

Also, Assembly bill No. 233, an act to authorize the board of supervisors of San Joaquin county to levy a special tax for school purposes;

Were read first and second times, considered engrossed, read third time, and passed.

Mr. Sheridan gave notice of a bill for an act relative to the government of the county of Sacramento.

REPORTS.

Mr. Burbank made the following report:

MR. SPEAKER:—The select committee, to whom was referred the memorial of the mayor, council, and citizens of the city of Oakland, have had the subject under consideration, and it is the opinion of your committee that the subject is one which deserves the consideration of the Legislature, and we therefore beg leave to report the following resolution, and recommend its passage.

CALEB BURBANK,
R. P. HIRST,
J. A. HOBART,
W. W. McCOY,
B. R. SPILMAN.

The resolution above reported was adopted, as follows:

Resolved, By the Assembly, the Senate concurring, that a committee of three from the Assembly, and two from the Senate, be appointed to visit the city of Oakland, whose duty it shall be to inquire into the advantages that place may offer for a permanent location of the seat of government of this state, and to receive any proposals that may be offered by the citizens thereof in relation to capitol buildings, or the donation of land, and report the result of their investigations in writing, as early as practicable.

The speaker appointed Messrs. Aud, Havens, and Tuttle, the committee on the part of the House.

The vote by which, on yesterday, Assembly bill No. 339, an act to restrict and prevent the immigration to, and residence in this state, of negroes and mulattoes, was passed, was, on motion of Mr. Warmcastle, reconsidered, and recommitted to the special committee, consisting of Messrs. Warfield, Lee, Stakes, Thomas, and Galbraith.

Mr. Lee was excused from acting on the committee, and Messrs. Warmcastle and Havens were added.

Mr. Holman, from San Joaquin delegation, verbally reported and recommended the passage of Assembly bill No. 387, an act to fix the compensation of the board of supervisors of San Joaquin county.

Considered engrossed, read third time, and passed.

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

Resolved, That from and after this day, three hours on each day shall be devoted exclusively to the consideration of bills on the general file, commencing immediately after the reading of the journal of the preceding day; *Provided*, that this resolution shall not affect the special orders now fixed.

Senate bill No. 188, an act making appropriations for deficiencies in appropriations heretofore made from January 1, 1857, to July 1, 1858, the special order for eleven o'clock, was taken up.

Mr. Young moved to commit to Committee of Ways and Means.

Lost.

The bill was then read third time, and passed.

Mr. Holman presented the protest of the mayor, council, and citizens of Stockton, in relation to Assembly bill No. 351, an act to regulate the fire department of the city of Stockton.

Referred to San Joaquin delegation.

The following message was received from the Senate:

SENATE CHAMBER,
March 25, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 83, an act to repeal the act passed March 26th, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento.

THOS. N. CAZNEAU, Sec. of the Senate.

Senate bill No. 83, above reported, was read first and second times, and referred to the Sacramento delegation.

Mr. Howell moved that the usual number of copies be printed, upon which Messrs. Buel, Sherwin, and Ferguson, demanded the ayes and noes.

Mr. Smith of Nevada, moved the previous question.

Sustained.

The bill was ordered printed by the following vote:

AYES—Messrs. Anderson, Aud, Briggs, Burbank, Caldwell, Cherry, Clarke, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Hitchens, Holladay, Holman, Howell, Hirst, Lewis, Minis, Moses, Neblett, Ormsby, Osgood, Palmer, Shepard, Sheridan, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Street, Tatman, Thomas, Walker, Ward, Warfield, Warmcastle, Willson, and Young—49.

NOES—Messrs. Ballou, Banks, Buel, Crane, Curtis, Hill of Nevada, Kabler, Loofbourrow, O'Brien, Pico, Safford, Sherwin, Smith of Nevada, Stratton, and Tipton—15.

Mr. Stakes, chairman of the Judiciary Committee, made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 384, an act concerning trustees other than executors;

Also, Assembly bill No. 364, an act for the better protection of laborers, mechanics, and other workmen;

Have had the same under consideration, report the two bills back, and recommend their passage.

Your committee have also had under advisement Senate bill No. 137, an act to provide for the payment of volumes six and seven of the Supreme Court Reports of California;

Also, Assembly bill No. 278, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer;

Also, Assembly bill No. 251, an act the more effectually to protect the rights of citizens in certain cases;

Also, Assembly bill No. 372, an act reducing the amount of bonds to be given by the county officers in and for the counties of Klamath and Del Norte;

And report the four bills back, each amended, and recommend the passage of the same, as amended.

A. G. STAKES, Chairman.

Mr. Stakes gave notice of a bill for an act for the encouragement of purchasers at delinquent tax sales.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate have, this day, passed Assembly bill No. 375, an act conferring certain powers upon guardians of insane persons.

THOS. N. CAZNEAU, Secretary of Senate.

MARCH 26, 1858.

Assembly bill No. 348, an act to create the county of Altura, to define its boundaries, and provide for its organization, substitute for Assembly bill No. 324, the special order for twelve o'clock, was taken up.

On the adoption of the substitute, Messrs. Ely, Hitchens, and Spilman, demanded the ayes and noes, and the substitute was adopted, by the following vote:

AYES—Messrs. Ballou, Banks, Buel, Cherry, Crane, Curtis, Galbraith, Gordon, Hamlin, Hancock, Harris, Hill of Nevada, Hill of Sierra, Holladay, Howell, Hirst, Kabler, Marshall, Minis, Ormsby, Pico, Shepard, Sheridan, Sherwin, Smith of San Bernardino, Spilman, Stout, Tipton, Warfield, and Willson—30.

NOES—Messrs. Anderson, Burbank, Caldwell, Clarke, Davis, De Long, Ely, Gray, Heath, Hitchens, Loofbourrow, Mitchell, Moses, Neblett, O'Brien, Osgood, Safford, Smith of Nevada, Street, Tatman, Thomas, Walker, Ward, Warmcastle, Young, and Mr. Speaker—26.

Mr. Sherwin offered to amend the boundaries of the county as follows: Insert after the word "county," in the eleventh line of the first section, "thence following said creek to its source at Pilot Peak, thence along the dividing ridge to the head of Little Cañon Creek," which was adopted.

Mr. Loofbourrow moved to lay the bill on the table.

Lost.

Mr. Ely moved to amend by striking out all that part of the bill relating to Yuba county.

Lost.

The previous question was moved by Mr. Crane, and sustained.

On the question of engrossment, Messrs. Hitchens, Whitesides, and Ely, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Cherry, Ferguson, Gordon, Haldeman, Hamlin, Heath, Hill of Nevada, Holladay, Loofbourrow, Marshall, Neblett, Sherwin, Spilman, Stout, Stratton, Walker, and Young—17.

NOES—Messrs. Anderson, Ballou, Banks, Buel, Burbank, Caldwell, Clarke, Crane, Davis, De Long, Ely, Galbraith, Gray, Harris, Hill of Sierra, Hitchens, Howell, Hirst, Kabler, McCoy, Minis, Mitchell, Moses, O'Brien, Ormsby, Osgood, Safford, Shepard, Sheridan, Smith of Nevada, Street, Tatman, Tipton, Ward, Willson, and Mr. Speaker—36.

Messrs. Crane, and Hill of Sierra, gave notice of reconsideration.

At half past three o'clock, P. M., on motion of Mr. Ely, the House adjourned.

IN ASSEMBLY.

MONDAY, March 29, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All were present except Messrs. Gordon, Hobart, Minis, Palmer, Lee, Simons, Stocker, and Ward, and those absent on leave.

Messrs. Hobart, Palmer, Simons, and Stocker, had leave of absence, for one day each, and Mr. Ward for two days.

The journal of Saturday was read and approved.

Assembly bill No. 274, an act concerning goods, wares, and merchandise, contained in packages, and usually sold by weight, was taken up and placed at the foot of the general file.

GENERAL FILE.

Senate bill No. 23, an act amendatory of and supplementary to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853; and an act to amend an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14, 1853, passed April 30, 1855, was taken up.

Mr. Holman offered the following substitute for the amendment proposed by the Committee on Corporations, which was adopted, and the substitute to the amendment concurred in:

Add to section one: "*Provided*, That nothing in this section shall be so construed as to authorize a company formed under it to own or hold possession of more than fourteen hundred and forty acres of land, or to authorize an individual member of such company, or association, in his corporate capacity, to hold, own or possess, a number of acres, to exceed eighty; *And provided, further*, That no corporation formed under the provisions of the said act of April 14, 1853, except those formed for agricultural purposes, shall own or hold possession of more real estate than shall be actually necessary for the prosecution of the business for which it was incorporated."

Mr. Safford offered the following amendment, which was concurred in:

"*And provided, further*, That no corporation formed for agricultural purposes shall be allowed to hold any mineral lands under the provisions of this act."

Bill, as amended, read a third time, and passed.

Senate bill No. 132, an act to amend an act declaring Feather River navigable, passed March 14, 1857, was read third time, and passed.

Assembly bill No. 284, an act concerning the county records of the county of Sutter; and,

Assembly bill No. 292, an act to amend an act entitled an act to create the county of Alameda and to establish the seat of justice therein, to define its boundaries and provide for its organization;

Were ordered engrossed.

Assembly bill No. 202, an act to ascertain the indebtedness of Sierra

county to the county of Yuba, and to provide for the payment of the same; and, also,

Assembly bill No. 207, an act for the improvement of the navigation of the San Joaquin River, and for reclaiming certain swamp and overflowed lands;

Were taken up, amendments adopted, and ordered engrossed.

Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April 11, 1857—

Mr. Shepard moved to place the bill at the foot of the file.

Mr. Loofbourrow moved the previous question.

Sustained.

On placing the bill at the foot of the file, Messrs. Loofbourrow, Crane, and Hill of Nevada, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ballou, Banks, Burbank, Cherry, Crane, De Long, Ely, Gray, Groom, Haldeman, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Holman, Hirst, Lewis, Markley, McCoy, Mitchell, Shepard, Sherwin, Smith of Nevada, Street, Tatman, Warfield, Warmeastle, Willson, and Young—31.

NOES—Messrs. Anderson, Briggs, Buel, Caldwell, Clarke, Davis, Edwards, Ferguson, Galbraith, Gordon, Hancock, Howell, Kabler, King, Loofbourrow, Moses, Neblett, Ormsby, Osgood, Parker, Pico, Safford, Sheridan, Smith of San Bernardino, Spilman, Stakes, Stout, Stratton, Thomas, Tipton, Walker, and Mr. Speaker—32.

On the passage of the bill, Messrs De Long, Crane, and Sheridan, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Briggs, Buel, Caldwell, Cherry, Clarke, Davis, De Long, Edwards, Ferguson, Galbraith, Gordon, Groom, Haldeman, Hancock, Heath, Hill of Sierra, Holman, Howell, Kabler, King, Loofbourrow, McCoy, Mitchell, Moses, Neblett, Ormsby, Osgood, Parker, Pico, Safford, Sheridan, Smith of San Bernardino, Spilman, Stakes, Stout, Tatman, Thomas, Tipton, Walker, Warmeastle, Young, and Mr. Speaker —43.

NOES—Messrs. Ballou, Banks, Burbank, Crane, Ely, Gray, Hamlin, Harris, Hill of Nevada, Hitchens, Holladay, Hirst, Lewis, Markley, Marshall, Shepard, Sherwin, Smith of Nevada, Stratton, Street, Warfield, and Willson—22.

Mr. De Long gave notice of reconsideration of the vote just taken.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 375, an act conferring certain powers upon guardians of insane persons;

Also, Assembly bill No. 280, an act to authorize the Treasurer of State to issue bonds in favor of Walter McDonald and A. M. Jones, for services rendered as Indian commissioners, in the year 1856;

Also, Assembly bill No. 229, an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857;

Also, Assembly bill No. 294, an act concerning official bonds of justices of the peace and constables of the counties of this state;

Also, Assembly bill No. 335, an act amendatory of an act entitled an act to reincorporate the city of Sonora, approved March 9, 1855;

Also, Assembly bill No. 226, an act to authorize Simpson Thompson and T. H. Thompson to construct a wharf at Suscol Ferry, in Napa county, on the east bank of Napa River;

Also, Assembly bill No. 341, an act fixing the time of holding the terms of the court of sessions, county court, and probate court, in and for the county of San Bernardino;

Also, Assembly bill No 198, an act to separate the office of the collector of taxes from the office of sheriff, in the county of Shasta;

Also, Assembly bill No. 352, an act concerning the office of county judge of San Joaquin county.

GEO. A. YOUNG, Chairman.

SPECIAL ORDERS OF THE DAY.

No. 1—Assembly bill No. 205, an act supplementary to and amendatory of an act entitled an act to provide revenue for the support of the government of this state, passed April 29, 1857, was taken up, and, on motion of Mr. Davis, was made the special order for Thursday next, at twelve o'clock, M.

No. 2—Assembly bill No. 40, an act to legalize the acknowledgment of certain conveyances and other instruments in writing, was made the special order for to-morrow, at twelve o'clock, M.

Mr. Hill of Sierra moved to reconsider the vote by which the House, on Saturday, refused to engross Assembly bill No. 348, an act to create the county of Altura, to define its boundaries, and provide for its organization.

Upon which, Mr. Lewis moved the previous question, which was sustained, and, on its reconsideration, Messrs. Clark, Crane, and Lewis, demanded the ayes and noes, and the vote was reconsidered, as follows:

AYES—Messrs. Ballou, Banks, Briggs, Buel, Burbank, Cherry, Crane, Ferguson, Galbraith, Gordon, Groom, Haldeman, Hamlin, Hancock, Hill of Nevada, Hill of Sierra, Holladay, Holman, Howell, Hirst, King, Markley, Marshall, McCoy, Mitchell, Moses, O'Brien, Ormsby, Parker, Pico, Sheridan, Sherwin, Spilman, Street, Tatman, Thomas, Tipton, Walker, Warfield, and Mr Speaker—40.

NOES—Messrs. Caldwell, Clarke, Davis, De Long, Edwards, Ely, Gray, Heath, Hitchens, Kabler, Lewis, Loofbourrow, Osgood, Shepard, Smith of Nevada, Stakes, Stout, Stratton, Warncastle, and Willson—20.

Mr. Hill moved to add the letter "s" to the word "Altura," wherever it occurs in the bill.

Adopted.

Also, to amend, by striking out after the word "gallows," in the second line of the second section, to the word "thence," in the sixth line, and insert, "commencing at the mouth of Cañon Creek, in Sierra county; thence, in a direct line, to a point where Butte and Plumas counties corner, on the Yuba line; thence, along the Butte and Plumas county line, to the Middle Fork of Feather River."

Adopted.

Also, to add an additional section, as follows;

Section seven—If the supervisors of Alturas county disagree with the supervisors of either of the original counties as to the amount due from such county, they shall return the same to the supervisors from whom the same was received, with the statement of the grounds of their objection, and the amount they consider due. If the amount be not agreed to, the statement of both parties shall be submitted to the district judge of the fourteenth judicial district, whose duty it shall be to settle the amount of indebtedness due from Alturas county to the county auditor of said county, whose duty it shall be to draw the warrant provided for in section five of this act.

Adopted.
The bill was then ordered engrossed.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 26, 1858.

To the Assembly of California:

I have, this day, approved an act to provide for funding the debt of San Joaquin county that may be outstanding on the first day of July, 1858, and not heretofore funded;

Also, an act amendatory of an act concerning offices, passed April 28, 1851.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 27, 1858.

To the Assembly of California:

I have, this day, approved an act to amend section twelve of an act to provide for the incorporation of towns, approved April 19, 1856;

Also, an act fixing the time of holding the court of sessions and county court in the counties of Plumas and Shasta, and to change the manner of summoning juries for the county courts of said counties;

Also, an act for the relief of purchasers at sales of real estate by public officers;

Also, an act to give the proceedings of courts of probate, the same effect as courts of general jurisdiction;

Also, an act to fix the terms of the probate court, in the county of Contra Costa;

Also, an act to settle and fix the time allowed by law to the tax collector of the city and county of San Francisco, for the collection of taxes;

Also, an act to fix the time of holding the terms of the court of sessions and county court of the county of Trinity;

Also, an act to change the manner of paying officers of elections in the county of Stanislaus;

Also, an act to authorize Mary Latimer to sell and convey real estate;

Also, an act to authorize the board of supervisors of the county of Tehama, to levy a special tax for building purposes, and to provide for the payment of the indebtedness of the county, contracted prior to March 1, 1858.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 27, 1858.

To the Assembly of California:

I have to inform your honorable body that I have, this day, approved an act conferring certain powers on guardians of insane persons.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 29, 1858.

To the Assembly of California:

I have, this day, approved an act concerning official bonds of justices of the peace and constables of the counties of this state;

Also, an act fixing the time of holding the terms of the court of sessions, county court, and probate court, in and for the county of San Bernardino;

Also, an act amendatory of an act entitled an act to reincorporate the city of Sonora, approved March 9, 1855.

JOHN B. WELLER, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 29, 1858.

To the Assembly of California:

I herewith return, without my approval, an act to authorize George H. Ensign, and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco.

I have signed two bills during the present session of the Legislature, in regard to supplying the city of San Francisco with water. In both cases, the companies were organized as corporations under the general law of the state.

The bill for the relief of the Mountain Lake Company, simply confirmed an ordinance, and extended the time for completing the work. The other, merely ratified and confirmed an ordinance passed by the board of supervisors; as their power to do such an act, under the consolidation bill, was doubted. Under the provisions of that bill, the city can, after the expiration of two years from the time the work is completed, take possession of the same, upon certain conditions therein prescribed. After the lapse of twenty years, the work becomes the property of the city. The board of supervisors have power to fix the rates to be charged for water, etc.

The bill now before me, in effect, creates a *quasi* corporation, and gives that association certain rights and privileges not enjoyed by individuals. It is unlimited, as to time, and therefore it may be doubted whether it is not in conflict with the sixteenth section of the eleventh article of the constitution. The bill fixes no time for the commencement or completion of the work. It imposes no restrictions whatever upon the company in regard to the rates to be charged for water; on the contrary, it expressly prohibits the board of supervisors, and indirectly the city authorities, from exercising any control over them. If this company were to succeed, and the others fail, in supplying the city with water, the people would be at their mercy. These associations are rarely distinguished for their liberality, and seldom fail to abuse their power when they can profit by it.

Entertaining these opinions, the bill is respectfully returned for reconsideration.

JOHN B. WELLER.

The preceding message, and the bill therein referred to, were, on motion of Mr. Shepard, laid on the table.

Mr Ballou presented the claim of the Sonoma County Journal.

Referred to the Committee on Claims.

REPORTS.

Reports were made as follows:

Mr. Edwards, chairman of the Committee on Public Lands, made the following report:

MR SPEAKER:—The undersigned, a majority of the Committee on Public Lands, to whom was referred the resolution of February 2, introduced by Mr. Briggs of Amador, instructing "them to inquire whether a law to indemnify actual settlers for improvements made upon lands belonging to others without their consent, but at the time of making such improvements, said lands were supposed to belong to the general government, can be so framed as to obviate all constitutional objections, and to report their opinion and the reasons therefor; and also that the said committee be authorized to call upon the Attorney General and obtain his opinion," have attended to the duty assigned them, and ask leave to make the following report:

Immediately after the resolution was referred to the committee, the chairman addressed to the Attorney General a request, in accordance with their instructions, and received from him an elaborate reply, which was unavoidably delayed on account of the official duties, and ill health of that officer.

Your committee are of the opinion, that, from the reasons set forth in the communication of the Attorney General, and from that of other persons learned in the law, a bill can be so drawn as to obviate the objections made by the Supreme Court to the act of 1856, and to which no constitutional objections can be made.

Your committee are convinced, however, that while the Supreme Court holds to the doctrine laid down in the opinion referred to by the Attorney General, no law can be passed by the Legislature that will afford all the relief essential to the prosperity of the state; yet they are of the opinion that protection may be obtained by the enactment of a law that will present a compromise of the embarrassing difficulties now existing between the owners of large land grants, and those who have settled upon them, believing them to belong to the public domain.

Your committee herewith submit the report of the Attorney General, and recommend that the usual number of copies be printed.

In accordance with the opinion expressed in accompanying document of the Attorney General, the committee return, for the consideration of the House, Assembly bill No. 306, and recommend the passage of the same.

URIAH EDWARDS,
R. D. FERGUSON,
JAMES O. HARRIS,
J. E. SHERIDAN,
J. A. HOBART.

RESOLUTION, AND OPINION OF ATTORNEY GENERAL.

Resolved, That the Committee on Public Lands be instructed to inquire

whether a law, to indemnify actual settlers for improvements made upon lands belonging to others, without their consent, (but at the time of making such improvements, said lands were supposed to belong to the general government,) can be so framed as to obviate all constitutional objections, and to report their opinion, and the reasons therefor, to this House, as soon as practicable. And also, that the said committee be authorized to call upon the Attorney General and obtain his opinion thereon.

Adopted in Assembly, February 2, 1858.

J. N. BINGAY, Assistant Clerk.

ATTORNEY GENERAL'S OFFICE,
Sacramento City, March 13, 1858.

SIR:—Your letter, asking my opinion, as to whether "a law, to indemnify actual settlers for improvements made upon lands belonging to others, without their consent, and without notice of their objections, and when such improvements were made, such land was not segregated, and supposed to belong to the general government, can be so framed as to obviate all constitutional objections," was received some time since, and I regret that illness, and official engagements, have prevented an earlier answer.

Since the receipt of your letter, I have carefully examined the decisions of our Supreme Court, and of the courts of other states, relating to the subject matter of your inquiry, and must confess, that I find it difficult to give you a satisfactory answer—one upon which you can with perfect confidence rely, so as to frame a bill, which, in the event it becomes a law, will mete out exact justice to all whom it may affect.

As a matter of justice, I have heretofore maintained and believed, that where a person, in good faith, enters upon land, believing it to belong to the general government, and when the circumstances warrant such a conclusion in the mind of a man of ordinary understanding, and erects improvements thereon, such person should be compensated for the improvements so made, if, upon segregation afterwards, it should prove to be land covered by a "foreign grant," so called

And were I now giving a pioneer opinion, (if I may so use the term,) it would be to the effect that a law, embodying the suggestions above made, would be constitutional; and I would, in justice to myself and those who entertain a like opinion, give the reasons therefor at length, citing, I think, as good and reliable authority therefor as can be produced to sustain any proposition.

But this question has, to a very great extent, been passed upon by the highest judicial tribunal of our state, and it is your duty, mine, and all good citizens', to observe and maintain the decisions of our courts so long as they stand unreversed. It, therefore, occurs to my mind, that the proper and only course for you to pursue, is, first to ascertain the points bearing upon this question which have been settled by the Supreme Court, and then to frame a bill, if possible, which will secure justice to the character of settlers mentioned, and at the same time not violate those points so settled.

In the case of Billings *v.* Hall, decided at the January term, 1857, of the Supreme Court, the majority of the judges maintained the following propositions:

First—That the right to acquire, possess, and to defend property, is guarantied by the constitution, and that the Legislature cannot impair such right.

Second—That the Legislature cannot pass a law which is repugnant to principles of morality and natural justice.

Third—That improvements erected upon land become a part of the realty and vest in the owner of the land.

Fourth—That one who has been dispossessed of land, is entitled, upon recovery, both to the profits and the improvements which have been made thereon.

Fifth—That the Legislature possess uncontrolled power over the remedy or process of her courts, except where such remedy impairs the right

Sixth—That one who *bona fide* enters upon the land of another, under claim of title, may offset the value of improvements, made by him, against the owner's claims for rents and profits

They also intimate that in legislation, a distinction should be made between an innocent and tortious possession, though each may be in law a trespasser, and that remedies might be granted the former which could not be conferred upon the latter, and I think, substantially say: that when one erects improvements upon the land of another, the title to which is vested in another, and the latter interposes no objections, but stands by and suffers the improvements thus to be made, he may be held liable for the reasonable value of them, upon the ground of fraud, or culpable negligence.

Taking the foregoing doctrines as our guide, it is evident that the Legislature can only pass such laws, constitutionally, as affect the remedy, and not the right.

And here arises the most difficult question in the mind of the lawyer, connected with, or pertaining to the subject under review. The trouble is in properly drawing the line of demarkation between the right of property and the remedy.

In many cases, the most wise judges and astute lawyers differ widely in their statement of the distinction, some of the most prominent of which I will here state.

Chancellor Kent, an able writer, in his commentaries, says:

"A retrospective statute affecting and changing vested rights, is very generally considered, in this country, as founded on unconstitutional principles, and consequently inoperative and void. But this doctrine is not understood to apply to remedial statutes, which may be of a retrospective nature, provided they do not impair contracts or disturb absolute vested rights, and only go to confirm rights already existing, and in furtherance of the remedy by causing defects, and adding to the means of enforcing existing obligations."

And Judge Story, in the celebrated case of Green *v.* Biddle, lays down the following doctrine:

"That the objection to a law, on the ground of its impairing the obligation of contracts, could never depend upon the extent of the change which the law effects in it. Any deviation from its terms by postponing or accelerating the period of performance which it prescribes; imposing conditions not expressed in the contract, or dispensing with the performance of those which are expressed,—however minute or apparently immaterial in their effect upon the contract, or upon any part or parcel of it,—impairs its obligation To deny a remedy under a contract, or by burdening the remedy with new conditions and restrictions, to make it useless, or hardly worth pursuing, is equally a violation of the constitution."

On the other hand, Chief Justice Marshall, one of the most clear and

forcible reasoners who ever adorned an American bench, in the case of Sturges *v.* Crowninshield, tried before the Supreme Court of the United States, holds this language:

"Without impairing the obligation of the contract, the *remedy* may certainly be modified as the wisdom of the nation (Legislature) shall direct."

This doctrine, so announced by Judge Marshall, was afterwards affirmed, in the case of Mason *v.* Haile, which was decided by the Supreme Court subsequent to Green *v.* Biddle. And Judge Cowen, in Butler *v.* Palmer, announces this doctrine:

"The authorities are abundant, both in the United States courts and our own, that a statute impairing the remedy is constitutional, especially when it operates merely by way of limitation in point of time."

The highest courts in Pennsylvania, Louisiana, and other states, have rendered similar opinions.

It is well settled that the Legislature may, constitutionally, shorten the time in which an action shall be commenced. Although the right accrued prior to the passage of the act, it can pass laws abolishing the remedy by imprisonment for debt, or attachment which existed at the time the debt was created, and enact recording laws by which the elder grantee shall be postponed to a younger, if the prior deed is not recorded within a limited time.

The authorities upon this question, in its various phases, would, if collected, form a number of volumes; but, for the present, I deem it unnecessary to make further citations. So great is the contrariety of opinion, that each important court of the country may, with perfect propriety, establish its own precedent.

And, as I do not understand our Supreme Court to have clearly defined its position upon the question, justice and propriety dictates that it should have an early opportunity of doing so. Let me, therefore, suggest, that you present a bill to the Legislature, (if you present one at all,) containing, among other necessary provisions, substantially, the following propositions:

That, in all actions for the recovery of the possession of land, in which the plaintiff claims under the character of a grant herein named, and the defendant, or those through whom he claims, entered thereon before segregation, in good faith, believing it to be land belonging to the general government, and erected improvements upon the same, said defendant may, in his answer, set up a counter claim against the plaintiff to the extent of the actual value of such improvements.

That, if it appears upon the trial of such cause, the plaintiff is the owner of the land sued for, then he shall have judgment for the possession thereof; and if it appears that the defendant, or his predecessors in interest, made such improvements, with the knowledge and consent, either expressed or implied, of the plaintiff, or those through whom he claims, then the defendant shall have judgment in the sum of the actual value of such improvements; which judgment shall be first offset against any amount recovered by the plaintiff for rents, etc., and the remainder, if any, to operate as a lien upon the land improved.

That, upon the trial of such cause, it shall be sufficient for the defendant to show, that he or his predecessor in interest erected the improvements specified in his answer, and the actual value thereof, to make a *prima facie* case, leaving the plaintiff to rebut such, by showing notice of disapprobation upon his part, or that of his grantor or lawful agent. This is necessary, because of the difficulty upon the part of defendant to negative

the question of notice, whilst if any has been ever given, proof of it is supposed to be within the knowledge of the plaintiff.

I have now, as briefly as possible, given you my opinion upon the subject of your communication, and in doing so, have tried to keep within the narrow limits established by our Supreme Court; intending strictly to avoid any suggestion which may have a tendency to produce clashing between the judicial and legislative departments of our state.

Hoping that I have satisfactorily answered your letter, I remain your most obedient servant,

THOS. H. WILLIAMS,
Attorney General

Hon. URIAH EDWARDS, Chairman of Committee on Public Lands

The above resolution, and the opinion of the Attorney General, were ordered printed.

Mr. Moses, chairman of the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills, viz.:

Assembly bill No 377, an act to amend an act entitled an act concerning jurors, passed May 3, 1852

Assembly bill No. 376, an act to authorize the board of supervisors of Shasta county to levy a special tax, and create a redemption fund, for the payment of county indebtedness;

Assembly bill No. 106, an act for the better protection of settlers on public lands in this state, and to secure the rights of parties in certain cases;

Assembly bill No 277, an act to amend an act entitled an act to create the county of Fresno, to define its boundaries, and to provide for its organization; and

Assembly bill No. 386, an act to regulate the issue of county warrants in the county of Shasta.

H. A. MOSES, Chairman.

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

MR. SPEAKER:—The select committee, to whom was referred Senate bill No 98, an act to suppress gaming, have had the same under consideration, and report the bill back to the House, and recommend its passage, as amended.

E. J LEWIS, Chairman

Senate bill No. 98, above reported, was taken up, and the amendments concurred in

On the passage of the bill, Messrs. Crane, Hill of Sierra, and De Long, demanded the ayes and noes, and the bill, as amended, was passed, by the following vote:

AYES—Messrs Ballou, Briggs, Buel, Clarke, Crane, De Long, Ely, Ferguson, Galbraith, Gordon, Gray, Groom, Hamlin, Hancock, Harris Heath, Hill of Nevada, Hitchens, Holman, Hurst, King, Lewis, Loofbourrow, Markley, Marshall, McCoy, Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pearis, Pico, Smith of San Bernardino, Spilman, Tatman, Tipton, Walker, and Warfield—41.

NOES—Messrs. Anderson, Banks, Burbank, Caldwell, Cherry, Curtis, Edwards, Hill of Sierra, Holladay, Howell, Moore, Sheridan, Smith of Nevada, Stout, Street, Thomas, Warneastle, Young, and Mr. Speaker—19.

Mr. Crane gave notice of a reconsideration of the vote just taken.

Mr. Briggs, of the special committee, made the following report:

MR. SPEAKER:—The special committee, to whom was referred Assembly bill No. 201, an act entitled an act to provide for the payment of troops called out by the Governor of this state to quell insurrection in the year 1856, would respectfully report, that they have had the same under consideration, and have examined the documents transmitted to the House, in accordance with the resolutions calling upon the Governor and Adjutant General for the same. A concise statement of facts contained therein, is as follows, viz:

Section fifth of article five of the constitution of this state, reads as follows:

"The Governor shall be commander-in-chief of the militia of this state."

Section forty-eight Criminal Practice Act, page two hundred and seventy-three Wood's Digest, reads as follows: "When the Governor shall be satisfied that the execution of civil or criminal process has been forcibly resisted in any county by bodies of men, or that combinations to resist the execution of process by force, exist in any county, and that the power of the county has been exerted, and has not been sufficient to enable the officer having the process to execute it, he may, on application of the officer, or of the district attorney, or county judge of the county, by proclamation, to be published in such papers as he shall *direct*, declare the county to be in a state of insurrection, and may order into the service of the state such number and description of volunteers or uniform companies, or other militia of the state, as he shall deem necessary to serve for such time, and under the command of such officer or officers as he shall direct." The exigency contemplated by the section of the law here quoted, is proved to have existed by the call made by the then sheriff of San Francisco county, upon the Governor for assistance, a copy of which accompanies this report

Further, by the seventeenth section of the act of 1855: "In case of war, insurrection, or rebellion, or resistance of the execution of the laws of this state, the commander-in-chief is authorized to call for such portion of the enrolled militia of this state, etc., as he may decide to call into service."

It will thus be seen, to authorize the call, there must be either insurrection, rebellion, or resistance to the laws.

The officer to whom the law confides that jurisdiction and duty, is the Governor of the state. By a proclamation, issued on the third of June, 1856, the Governor declared the county of San Francisco in a state of insurrection. The Governor, therefore, had full authority to make the call for the military.

That proclamation contained the following language: "I hereby order and direct all the volunteer militia companies of the county of San Francisco, also, all persons subject to military duty within said county, to report themselves for duty immediately to Major General Wm T Sherman, commanding second division California militia, to serve for such time, in the performance of military duty, under the command of said Sherman, until disbanded from service by his orders

It will thus be seen, that the proclamation was a special order to the

commanders of volunteer companies in San Francisco to report themselves immediately for duty, and remain in service until mustered out.

On the 2d of June, 1856, the Governor issued an order to Gen Sherman, directing him to call upon the enrolled militia, and also upon all the volunteer or independent companies of the military divisions under his command to rendezvous at such time and place, within the county of San Francisco, as he may deem necessary and proper to aid the civil authorities, etc

Gen. Sherman issued his order in accordance therewith, which order, as well as the proclamation and order of the Governor, were duly published in the city papers, in compliance with the act of 1855.

On the 9th of June, 1856, Gov Johnson issued two orders to Gen Howard, by which he was directed to take command at San Francisco, with special reference to previous orders to Gen Sherman, and by an order of the 10th of June, 1856, directed to proceed with the organization. By an order dated June 11th, 1856, Gen Howard directed Adjutant General Kibbe to *muster into the service of the State* all the volunteer and militia companies of the second brigade, second division, and report to him the strength and condition of the same.

By the muster-rolls on file in the office of the Adjutant General, it is in evidence that eight volunteer and enrolled military companies, numbering some four hundred and fifty men, were regularly mustered into the service of the state, each individual taking the oath prescribed by the regulations of the United States army.

Your committee further find that the troops so mustered in were held to service until the 20th day of September, 1856, when they were regularly mustered out by an order of that date.

Section twenty-second of the act of one thousand eight hundred and fifty-five, provides as follows:

That all troops called into service after the passage of this act, to repel invasions or quell insurrections, or for any other purpose requiring continued service, for the space of more than one week, shall receive the pay of the United States troops serving in California, with ten per cent. on the same added thereto.

By the estimate of the Quartermaster and Adjutant General, made upon the basis stipulated by the provisions of the act just quoted, the sum of forty-three thousand two hundred and sixty-two dollars and twenty-nine cents will be required to liquidate the claims of the troops called into service as aforesaid.

The appropriation of fifty thousand dollars, or so much thereof as may be necessary to liquidate said claims in the bill now reported upon, will therefore meet the required expenditure, leaving the particular amount to be paid to each individual to be determined by the state board of military auditors.

Your committee therefore report the bill back, and recommend its passage, without amendment.

R M BRIGGS,
J. T. STOCKER,
P M. HALDEMAN,
ANDRES PICO.

Mr. Edwards made the following report:

Mr. Speaker:—The delegation from Sonoma county, to whom was referred Senate bill No. 159, an act to improve the navigation of Petaluma

Creek, have had the same under consideration, and report it back, with amendments, and recommend its passage, as amended.

URIAH EDWARDS,
J. S. ORMSBY.

Senate bill No 159, above reported, the rules being suspended, was, as amended, read third time, and passed.

Mr Mitchell made the following report:

MR. SPEAKER:—The delegation to whom was referred Senate bill No. 81, an act to amend an act to regulate fees in office, approved April 10, 1855, have had the same under consideration, and respectfully beg leave to report the same back to the House, and recommend its passage.

MITCHELL.

Senate bill No. 81, above reported, the rules being suspended, was read third time, and passed.

Mr. Warfield made the following report:

MR. SPEAKER:—Your select committee, to whom was referred Assembly bill No. 339, an act to restrict and prevent the immigration to and residence in this state of negroes and mulattoes, have had the same under consideration, and recommend that all after the enacting clause be stricken out, and the accompanying bill be substituted, and recommend its passage

J B WARFIELD, Chairman.

Mr. Crane moved to lay the substitute for Assembly bill No. 339, above reported, on the table.

Lost.

Mr. Hill of Nevada, moved to refer the same to the San Francisco delegation.

Lost.

Mr. Burbank moved to refer to the San Joaquin delegation.

Lost

Mr. Buel moved to make it the special order for Wednesday next, at twelve o'clock, M.

Pending the discussion of the motion to make the bill the special order for Wednesday next, the House, at ten minutes past five o'clock, P. M., on motion of Mr. McCoy, adjourned

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IN ASSEMBLY.

TUESDAY, March 30, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called

All were present, except those absent on leave, and Messrs. Hobart, Mitchell, Simons, Stocker, and Warfield

Mr. Mitchell had indefinite leave of absence, and Messrs. Simons, Stocker, and Warfield, for one day each

Journal of yesterday read and approved

Assembly bill No. 106, an act for the better protection of settlers on

public lands in this state, and to secure the rights of parties in certain cases, was read third time.

Mr. Young moved to recommit, with instructions to insert after the words "foreign grant," in line three, section two, "that such plaintiff had at the time of such ouster, a prior right of possession to said land over all parties other than those claiming possession by virtue of a foreign grant"

Mr. Buel moved the previous question, which was sustained, and Messrs. De Long, Ely, and Sherwin, demanded the ayes and noes, and the House refused to recommit, by the following vote:

AYES—Messrs. Groom, Lee, Moore, Osgood, Pico, Tatman, Warncastle, and Young—8.

NOES—Messrs. Anderson, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Haldeman, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Holman, Howell, Hirst, Kabler, King, Loofbourrow, Markley, Minis, Moses, Neblett, O'Brien, Ormsby, Parker, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Spilman, Stout, Stratton, Street, Thomas, Tipton, Walker, Willson, and Mr. Speaker—47.

The bill was then passed.

Mr. McCoy had leave to withdraw from the Engrossing Committee Assembly bill No. 292.

SPECIAL ORDER.

Assembly bill No. 40, an act to legalize the acknowledgments of certain conveyances and other instruments in writing, was taken up.

Mr. Ballou moved to indefinitely postpone the bill.

Mr. Buel moved to lay the bill upon the table.

Upon which, Messrs Buel, Howell, and Davis, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ballou, Banks, Briggs, Buel, Burbank, De Long, Edwards, Ely, Ferguson, Gray, Hamlin, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Howell, Hirst, Shepard, Sheridan, Sherwin, Stout, Tatman, Thomas, Tipton, and Young—25.

NOES—Messrs. Anderson, Caldwell, Clarke, Crane, Curtis, Davis, Galbraith, Groom, Hancock, Harris, Heath, King, Lee, Markley, McCoy, Minis, O'Brien, Palmer, Parker, Pico, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Street, Warncastle, and Willson—27.

Upon the adoption of the amendments proposed by the Judiciary Committee, Mr. Curtis moved the previous question, which was sustained, and the House adopted the amendments

On Mr Ballou's motion, Messrs Sherwin, Shepard, and Burbank, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

AYES—Messrs Ballou, Banks, Briggs, Buel, Burbank, Cherry, De Long, Edwards, Ely, Ferguson, Gordon, Gray, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Howell, Hirst, Markley, Minis, Moses, Neblett, O'Brien, Ormsby, Palmer, Pico, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Spilman, Stakes, Stout, Street, Tatman, Tipton, and Walker—40.

NOES—Messrs. Anderson, Caldwell, Clarke, Crane, Curtis, Davis, Galbraith, Groom, Hancock, Heath, Kabler, King, Lee, Lewis, McCoy, Moore, Osgood, Parker, Smith of San Bernardino, Stratton, Thomas, Warmcastle, Willson, Young, and Mr. Speaker—25

Mr Stakes gave notice of reconsideration of the vote just taken.

Mr. De Long moved to reconsider the vote by which, on yesterday, the House passed Senate bill No. 82, an act to repeal an act entitled an act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April 11, 1857.

Mr. Ferguson moved to indefinitely postpone the motion to reconsider, upon which, Messrs. Safford, Loofbourrow, and Ferguson, demanded the ayes and noes, and the motion to indefinitely postpone the motion prevailed, by the following vote:

AYES—Messrs Anderson, Buel, Caldwell, Curtis, Davis, Edwards, Ely, Ferguson, Galbraith, Gordon, Hamlin, Hancock, Heath, Howell, Kabler, King, Loofbourrow, Marshall, McCoy, Minis, Moses, Neblett, Ormsby, Osgood, Parker, Pico, Safford, Sheridan, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stout, Stratton, Thomas, Tipton, and Walker—37.

NOES—Messrs. Banks, Briggs, Burbank, Cherry, Clarke, De Long, Gray, Harris, Hill of Sierra, Hitchens, Holladay, Hirst, Lewis, Markley, Moore, O'Brien, Palmer, Shepard, Sherwin, Street, Tatman, Warmcastle, Willson, Young, and Mr Speaker—25

FURTHER SPECIAL ORDER.

Senate bill No. 139, an act creating a state land office for the state of California.

Mr. Davis moved to amend section three, by filling the blank in the twenty-first line with the word "ten."

Agreed to.

The bill was then read a third time, and passed.

Senate bill No. 11, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land, donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning, also special order for this day, was continued until Saturday next, at two o'clock, P. M.

REPORTS.

Mr. Safford, of the Committee on Claims, made the following report:

MR. SPEAKER:—Your Committee on Claims, to whom were referred the claims of David McClaren, for services as draughtsman in the Surveyor General's office, from the seventeenth day of August, 1856, to the first day of January, 1857;

And the claim of T. B W. Stockton, for services as draughtsman in Surveyor General's office for the months of April and May, 1856;

And the claim of Leander Ransom, for certified copies of township plats furnished the Surveyor General's office, in the years 1855 and 1856;

Have directed me to report the same back, with the accompanying bills, and recommend their passage.

We have also had under consideration, Assembly bill No. 244, an act to audit the claim of John F McCauley, for the sum of $23,326 84, and report the same back, with a substitute, allowing him $8,200 35, and recommend its passage.

In the examination of this claim, as well as all others that have come before your committee, it has been their desire to do ample justice to the claimant, and at the same time faithfully guard the interests of the state. On a careful examination of the accounts of John F. McCauley, your committee find that there was issued to him a Comptroller's warrant, bearing date the twenty-eighth day of December, 1855, for the sum of $11,804 42, purporting to be for beef cattle, furnished the state prison in the year 1855. An order was drawn on the Comptroller of State for the above amount, and a warrant was issued on order by the Comptroller; the order was signed by only one of the board of directors, and the law plainly states that a quorum only shall transact business, and the warden of said prison, Major John S. Love, refused to sign said order.

From an examination of a transcript from the commissary books, kept at the prison, your committee find a daily account of the weights of the cattle killed belonging to McCauley, which show, in the aggregate, thirty-five thousand nine hundred and ninety-two pounds of beef; also, sixteen head of work cattle, and two milch cows, for which we have allowed him twelve cents per pound for the beef, this being the standard price we have allowed other parties furnishing beef, and ninety dollars per head for work-cattle and cows; and on examination of the Comptroller's books, we find that he delivered to the directors of the state prison, in the months of January, February, and March, 1856, ninety-nine thousand and fifty-six pounds beef, for which we have allowed twelve cents per pound,

Amounting to, - - - - - - - - - - -	$11,886 72
On account of which he has been paid the sum of, - -	9,625 41
Leaving a balance due him of, - - - - - -	$2,261 31
To this add amount due in 1855, - - - - -	5,939 04
Making in the aggregate, - - - - - - - -	$8,200 35

Which your committee believe is due to Mr. McCauley at this time.

We would further state that Mr. McCauley presented a claim for fourteen thousand nine hundred and three pounds of beef, said to have been furnished in the month of January, 1856, which we have taken no action upon, for the reason no account of the same can be found upon the Comptroller's books, or books of the prison. Besides the amount already allowed for this month is a most liberal estimate of beef consumed by the number of persons shown to have been at the prison at the time.

A. P. K. SAFFORD, Chairman, *pro tem.*

The bill above reported, an act to audit certain claims, read first and second times, and placed on file

Also, an act to audit the claims of J. F. McCauley, read first and second times, and placed on file.

Mr. Clarke, chairman of the Committee on Mines and Mining Interests, made the following report:

MR. SPEAKER:—The Committee on Mines and Mining Interests have had under consideration Assembly bill No. 349, an act to encourage the

working of mines of precious metals in this state, most respectfully beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

J. A. CLARKE, Chairman,
Committee on Mines and Mining Interests.

Mr Edwards chairman of the Committee on Public Lands, made the following report:

MR. SPEAKER:—The Committee on Public Lands, to whom was referred Assembly bill No. 318, an act amendatory and supplementary to an act concerning estray animals, have had the same under consideration, report it back with amendments, and recommend its passage, as amended.

URIAH EDWARDS, Chairman.

Mr. Moses, chairman of the Committee on Engrossment made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 202, for an act to ascertain the indebtedness of Sierra county to the county of Yuba, and to provide for the payment of the same;

Also, Assembly bill No 284, for an act concerning county records of the county of Sutter.

H A. MOSES, Chairman.

Mr Young, chairman of the Committee on Enrollment, made the following report:

MR SPEAKER.—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 235, an act to amend an act entitled an act to regulate the settlement of the estates of deceased persons, passed May 1, 1851;

Also, Assembly bill No. 204, an act to provide for the erection of a jail in Tulare county;

Also, Assembly bill No. 211, an act to separate the offices of county recorder, county auditor, and clerk of the probate court, from the office of county clerk, in the county of Shasta

GEORGE A. YOUNG, Chairman.

Mr. Gordon made the following report:

MR SPEAKER:—The delegation from San Francisco and San Mateo counties, to whom was referred Assembly bill No 285, an act to grant to certain parties the right to construct a macadamized wagon road from the city and county of San Francisco to Redwood City, in the county of San Mateo;

Also, Senate bill No. 124, an act granting the right of way over certain lands of this state in the counties of San Francisco and San Mateo;

Have had the same under consideration, and report them back, with a substitute for both of said bills, and recommend the passage of the substitute.

GORDON,
BANKS,
For San Mateo and San Francisco delegation.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 30, 1858.

To the Assembly of California:

I return, with my approval, an act to amend an act entitled an act to regulate the settlement of the estates of deceased persons, passed May 1, 1851.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 30, 1858.

To the Assembly of California:

I have, this day, approved an act concerning the office of county judge of San Joaquin county.

Also, an act amendatory of an act entitled an act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this state, approved April 25, 1857.

Also, an act authorizing the Treasurer of State to issue bonds in favor of Walter McDonald and A. M Jones, for services rendered as Indian commissioners in the year 1856

Also, an act to separate the office of collector of taxes from the office of sheriff, in the county of Shasta.

JOHN B WELLER.

On motion of Mr Hancock, the joint report of committee on appointing John P Brodie, Spanish translator, was taken from the table.

Mr. Heath presented the report of a minority of said committee, as follows:

To the Hon. Ferris Forman, Secretary of State:

A minority of the joint committee, appointed by the Senate and Assembly to examine the proposals for translating the Laws into Spanish, and to select a competent translator, respectfully beg leave to report, that there were four proposals submitted to the committee for their examination, by the following named persons:

John P. Brodie, for one dollar per folio
Manuel Ainsa, for one dollar per folio.
S. W. Daggett, for ninety cents per folio.
J Herrera and Javier Jafre, who proposed jointly to do the service for seventy-five cents per folio.

All of the persons submitting proposals to translate the laws were highly recommended to the committee, and we are of the opinion that they were all competent to perform the services in conformity with the law

Believing the bidders equally competent, the only duty left for the committee was to select such lowest bidder, and award the contract to him, in conformity with the fifteenth section of the law regulating the duties of the Secretary of State.

The majority of the committee, in their report, use the following language, viz.:

"A majority of your committee, being satisfied of the qualifications and

competency of John P. Brodie, although his bid is not the lowest, having selected his proposal as being the best, and having awarded to him the translation of the Laws of 1858, which are to be translated into Spanish," etc.

But the majority do not, nor can they, report in truth that the other bidders were not equally competent to perform the proposed service.

We therefore protest against awarding the translation of the Laws for the year 1858 to John P. Brodie, and allege that J. Herrera and Javier Jafre are the persons by law entitled to said contract.

All of which is respectfully submitted.

RUSSEL HEATH, of the Assembly.

SACRAMENTO, March 15, 1858.

The preceding reports were made the special order for three o'clock, P. M., to-morrow.

On motion of Mr. Ballon, Senate bill No. 102, an act to audit the claim of the Pacific Express Company, was taken from the table, read third time, and passed.

Mr. Moore introduced a bill for an act to authorize George H Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

On motion of Mr O'Brien, at forty minutes past five o'clock, P. M., the House adjourned.

IN ASSEMBLY.

WEDNESDAY, March 31, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All present, except those absent on leave.

Journals of yesterday read and approved.

THIRD READING OF BILLS.

Assembly bill No. 284, an act concerning county records of the county of Sutter;

And Assembly bill No. 202, an act to ascertain the indebtedness of Sierra county to the county of Yuba, and to provide for the payment of the same;

Were read third time, and passed.

GENERAL FILE.

Senate bill No. 147, an act appropriating money for transporting to the insane asylum certain insane convicts, was read third time, and passed.

Assembly bill No. 279, an act to amend an amendatory act entitled an act to establish an asylum for the insane of the state of California, passed May 1, 1854;

Also, Assembly bill No. 297, an act to fix the amount of the official

bonds of the county officers in the counties of Merced, Tulare, and Fresno;

Were ordered engrossed.

Senate bill No. 123, an act to amend an act entitled an act authorizing the formation of corporations for the construction of plank and turnpike roads, passed May 12, 1853, was placed at the head of the file for to-morrow.

The memorial of Denton Offutt, in reference to diseases of cattle, was laid on the table.

Assembly bill No. 160, an act supplementary to an act to regulate rodeos, passed April 30, 1851, amendments adopted, considered engrossed, read third time, and passed.

Assembly bill No. 57, an act to regulate the manner of recording and conveying quartz mining claims.

On the indefinite postponement of the bill, Mr. Buel moved the previous question, which was sustained, and the bill indefinitely postponed.

Senate bill No. 218, an act to audit certain claims, was taken up, and Mr. Ballou offered as a substitute, a bill for an act to audit and allow the claim of James Smiley, which was adopted, read third time, and passed.

Senate bill No. 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857—

On the adoption of the amendments, Mr. De Long moved the previous question.

Upon which, Messrs. Thomas, Warmcastle, and Crane, demanded the ayes and noes, and the previous question was lost, as follows:

AYES—Messrs. Ballou, Caldwell, Curtis, De Long, Hill of Nevada, Kabler, King, Lewis, Markley, Marshall, Moses, Neblett, Osgood, Parker, Pearis, Safford, Shepard, Sherwin, Smith of Nevada, Stratton, Street, Walker, and Young—23.

NOES—Messrs. Anderson, Banks, Briggs, Buel, Burbank, Cherry, Clarke, Crane, Davis, Edwards, Ferguson, Galbraith, Gordon, Groom, Harris, Heath, Holladay, Holman, Howell, Hirst, Lee, Loofbourrow, McCoy, Minis, O'Brien, Ormsby, Palmer, Sheridan, Simons, Spilman, Stakes, Stocker, Stout, Tatman, Thomas, Tipton, Warfield, Warmcastle, and Willson—39.

Mr. Buel moved to postpone the further consideration of the bill until to-morrow, at twelve o'clock, M.

Lost.

Mr. De Long moved a call of the House.

Lost.

The amendments were concurred in.

Mr. Crane moved to postpone further consideration of the bill until Friday next, at twelve o'clock, M.

Lost.

The bill was then read a third time, and on its passage Messrs. Crane, Thomas, and Neblett, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Ballou, Briggs, Buel, Caldwell, Clarke, Curtis, De Long, Ely, Ferguson, Galbraith, Hamlin, Hill of Nevada, Hitchens, Hirst, Kabler, King, Lewis, Loofbourrow, Markley, Marshall, McCoy, Moses,

Neblett, O'Brien, Parker, Pearis, Safford, Sheridan, Sherwin, Smith of Nevada, Spilman, Stocker, Stout, Stratton, Street, Tatman, Tipton, Walker, Warfield, and Young—40.

NOES—Messrs. Anderson, Banks, Burbank, Cherry, Crane, Davis, Edwards, Gordon, Groom, Hancock, Harris, Heath, Holladay, Holman, Howell, Minis, Ormsby, Osgood, Palmer, Pico, Shepard, Simons, Smith of San Bernardino, Thomas, Warmcastle, and Willson—26.

Mr. McCoy gave notice of reconsideration of the vote just taken.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 361, an act for the government and support of the state prison;

And, Assembly bill No. 362, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856, the special order for to-day, postponed until to-morrow, at eleven o'clock, A. M.

GENERAL FILE RESUMED.

Assembly bill No. 312, an act amendatory of an act entitled an act to provide for the payment of the debts of the counties of San Luis Obispo and Santa Barbara, approved March, 31, 1857, considered engrossed, read third time, and passed

Assembly bill No. 309, an act to authorize the State Treasurer to issue to the heirs of Chas. H. Ross, deceased, two duplicate school-land warrants in lieu of certain warrants destroyed, ordered engrossed.

Assembly bill No. 256, an act to authorize the Governor to issue patents to parties who have made locations upon the public lands, with state school-land warrants, recommitted to the Committee on Public Lands, with instructions to report on Friday next.

Senate bill No. 137, an act to provide for the payment of volumes six and seven of the Reports of the Supreme Court of California, amendments were concurred in, and the House resolved itself into Committee of the Whole, Mr. De Long in the chair.

The committee rose, and recommended the passage of the bill, as amended.

Bill read third time, and passed, and title amended.

Mr. Moses presented the claims of Samuel B. Jaques, and also of Thos. F. Lewis.

Referred to Committee on Claims.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. De Long, an act to prevent the further immigration of Chinese or Mongolians into this state.

Referred to select committee of seven, consisting of Messrs. De Long, Caldwell, Markley, Tipton, Kabler, Ballou, and Burbank, and ordered printed.

By Mr. Warmcastle, an act to amend the first and second sections of an act concerning official and other bonds, approved April 2, 1857.

Read first and second time and referred to the Judiciary Committee.

Mr. Stakes moved to reconsider the vote by which the House, on yes-

terday, indefinitely postponed Assembly bill No. 40, an act to legalize the acknowledgment of certain conveyances and other instruments in writing.

Mr. Sherwin moved to indefinitely postpone the motion to reconsider

Upon which, Messrs. Crane, Holman, and Stakes, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ballou, Burbank, Cherry, De Long, Edwards, Ely, Hamlin, Holladay, Kabler, Markley, Sherwin, Stout, and Mr. Speaker—13.

NOES—Messrs. Anderson, Caldwell, Crane, Davis, Galbraith, Gray, Groom, Haldeman, Hancock, Heath, Hill of Sierra, Holman, Howell, King, Lee, Lewis, Loofbourrow, McCoy, Minis, Moses, Neblett, Ormsby, Osgood, Palmer, Parker, Pico, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Tatman, Walker, Warmcastle, Willson, and Young—37.

And the vote was reconsidered.

On motion of Mr. Stakes, the further consideration of the bill was postponed until Monday next, at twelve o'clock M.

Mr. Street introduced a bill for an act recommending to the electors to vote for or against a convention to revise and change the constitution of this state.

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

SPECIAL ORDER OF THE DAY.

Senate concurrent resolution No. 13, relative to adjourning *sine die*, special order of the day, was taken up.

Mr. De Long moved to lay the resolution on the table.

Upon which, Messrs De Long, Willson, and Gray demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ballou, Burbank, Davis, Edwards, Ely, Galbraith, Gray, Groom, Haldeman, Heath, Hitchens, Howell, King, Lee, Minis, Moses, O'Brien, Shepard, Sherwin, Smith of San Bernardino, Stout, Street, Tatman, and Thomas—24.

NOES—Messrs Anderson, Briggs, Buel, Caldwell, Cherry, Clarke, Crane, Curtis, De Long, Ferguson, Hamlin, Hancock, Harris, Hill of Sierra, Holladay, Holman, Hirst, Kabler, Lewis, Loofbourrow, Markley, McCoy, Moore, Neblett, Ormsby, Osgood, Palmer, Parker, Pico, Safford, Simons, Smith of Nevada, Spilman, Stocker, Stratton, Walker, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—41.

Mr. De Long moved to postpone the further consideration of the resolution until April tenth next.

Mr. Buel moved the previous question.

Sustained.

The motion was adopted.

The following messages, received from the Senate since Friday last, were then taken up:

SENATE CHAMBER,
March 26, 1858.

MR. SPEAKER:—The Senate, on the twenty-fourth instant, passed Senate bill No 207, an act to audit certain claims;

Also, Senate bill No. 15, an act to repeal an act for the relief of insolvent debtors and protection of creditors, passed May 4, 1852;

Also, Senate bill No. 239, an act to change the name of Newman Bleistien to Bleistien Newman;

Also, Senate bill No. 204, an act in relation to the salaries of and the fees received by the county clerk (as clerk of the various courts) and the county recorder of the city and county of San Francisco, and prescribing certain of their powers and duties;

Also, Senate bill No. 91, 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;

Also, Assembly bill No 226, an act to authorize Simpson Thompson and T. H. Thompson to construct a wharf at Suscol Ferry, in Napa county, on the east bank of Napa River;

Also, Assembly bill No. 341, an act fixing the time of holding the terms of the court of sessions, county court, and probate court, in and for the county of San Bernardino;

Also, Assembly bill No. 335, an act amendatory of an act entitled an act to reincorporate the city of Sonora, approved March 9, 1855.

THOS. N. CAZNEAU, Sec. Senate.

Senate bills Nos. 207 and 204, above reported, read first and second times, and placed on file.

Senate bills Nos. 15 and 91, above reported, were read first and second times, and referred to the Judiciary Committee

Senate bill No. 239, above reported, read first and second times, and referred to the Sonoma delegation.

SENATE CHAMBER,
March 26, 1858.

MR. SPEAKER:—The Senate, on yesterday, 25th instant, passed Senate bill No. 232, an act entitled an act to authorize the issuance of duplicates for certain lost school-land warrants;

Also, Senate bill No. 212, an act for the incorporation of water companies;

Also, Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this state for school purposes, by act of Congress, passed March 3, 1853;

Also, Senate bill No. 249, an act amending an act entitled an act to incorporate the city of Oakland, passed March 25, 1854;

Also, Senate bill No. 88, an act to amend an act to provide for the sale of the swamp and overflowed lands, approved April 28, 1855;

Also, Senate bill No. 199, an act supplementary to an act of April 30, 1855, concerning the escape of convicts from the state prison;

Also, Assembly bill No. 280, an act authorizing the Treasurer of State to issue bonds in favor of Walter McDonald and A. M. Jones, for services rendered as Indian commissioners in the year 1856.

THOS. N. CAZNEAU, Secretary of Senate.

Senate bills Nos. 112 and 232, above reported, were read first and second times, and referred to the Committee on Public Lands.

Senate bills Nos. 212 and 249, above reported, were read first and second times, and referred to the Committee on Corporations.

Senate bill No. 88, above reported, read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Senate bill No. 199, above reported, was read first and second times, and referred to the State Prison Committee.

SENATE CHAMBER,
March 27, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, amended and passed Assembly bill No. 188, an act to amend an act entitled an act fixing the time of holding the several courts authorized to be held by the county judge in the county of Tuolumne, approved April 16, 1855, and ask the concurrence of the Assembly.

THOS. N. CAZNEAU, Secretary of Senate.

The House concurred in the Senate amendments to Assembly bill No. 188, above reported.

MR. SPEAKER:—The Senate, on the 23d instant, concurred in first amendment made by Assembly to Senate bill No. 30, an act to provide for binding minors as apprentices, clerks, and servants, and refused to concur in second amendment of the Assembly to the bill; and respectfully ask the Assembly to recede from their amendments.

THOS. N. CAZNEAU, Secretary of Senate.

The House receded from Assembly amendments to Senate bill No. 30, above reported.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, passed Assembly bill No. 352, an act concerning the office of county judge of San Joaquin county.

THOS. N. CAZNEAU, Sec. Senate.

MARCH 27, 1858.

SENATE CHAMBER,
March 29, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 262, an act to audit the claim of D. H. Carpenter.

J. T. EWING, Assis't Sec'y Senate.

Senate bill No. 262, above reported, was read first and second times, and ordered on file.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate, on the 25th instant, amended and passed Assembly bill No. 210, an act to amend an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin;

Also, March 24th, amended and passed Assembly bill No 29, an act to fix the compensation of certain officers in the counties of San Joaquin and Alameda, and ask the concurrence of the Assembly;

Also, on the 24th instant, passed Senate bill No. 251, as substitute for Assembly bill No. 298, an act to amend section four of an act to regulate fees in office, passed April 10, 1855.

THOS. N. CAZNEAU, Sec of the Senate.

The House concurred in Senate amendments to Assembly bill No. 129, above reported.

Senate bill No. 251, above reported, read first and second times, and referred to the Judiciary Committee.

SENATE CHAMBER,
March 29, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate have, this day, passed Assembly bill No. 235, an act to amend an act entitled an act to regulate the settlement of the estates of deceased persons, passed May 1, 1851.

J. T. EWING, Assistant Secretary Senate.

SENATE CHAMBER,
March 29, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 273, an act for the relief of Paul Shirley, late sheriff of Solano county.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 273, above reported, read first and second times, and referred to the Judiciary Committee.

MR SPEAKER:—I am directed to inform the Assembly, that the Senate, on yesterday, passed Assembly bill No. 204, an act to provide for the erection of a jail in the county of Tulare;

Also, Assembly bill No. 211, an act to separate the offices of county recorder, county auditor, and clerk of the probate court, from the office of county clerk, in the county of Shasta;

Also, Assembly bill No. 353, an act to create a sinking fund to pay the outstanding indebtedness of Contra Costa county.

THOS. N. CAZNEAU, Secretary of Senate.

MARCH 27, 1858.

MR SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 3, an act to repeal an act entitled an act to amend an act to regulate fees in office, approved April 10, 1855, approved April 5, 1856, and to revive the act thereby repealed;

Also, Senate bill No. 254, an act to audit the claim of H. and W. P. Gibbons;

Also, Senate bill No. 252, an act to audit the claim of John Dall;

Also, adopted the report of conference committee on Senate bill No. 39, an act to provide for the relinquishment to the United States in certain cases of titles to lands for sites for light-houses, and for other purposes, on the coasts and waters of this state.

THOS. N. CAZNEAU, Secretary Senate.

Senate bills Nos. 3, 252, and 254, above reported, were read first and second times, and ordered on file.

SENATE CHAMBER,
March 29, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on the twenty-sixth instant, passed Senate bill No. 157, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1853;

Also, Senate bill No. 263, an act to audit the claim of James Smiley;

Also, on the twenty-seventh instant, passed Senate bill No. 253, an act to audit certain claims;

Also, adopted report of committee of conference on the disagreeing vote of the two Houses on Senate bill No. 39, an act to provide for the relinquishment to the United States of lands for light-houses, etc.

THOS. N. CAZNEAU, Secretary Senate.

Senate bill No. 157, above reported, read first and second times, and referred to the Committee on State Hospitals.

Senate bills Nos. 253 and 263, above reported, were read first and second times, and ordered on file.

SENATE CHAMBER,
March 30, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 28, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, approved April 29, 1851;

Also, Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855;

Also, Senate bill No. 276, an act granting to Franklin A. Rogers leave of absence from the State;

Also, Assembly bill No. 209, an act to legalize certain statements, in the form of affidavits, made before the county recorders of this state.

JAS. T. EWING, Assistant Sec. Senate.

Senate bill No. 28, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 151, above reported, read first and second times, and referred to the Committee on Corporations.

Senate bill No. 276, above reported, read first and second times, rules suspended, read a third time, and passed.

SENATE CHAMBER,
March 31, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 280, an act to change the time of holding the courts of sessions and county court in the county of Los Angeles;

Also, Senate bill No. 279, an act to fix the salary of district attorney of San Bernardino county;

Also, Senate concurrent resolution, instructing our Senators and requesting our Representatives in Congress, to vote for Morrill's bill.

JAS. T. EWING, Ass't Sec'y Senate.

Senate bill No. 280, above reported, read first and second times, rules suspended, read third time, and passed.

Mr. Smith of San Bernardino offered to amend Senate bill No. 279, above reported, as follows: Strike out "six" and insert "four," in the third line.

Amendment adopted, read third time, and passed.

Senate concurrent resolution, also above reported, concurred in.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, this day, concurred in Assembly concurrent resolution, relative to the removal of seat of government of this state to the city of Oakland, and have appointed, on the part of the Senate, Messrs. Mesick and Merritt, to act with committee of Assembly.

THOS. N. CAZNEAU, Secretary Senate.

MARCH 27, 1858.

SENATE CHAMBER,
March 31, 1858.

MR. SPEAKER:—The Senate, on yesterday, amended and passed Assembly bill No. 9, an act to repeal in part an act entitled an act to amend an act entitled an act to authorize the formation of corporations for the con-

struction of plank and turnpike roads, passed May 12, 1853, approved April 28, 1857.

J. T. EWING, Asst. Secretary Senate.

The following message was received from the Governor, which, together with accompanying documents, was referred to the Judiciary Committee:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 31, 1858.

To the Assembly of California:

I deem it my duty to transmit to your honorable body copies of letters and orders in relation to the land commission, with a view that such legislation may be had as the public interest demands.

JNO. B. WELLER.

OFFICE OF SECRETARY OF STATE,
March 31, 1858.

His Excellency, John B. Weller:

SIR:—Enclosed herewith I send copies of two communications sent by me, under the direction of the board of land commission, to William Neely Johnson, late clerk and agent of said board.

Between the date of my first communication, to wit: 14th January, 1858, and the one of the 8th February, 1858, I had frequent conversations with Mr. Johnson, advising him of the necessity of his returning the books to the board, and to make a report of his doings as clerk and agent, in each of which conversations he promised me that he would turn over the books and make a report at an early day, all of which he has failed to do up to this date.

Very respectfully, your obedient servant,
FERRIS FORMAN, Secretary of State.

STATE OF CALIFORNIA, CITY OF SACRAMENTO,
Office of Secretary of State, Jan. 14, 1858.

Wm. Neely Johnson, Agent Board of Land Commissioners:

SIR:—I am directed by the board of land commissioners, to request a reply to the following interrogatories at your earliest convenience:

First—The amount of property sold since your last report, and to whom.

Second—The amount of money received by you on account of sales.

Third—The amount of expenses, to whom disbursed, and on what account.

Fourth—The number of suits pending in relation to the state property, the names of the parties thereto, the present condition of the same, and the contracts, if any, for their prosecution or defence.

Fifth—The amount of property undisposed of.

Very respectfully,
FERRIS FORMAN, Secretary of State.

SACRAMENTO CITY,
February 8th, 1858

William Neely Johnson:

DEAR SIR:—I am directed by the board of land commission to communicate the following entry made by said board:

SACRAMENTO CITY,
February 8th, 1858.

At a meeting of the board of land commission, convened at the Comptroller's office, February 8th, 1858, present his Excellency, John B. Weller, Geo. W. Whitman, and Ferris Forman, it was ordered that the late clerk and agent of said board be required to turn over immediately to the president of the board, his Excellency John B. Weller, all books, papers, moneys, vouchers, and property, of whatever kind, belonging to said commission.

Yours very respectfully,
FERRIS FORMAN, Secretary of said Board.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 19, 1858.

SIR:—I have made several efforts through the Secretary of State to ascertain the condition of the land commission organized under the act of May 1, 1855, but have entirely failed.

On the 8th inst. an order was made by the board, directing W. Neely Johnson, the agent, to deliver, immediately, the books, papers, moneys, etc., to the president.

This order has not been obeyed, and I have to request that you will institute legal proceedings to obtain this property at as early a day as possible.

Very truly, your ob't serv't,
JOHN B. WELLER.

Hon. THOS. H WILLIAMS, Attorney General.

The following additional messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 31, 1858.

To the Assembly of California:

I have, this day, approved an act to provide for the erection of a jail in the county of Tulare:

Also, an act to separate the offices of county recorder, county auditor, and clerk of the probate court, from the office of county clerk, in the county of Shasta.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 31, 1858.

To the Assembly of California:

I herewith return to your honorable body, without approval, an act granting the privilege to J. C. Owen and R. B. Cannon, of conducting water into and through Suisun City, in the county of Solano, and supplying the inhabitants therewith.

This bill creates a *quasi* corporation, and confers upon certain gentlemen, therein named, the right to supply Suisun City with water. These privileges are granted in perpetuity, as there is no provision in the bill as to the manner in which the works are to be disposed of after the lapse of ten years. During those ten years, the right is vested in them exclusively. I have no doubt these gentlemen are worthy and enterprising men, but I see no reason why exclusive privileges should be conferred on them.

The general law of the state, approved May 3, 1852, provides for the incorporation of water companies, and denies to any company a right to supply any city with water, unless it shall be previously authorized by an ordinance, or unless it is done in conformity with a contract entered into between the city and company. I see no necessity for changing the general law by this special act, and hence I return the bill to your honorable body.

JOHN B. WELLER, Governor.

The preceding message was laid on the table.

Assembly bill No. 9, an act to repeal in part an act entitled an act to amend an act entitled an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853—approved April 28, 1857; Senate amendments concurred in.

Assembly bill No. 210, an act to amend an act entitled an act restricting the herding of sheep to certain pastures in the counties of Sonoma and Marin, ordered to the foot of file.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Heath, for an act supplementary to an act to incorporate the city of Santa Barbara, passed April 9, 1850;

By Mr. Osgood, for an act concerning coroners;

Which were read first and second times, considered engrossed, read a third time, and passed, and the title to the latter amended.

Mr. Smith of Nevada made the following report:

MR. SPEAKER:—The Nevada delegation, to whom was referred Senate bill No. 219, an act to repeal an act entitled an act to incorporate the city of Nevada, approved April 19, 1856, have had the same under consideration, and beg leave to submit the accompanying substitute, and recommend its passage.

SMITH.

Substitute above reported, adopted, read third time, and passed.

Assembly bill No. 104, an act fixing the times at which representatives in Congress shall be elected, was taken from the table, and placed on file.

Mr. Safford introduced a bill for an act to create state and county boards of instruction, and to define their powers and duties thereof.

Read first and second times, and referred to Committee on Education.

Mr. Safford, of the Committee on Claims, made the following report:

MR. SPEAKER:—Your Committee on Claims, to whom were referred the claims of J. P. Riley, M D., for services rendered in small-pox hospital, San Francisco, in the years 1852 and 1853;

And the claim of the Volcano Ledger for publishing general orders, per the direction of Brigadier General A. M. Winn, in 1856;

And the claim of B B. Redding & Co., for furnishing the Senate with copies of the Daily State Journal, in 1857;

And the claim of the Iowa Hill News, for publishing the Governor's proclamation in 1856;

And the following claims, presented by Thomas Boyce, to wit: The Los Angeles Star, for publishing election proclamation in 1855, and for

publishing Thanksgiving proclamation in 1854; the El Clamor Publico, for publishing proclamation in 1855, and the San José Tribune, for publishing proclamation in 1855;

And the claim of J. H. Haraldson, for searching records of Marin county, in relation to title of land upon which the state prison now stands;

And the claim of J. Meyer & Co., for articles furnished state marine hospital in 1854;

Have directed me to report the same back, and recommend that they be rejected.

The claim of the Volcano Ledger, for publishing proclamation in 1856.

And the claim of Skillman & Dosh, for publishing proclamation in 1855;

And the claim of the Nevada Journal, for furnishing copies of papers to Senate in 1856;

And the claim of the Monterey Sentinel, for papers furnished the Legislature in 1856;

And the claim of Nevett & Co., for articles furnished State Library and Secretary of State's office, in 1855;

And the claim of the Marysville Inquirer, for publishing notices and proclamations in 1856;

And the following claims, presented by Thomas Boyce, to wit: the Los Angeles Star, for publishing amendments to the constitution in 1856; also, publishing proclamation in 1856;

Also, for publishing proclamation in Monterey Sentinel in 1856;

Have directed me to report same back, with the accompanying bill, and recommend its passage.

And the claim of Oscar A Ball, for advertising reward, in 1857; and the claim of Hammond & Co., for articles furnished sergeant-at-arms of Assembly in 1857;

And the claim of Samuel Neal, Jr., for assisting the completing of the indexes of the Senate and Assembly Journals, for 1857;

Have directed me to report the accompanying relief bill, and recommend its passage.

Also, the claim of James Statten, recommended to be referred to Committee on Contingent Expenses, and the claim of Joseph Nougues, is recommended to be referred to a select committee of five

A. P. K. SAFFORD, Chairman, *pro tem.*

An act to audit certain claims, and an act for the relief of certain persons, above reported, were read first and second times, and ordered on file.

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

Resolved, by this House, that the Senate be, and it is hereby, requested to order that all remonstrances, or papers in any wise connected with a bill known as the "consolidation bill," be sent into this House for the purpose of information.

The claim of John Statten, referred to Committee on Contingent Expenses.

The claim of Joseph Nougues, for damages sustained by state capitol contract, referred to special committee, consisting of Messrs. Howell, Galbraith, Neblett, Edwards, and O'Brien.

Mr. Groom made the following report:

MR. SPEAKER:—Your committee, to whom was referred Senate bill No.

250, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

GROOM, Chairman.

Senate bill No. 250, above reported, made the special order for Friday next, at 2 o'clock, P. M.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 209, an act to legalize certain statements in the form of affidavits, made before the county recorders of this state;

Also, Assembly bill No. 353, an act to create a sinking fund to pay the outstanding indebtedness of Contra Costa county.

GEO. A. YOUNG, Chairman.

The special order of the day, the joint report of committee on appointing John P. Brodie Spanish translator, was taken up.

Mr. Loofbourrow moved to lay the report on the table; upon which, Messrs. Parker, Harris, and De Long, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ballou, Caldwell, Galbraith, Hill of Nevada, Loofbourrow, Safford, Sherwin, Smith of Nevada, and Tipton—9.

NOES—Messrs. Anderson, Briggs, Buel, Burbank, Cherry, Clarke, Crane, De Long, Edwards, Ely, Gordon, Gray, Groom, Hamlin, Hancock, Harris, Hill of Sierra, Holladay, Holman, Howell, Marshall, McCoy, Minis, O'Brien, Osgood, Parker, Pico, Shepard, Sheridan, Simons, Spilman, Stocker, Stout, Street, Tatman, Thomas, Walker, Warfield, Warmcastle, and Young—40.

On the adoption of the report, Mr. De Long moved the previous question, which was sustained, and the report adopted.

Mr. Pico, offered the following resolution, which, on motion of Mr. Warmcastle, was referred to a select committee, consisting of Messrs. Pico, Crane, McCoy, Heath, and Willson.

Resolved, By the Assembly, the Senate concurring, that the Secretary of State be instructed to procure to be printed, in the Spanish language, and distributed in the counties by law entitled to them, in accordance with the laws now in force, a number of copies of the statutes for the years 1850, 1851, 1852, and 1853, which number shall equal one hundred copies, less the number heretofore distributed in the counties enumerated by the law now in force entitled thereto, the said last named lesser number to be ascertained from the records of the office of the Secretary of State; also, lessen the said distribution the number of ten copies of each year, as aforesaid, which shall be retained by the Secretary of State for the use of the state library; likewise, that he be instructed to distribute such extra copies of the statutes of 1853, 1854, 1855, 1856, and 1857, as may be in his possession, exceeding the number of fifty copies, in a *pro rata* number, in in accordance with laws now in force for such distribution.

The sergeant-at-arms made the following report:

To the Honorable House of Representatives:

In accordance with a resolution which passed the House, directing the sergeant-at-arms to purchase stationery for the use of members of the House of Representatives, he begs leave to report:

That he has purchased stationery of J. Bithell, to the amount of $69 75, for the week ending March 30, 1858, for which vouchers have been handed the Committee on Accounts and Expenditures.

QUIN, Sergeant-at-Arms.

MARCH 31, 1858.

Mr. Edwards made the following report:

MR. SPEAKER:—The delegation from Sonoma and Marin counties, to whom was referred Senate bill No. 154, an act to incorporate the town of Petaluma, have had the same under consideration, report it back, with amendments, and recommend its passage, as amended

URIAH EDWARDS,
J. S. ORMSBY,
J. T. STOCKER.

Mr. Edwards also made the following report:

MR. SPEAKER:—The Sonoma county delegation, to whom was referred Senate bill No. 239, an act to change the name of Newman Bleistein to Bleistein Newman, have had the same under consideration, report the same back, and recommend its passage.

URIAH EDWARDS,
J. S. ORMSBY.

Senate bill No. 239, above reported, read third time, and passed.

Mr Harris gave notice of a bill for an act to authorize G. M. Hanson and his associates to construct a bridge across Feather River at Yuba City.

Mr. Burbank presented the memorial of the licensed dealers, traders, etc., of the county of San Francisco, in relation to the license law.

Referred to the Committee on Ways and Means.

On motion of Mr. Buel, at half-past four o'clock, P. M., the House adjourned to ten o'clock, A. M., to-morrow.

IN ASSEMBLY.

THURSDAY, April 1, 1858.

House met pursuant to adjournment.

The speaker in the chair.

The roll was called.

All were present, except those absent on leave.

Journals of yesterday read and approved.

Mr. Burbank presented the memorial from the Pharmaceutical Association of San Francisco.

Referred to Committee on State Hospitals.

Senate bill No. 123, an act to amend an act entitled an act authorizing the formation of corporations for the construction of plank and turnpike roads, passed May 12th, 1853—

Mr. Gray moved to lay the bill on the table.

Lost.

Read third time and passed.

Mr. Lewis, from the state prison committee, reported back Senate bill No. 199, an act supplementary to an act of April 30th, 1855, concerning the escape of convicts from the state prison, without recommendation, which was considered with

SPECIAL ORDER,

Assembly bill No. 362, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856;

And, Assembly bill No. 361, an act for the government and support of the state prison, in Committee of the Whole, Mr. Clarke in the chair.

The committee rose, recommended the passage of Assembly bill No. 362, reported progress, together with a substitute offered by Mr. Lee, an act for the support and government of the state prison, and had leave to sit again to-morrow at twelve o'clock, M.

Assembly bill No. 362, reported by committee, was considered engrossed, read third time, and passed.

Mr. McCoy moved to reconsider the vote by which the House, on yesterday, passed Senate bill No, 36, an act supplementary to and amendatory of an act to provide revenue for the support of the government of this state, passed April 29, 1857.

Mr. Loofbourrow moved to indefinitely postpone the motion to reconsider, upon which, Messrs. Edwards, De Long, and Holman, demanded the ayes and noes, and the motion was indefinitely postponed, by the following vote:

AYES—Messrs. Ballou, Briggs, Buel, Caldwell, Clarke, Curtis, De Long, Ely, Ferguson, Galbraith, Graham, Hill of Nevada, Hitchens, Hobart, Hirst, Kabler, King, Lewis, Loofbourrow, Markley, Marshall, Moses, Neblett, O'Brien, Parker, Safford, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stocker, Stout, Stratton, Street, Tatman, Tipton, Walker, Ward, Warfield, Young, and Mr Speaker—41.

NOES—Messrs. Banks, Burbank, Cherry, Crane, Davis, Edwards, Gordon, Gray, Harris, Havens, Holladay, Holman, Howell, McCoy, Mims, Ormsby, Osgood, Pearis, Shepard, Simons, Spilman, Thomas, Warmcastle, and Willson—24.

Assembly bill No. 205, an act supplementary to and amendatory of an act entitled "an act to provide revenue for the support of the government of this state," passed April 29, 1857; also special order, was then taken up.

Mr. Street moved to indefinitely postpone the bill.

Mr. Buel moved that the House adjourn.

Lost.

Mr. Young moved to postpone the further consideration of the bill until Monday next.

Mr. Curtis moved to lay the bill on the table, upon which, Messrs. Sher-

win, Curtis, and O'Brien demanded the ayes and noes, and the bill was laid on the table, by the following vote:

AYES—Messrs. Briggs, Buel, Caldwell, Clarke, Curtis, De Long, Ely, Galbraith, Gray, Graham, Hamlin, Hill of Sierra, Hitchens, Hirst, Kabler, King, Lee, Loofbourrow, Marshall, McCoy, Moses, Neblett, O'Brien, Pearis, Safford, Smith of Nevada, Spilman, Stocker, Stout, Stratton, Street, Tatman, Tipton, Walker, Young, and Mr. Speaker—36.

NOES—Messrs. Anderson, Ballou, Banks, Burbank, Cherry, Crane, Edwards, Ferguson, Gordon, Hancock, Harris, Havens, Hill of Nevada, Hobart, Holman, Minis, Ormsby, Shepard, Sheridan, Sherwin, Simons, Thomas, and Ward—23.

Mr. McCoy gave notice of reconsideration of the vote just taken.

Mr. De Long made the following report:

MR. SPEAKER:—The select committee, to whom was referred Assembly bill No. 402, an act to prevent the further immigration of Chinese or Mongolians into this state, have had the same under consideration, report the same back, without amendment, and recommend its passage

C. E DE LONG, Chairman.

On motion of Mr. Hancock, at five o'clock, P. M, the House adjourned.

IN ASSEMBLY.

FRIDAY, April 2, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All were present, except those absent on leave, and Messrs. Minis, King, Moore, Osgood, and Palmer.

Messrs. King, Minis, and Palmer, had leave of absence, for one day each, and Mr. Osgood, for two days

Journal of yesterday read and approved

Mr. Aud presented a remonstrance of citizens of Sutter county, against alteration of boundary lines.

Referred to Committee on Counties and County Boundaries.

REPORTS.

The following report was made by Mr. Lee:

MR. SPEAKER:—The Committee of Ways and Means, to whom was referred Assembly bill No. 304, entitled an act authorizing and regulating the collection and settlement of poll-taxes; and,

Also, Assembly bill No 327, entitled an act to provide for the protection of foreigners, and to define their liabilities and privileges;

Having attentively considered the provisions of each, report the same back, with amendments, and recommend their passage.

The same committee, to whom was referred Assembly bill No 371, entitled an act to amend an act entitled an act amendatory of an act to provide for the protection of foreigners, and to define their liabilities and

privileges, approved March 30, 1853, approved April 7, 1857, finding the contingencies contemplated by the same, provided for in the last-named bill, reported by the committee, recommend the indefinite postponement of the same.

All of which is respectfully submitted.

H. LEE,
Chairman Committee on Ways and Means.

Mr. Safford made the following report:

MR. SPEAKER:—Your Committee on Claims, to whom were referred the claims of Wells, Fargo & Co., for expressing mail matter for Comptroller's and Governor's office in 1856;

And the claim of A. H. Brodie, ex-sheriff of Alameda county in 1854,–'5, and '6;

And the claim of Samuel C. Gray, for articles furnished State Treasurer's and Quartermaster General's office in 1853 and 1854;

And the claim of Ferris Forman, for postage furnished Senate in 1855;

And the claim of Wells, Fargo & Co., for balance due for distributing laws and journals in 1856, as per contract, have directed me to report same back, with accompanying bill, and recommend its passage;

Claim of T. J. A. Chambers & Co., for lamps, chandeliers, etc, furnished the capitol in 1851, and the petition of McNeil and others, for relief for losses by outrages of state prison convicts, and the claim of D. N. Hunt, for services as sheriff in Sacramento county in 1854 and '55, and the claim of J. H. Hardy, for services in certain suits wherein the state was party, and report the same back to the House, and recommend they be rejected.

A. P. K. SAFFORD, Chairman *pro tem.*

Assembly bill, an act to audit certain claims above reported, was read first and second times, and placed on file.

Mr. Holman presented a memorial from citizens of San Joaquin county for appropriation for insane asylum.

Bill for an act to appropriate the sum of sixteen thousand four hundred and eighty dollars and twenty-one cents, to meet deficiencies for the support of the insane asylum of California, existing on the thirty-first of December, 1857, was read first and second times, and referred to the Committee on Claims.

Mr. Thomas made the following report:

MR. SPEAKER:—The Hospital Committee, to whom was referred Senate bill No 157, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1853, have had the same under consideration, and, with a slight amendment, unanimously recommend its passage.

THOMAS, Chairman.

Also, the special committee, to whom was referred Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines, report as follows:

The provisions of this bill requires that all drugs, medicines, oils, medicated spirits, pharmaceutical preparations, etc., shall conform in strength to a certain standard embraced in an act of the Congress of the United States, approved June 26, 1848.

At least nine-tenths of all the articles embraced in the bill, and that are

brought to this state, are purchased by the California druggists in the cities of Philadelphia, New York, and Boston; in each of which cities they are supposed to have undergone the necessary tests, as to purity, by the proper officer appointed by the government. The remaining one-tenth, imported from foreign countries, undergoes a similar inspection by a similar officer in San Francisco.

Now, although the California druggists may order a stock of the purest and best drugs that the Eastern markets can afford, it is not at all surprising that an important and large portion of the invoice should vary, in a slight degree, from the standard of purity sought to be established. The agencies by which they are acted on are many and various, and might affect the greater part of a large and valuable stock of drugs and medicines, in a degree so slight as to be unworthy of notice, so far as their remedial powers are concerned, yet to a sufficient extent to make them amenable to all the penalties of this act.

For the California druggist to come up to any thing like the requirements of this bill, he would be compelled to employ a large number of analytical chemists at the point from which he ships his goods—the testing process being slow and tedious, and every article would require to be tested. Moreover, it is a fact, well known to every one acquainted with the subject, that the science of chemistry is nearly impotent, in testing the strength and purity of vegetable substances; it is in minerals alone that it can be relied on with certainty.

Section three of the bill requires that every box, bottle, or package, of patent or secret medicine sold, shall have attached, the certificate of the inspector, for which certificate, said inspector is allowed to charge fifty dollars. He, therefore, who buys a bottle of some patent medicine, for which he pays one dollar, will have to pay fifty dollars additional for the certificate. This is simply absurd. Another great objection to this bill, is, that it puts too much power in the hands of one man, who, if he were so disposed, could break down and ruin every druggist in the cities of San Francisco, Sacramento, and Stockton, let them be never so honest in their efforts to keep and vend nothing but pure articles, and shield himself behind the letter of his duty.

Your committee have deliberated maturely on the subject of this bill, and offer this report as some of the results of that deliberation. They consider it unnecessary, inoperative, and oppressive, and do, therefore, unanimously and unhesitatingly recommend that it be indefinitely postponed.

GEO. W. THOMAS, Chairman.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR SPEAKER:—The Engrossing Committee have examined, and found correctly engrossed, the following bills, viz.:

Assembly bill No. 312, an act amendatory of an act entitled an act to provide for the payment of the debts of the counties of San Luis Obispo and Santa Barbara, approved March 31, 1857;

Assembly bill No. 348, an act to create the county of Alturas, to define its boundaries, and provide for its organization;

Assembly bill No. 160, an act supplementary to an act to regulate rodeos, passed April 30, 1851;

Assembly bill No. 207, an act for the improvement of the navigation of

the San Joaquin river, and for reclaiming certain swamp and overflowed lands;

Assembly bill No. 279, an act to amend an amendatory act entitled an act to establish an asylum for the insane of the state of California, passed May 1, 1854;

Assembly bill No. 297, an act to fix the amount of the official bonds of the county officers in the counties of Merced, Tulare, and Fresno; and

Assembly bill No. 309, an act to authorize the State Treasurer to issue to the heirs of Charles H. Ross, deceased, two duplicate school-land warrants, in lieu of certain warrants destroyed.

H. A. MOSES, Chairman.

The following message was received from the Senate:

SENATE CHAMBER,
April 1, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 283, an act authorizing F. F. Marx, B. Nordheimer, and others, to construct a wharf at Trinidad, in Klamath county;

Also, Senate bill 228, an act to audit the claim of Samuel Warren;

Also, Senate bill No. 284, an act to fix the salary of the district attorney of the county of Tehama;

Also, have amended and passed Assembly bill No. 185, an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1855,

And ask the concurrence of the Assembly;

Also, have amended and passed Assembly bill No. 65, and act to extend the term of office of the board of supervisors of El Dorado county, and to change the manner of election, and define their duties in certain cases, and establish their salaries, and ask the concurrence of the Assembly;

Also, on Tuesday, the 30th inst., adopted Senate concurrent resolution, authorizing the Secretary of State to correct the title of Senate bill No. 188, approved March 29, 1858, and respectfully ask the concurrence of the Assembly.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 283, above reported, was read first and second times, and referred to the Committee on Commerce and Navigation.

Senate bills Nos. 228 and 284, above reported, were read first and second times, and ordered on file.

The House concurred in Senate amendments to Assembly bills Nos. 65 and 185, also above reported.

Senate concurrent resolution No. 36, above reported, was concurred in.

The following messages were also received from the Senate:

SENATE CHAMBER,
April 1, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate concurrent resolution No. 32, relative to a joint convention for the purpose of electing a Quartermaster General, and two trustees of insane asylum

EWING, Ass't Sec. Senate.

Senate concurrent resolution No. 32, above reported, was concurred in.

SENATE CHAMBER,
April 1, 1858.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 401, an act to audit and allow the claim of James Smiley.

JAS. T. EWING, Assistant Secretary Senate.

SENATE CHAMBER,
April 1, 1858.

MR SPEAKER:—The Senate, on yesterday, amended and passed Assembly bill No 225, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage;

Also, herewith transmit to the Assembly, pursuant to their resolution, certain remonstrances of the citizens of the city and county of Sacramento, against the consolidation bill.

J. T. EWING, Assistant Secretary.

Senate amendments to Assembly bill No. 225, above reported, concurred in.

THIRD READING.

Assembly bill No 309, an act to authorize the State Treasurer to issue to the heirs of Charles H Ross, deceased, two duplicate school-land warrants in lieu of certain warrants destroyed;

And Assembly bill No. 297, an act to fix the amount of the offical bonds of the county officers in the counties of Merced, Tulare, and Fresno;

And Assembly bill No. 279, an act to amend an amendatory act entitled an act to establish an asylum for the insane of the state of California, passed May 1st, 1851;

Were read third time, and passed.

Assembly bill No. 207, an act for the improvement of the navigation of the San Joaquin River, and for reclaiming certain swamp and overflowed lands, was read third time, and on its passage Messrs. Stakes, Sherwin, and Markley, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Ballou, Briggs, Buel, Caldwell, Curtis, Edwards, Galbraith, Gordon, Harris, Hill of Sierra, Hitchens, Hobart, Holman, Kabler, Loofbourrow, O'Brien, Sheridan, Sherwin, Smith of Nevada, Spilman, Street, Tipton, Tuttle, and Willson—24.

NOES—Messrs. And, Banks, Clarke, DeLong, Ely, Gray, Haldeman, Havens, Hill of Nevada, Holladay, Hirst, Lee, Lewis, Markley, Marshall, Moses, Neblett, Ormsby, Parker, Shepard, Simons, Smith of San Bernardino, Stakes, Stratton, Walker, Young, and Mr. Speaker—27.

Messrs. De Long and Neblett gave notice of reconsideration of the vote just taken.

Assembly bill No. 348, an act to create the county of Alturas, to define its boundaries, and provide for its organization, was read a third time.

Mr. Lewis moved a call of the House.

Agreed to.

The following members were absent, and the sergeant-at-arms was dispatched for the absentees, viz:

Messrs. Banks, Crane, Curtis, Groom, Heath, Hill of Nevada, Howell,

Moses, Neblett, Pearis, Simons, Stratton, Thomas, Walker, Ward, and Willson.

Messrs. Neblett, Howell, Ward, Walker, and Curtis, appeared at the bar of the House, were admitted and excused.

Further proceedings under the call were dispensed with.

Mr. Loofbourrow moved the previous question.

Sustained.

On the passage of the bill, Messrs. Clarke, Sherwin, and De Long, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Briggs, Cherry, Curtis, Galbraith, Gordon, Hancock, Harris, Hill of Sierra, Holman, Markley, McCoy, Sheridan, Sherwin, Spilman, Thomas, and Young—16.

NOES.—Messrs. Anderson, Aud, Ballou, Buel, Clarke, De Long, Edwards, Ely, Gray, Graham, Hitchens, Holladay, Howell, Kabler, Lee, Lewis, Loofbourrow, Marshal, Moses, O'Brien, Ormsby, Safford, Shepard, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stout, Street, Tatman, Walker, Ward, Warfield, Willson, and Mr. Speaker—35.

SPECIAL ORDER.

Assembly bill No. 138, an act to amend an act entitled an act concerning corporations, passed April 22, 1850, was read a third time, and on its indefinite postponement, Messrs Parker, O'Brien, and Willson, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

AYES—Messrs. Anderson, Ballou, Banks, Briggs, Burbank, Caldwell, Cherry, Clarke, Crane, Curtis, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Groom, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Howell, Kabler, Lee, Lewis, Markley, McCoy, Neblett, Pico, Shepard, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Street, Thomas, Tuttle, Ward, Warfield, Warmcastle, Willson, and Young—48.

NOES—Messrs. Buel, De Long, Edwards, Haldeman, Hitchens, Holman, Moses, O'Brien, Ormsby, Parker, Safford, Sheridan, Stakes, Stout, Stratton, Tipton, Walker, and Mr. Speaker—18.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Ormsby, for an act relating to certain outstanding indebtedness due this state;

By Mr. Ferguson, for an act to prevent the Chinese from working in the mines of the state of California;

By Mr. Lewis, for an act to provide for the protection of the harbor of San Francisco;

By Mr. Holman, for an act to fix the compensation of the county superintendent of common schools of San Joaquin county.

Mr. De Long offered the following resolution:

Resolved, That from and after this day the House convene at ten o'clock A. M., during the remainder of the session.

Mr. Shepard offered a substitute as follows:

Resolved, That from and after this date, the Assembly will convene precisely at nine o'clock in the morning and adjourn at twelve o'clock precisely, to meet again at one o'clock on the same day, continuing in session until four o'clock, P. M., when the House shall stand adjourned by virtue of the hour.

Resolved, That from and after this date, no member shall be allowed to speak more than five minutes at a time, or more than once upon the action of any bill, except by unanimous consent.

Resolved, That when this House meets, it shall be under the operation of a call; so far as the enforcing of the attendance of members is concerned, the sergeant-at-arms, being regularly dispatched after absentees, whose fine shall in no case be remitted; *Provided*, that such call shall not defer or interfere with the regular proceedings of the Assembly.

Mr. Crane moved to amend, by striking out "nine," and inserting "ten."

Carried.

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

Lost.

Mr. Young moved to amend by striking out the word "unanimous."

Mr. De Long moved to lay the whole subject on the table.

Carried.

Mr. Buel moved that the House adjourn.

Lost.

On motion of Mr. McCoy, Assembly bill No. 205, an act supplementary to and amendatory of an act entitled an act to provide revenue for the support of the government of the state, passed April 29, 1857, was taken from the table, and made the special order for Thursday next, at three o'clock, P. M.

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

Resolved, That the special committee, to whom was referred the resolution relative to the publication of certain laws in the Spanish language, be allowed to employ a clerk during the time they may be engaged in their labors, not to exceed ten days.

Assembly bill No. 384, an act concerning trustees other than executors, considered engrossed, read third time, and passed

On motion of Mr. Ely, Senate bill No. 250, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, special order for this day, was postponed until Tuesday next, at two o'clock, P. M.

Mr Street moved to take up Assembly bill No. 395, an act to restrict and prevent the immigration to and residence in this state of negroes and mulattoes;

And Assembly bill No. 402, an act to prevent the further immigration of Chinese or Mongolians to this state

Lost

Mr. Curtis moved to adjourn.

Lost

Mr Young made the following report:

Mr. Speaker:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 9, an act to repeal, in part, an

act entitled an act to amend an act entitled an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853, approved April 28, 1857;

Also, Assembly bill No. 129, an act to fix the compensation of certain officers in the counties of San Joaquin and Alameda;

Also, Assembly bill No 188, an act to amend an act entitled an act fixing the time of holding the several courts authorized to be held by the county judge in the county of Tuolumne, approved April 16, 1858;

Also, Assembly bill No. 401, an act to audit and allow the claim of James Smiley.

GEO. H. YOUNG, Chairman.

Mr. Young gave notice that he would, on to-morrow, move to change the first standing rule of the Assembly.

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

Resolved, That the Committee on Mileage be instructed to report the amount of mileage due each of the committee appointed to visit Oakland, in reference to the removal of the capitol.

Mr. Heath gave notice of the introduction of a bill for an act to amend an act concerning the office of Secretary of State, passed May 15, 1854.

Mr. Ballou made the following report:

MR. SPEAKER:—The Committee on Public Expenditures and Accounts herewith report back to the House the account of John Staten, for two and a half months' services, in attending upon the Committees on Judiciary and Ways and Means, amounting to sixty-seven dollars and fifty cents, and recommend the adoption of the same

S A. BALLOU, Chairman.

Report adopted.

On motion of Mr. Crane, at five o'clock, P M., the House adjourned to ten o'clock, A. M., to-morrow.

IN ASSEMBLY.

SATURDAY, April 3, 1858.

House met pursuant to adjournment

Speaker in the chair.

Roll called.

All present, except those absent on leave, and Messrs. Palmer and Parker.

Mr. Parker had indefinite leave, and Mr. Palmer had leave for one day.

Journals of yesterday read and approved.

GENERAL FILE.

Assembly bill No. 19, 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;

Also, Assembly bill No. 34, an act to amend an act concerning sheriffs, passed April 29, 1851;

Also, Assembly bill No. 293, an act to amend the act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

Also, Assembly bill No. 299, an act to authorize the board of supervisors of the county of San Diego to levy a special tax for road purposes;

Also, Assembly bill No. 303, an act to suppress injurious publications;

And also, Assembly bill No. 310, an act to fix the amount of the official bonds of the county officers in and for the counties of San Bernardino and San Diego;

Were ordered engrossed.

Substitute for Assembly concurrent resolution relative to removal of Indians, adopted.

Assembly bill No 182, an act amendatory of an act concerning notaries public, approved April 30, 1857, amendment adopted, and ordered engrossed.

Senate bill No. 27, an act to amend an act concerning sheriffs, passed April 29, 1851, indefinitely postponed.

Senate bill No. 160, an act fixing the compensation of the members of the board of supervisors of Stanislaus county, amendments adopted, read third time, and passed.

Assembly bill No. 317, proposed amendments to the constitution of the state of California, substitute adopted.

Mr. Stratton moved to lay the bill on the table.

Lost.

Mr. Stratton moved to amend, by striking out "three hundred," and inserting "four hundred," in sections four and six.

Lost.

Mr. Safford moved to amend, by striking out "three hundred, and inserting "five hundred," in sections four and six.

Upon which, Messrs Safford, Street, and Curtis, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ballou, Banks, Caldwell, Clarke, Curtis, De Long, Ely, Ferguson, Galbraith, Groom, Hamlin, Harris, Holman, Kabler, Lewis, Markley, O'Brien, Safford, Smith of Nevada, Spilman, Stratton, Street, Tipton, Warfield, Young, and Mr. Speaker—26.

NOES—Messrs Anderson, Aud, Briggs, Cherry, Davis, Gray, Haldeman, Havens, Heath, Hobart, Holladay, Loofbourrow, Marshall, Minis, Moore, Neblett, Shepard, Sheridan, Sherwin, Simons, Stakes, Stocker, Stout, Tatman, Thomas, Tuttle, Walker, Ward, Warmcastle, and Willson—30.

The amendments were then lost, by the following vote, a majority of all the members elected being necessary:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Caldwell, Cherry, Curtis, Davis, De Long, Edwards, Ferguson, Galbraith, Haldeman, Hamlin, Havens, Heath, Hill of Nevada, Holladay, Holman, Marshall, Minis, Neblett, Shepard, Sherwin, Simons, Smith of Nevada, Stakes, Stocker, Stout, Walker, Ward, Willson, Young, and Mr. Speaker—35

NOES—Messrs. Ely, Harris, Hobart, Kabler, Lewis, Loofbourrow, O'Brien, Safford, Spilman, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, and Warmcastle—16.

Mr. Briggs gave notice of reconsideration.

Assembly Bill No. 321, an act providing for the registration of marriages, births, divorces, and deaths, in the state of California, substitute for Assembly bill No. 321—

Mr. Moore offered a substitute for the bill, which was adopted, amended, considered in Committee of the Whole, Mr. Safford in the chair, considered engrossed, read third time, and passed.

Assembly bill No. 187, an act for the relief of Daniel J. Thomas, was considered in Committee of the Whole, Mr. Crane in the chair, considered engrossed, read third time, and passed.

Assembly bill No. 322, an act amendatory of an act entitled an act fixing the salaries of the county judge and of the district attorney of the county of Tulare, approved April 16th, 1856;

Also, Assembly bill No. 305, an act to authorize the funding of the unfunded debt of the city of San José, and to provide for the payment of the same;

Also, Assembly bill No. 345, an act to audit and allow the claim of Ferris Forman;

Also, Assembly bill No. 332, an act to audit the claim of Adam Schuppert;

Also, Assembly bill No. 333, an act to authorize the construction of a bridge across the Pajaro River;

Also, Assembly bill No. 291, an act to establish the industrial school department of the city and county of San Francisco;

Also, Assembly bill No. 346, an act to audit and allow the claim of the Sacramento Gas Company;

Were considered engrossed, read third time, and passed.

Assembly bill No 290, an act for the relief of the county of Santa Barbara.

On the indefinite postponement of the bill, Messrs. Aud, Young, and Heath, demanded the ayes and noes, and the House refused to postpone, by the following vote:

Ayes—Messrs. Aud, Ballou, Banks, Briggs, Gray, Graham, Groom, Hamlin, Markley, McCoy, Safford, Shepard, Simons, Tatman, and Young—15.

Noes—Messrs. Anderson, Caldwell, Clarke, Crane, Curtis, Davis, De Long, Galbraith, Havens, Heath, Holladay, Holman, King, Minis, Moses, Neblett, Ormsby, Pico, Sherwin, Spilman, Stocker, Stout, Stratton, Street, Tipton, Tuttle, Ward, and Warfield—28.

Bill was considered in Committee of the Whole, Mr. Ballou in the chair.

Considered engrossed, read third time, and passed.

Mr. Heath gave notice of a reconsideration of Assembly bill No. 83, an act for the relief of D. S. Lord & Co.

Indefinitely postponed.

Assembly bill No. 84, an act to provide for the payment of the claim of Henry Caperton against the state.

Recommitted to the Committee on Claims.

Assembly bill No. 215, an act amendatory of and supplementary to an act entitled an act to reincorporate the city of San José, approved March 27, 1857;

Also, Assembly bill No. 329, an act amendatory of and supplementary to an act entitled an act amendatory of and supplementary to an act to

establish, support, and regulate common schools, and to repeal former acts concerning the same, approved May 3, 1855, passed March 28, 1857;

Amendments adopted, considered engrossed, read third time, and passed.

Mr. De Long offered the following resolution, which was adopted:

Resolved, That Edward F. Conway be, and he is hereby, allowed the sum of one hundred and thirty-four dollars and fifty cents, ($134 50,) being the one-half amount of pay for services from first day of March to the twenty-third day of the same month, as clerk of the special joint committee appointed to visit the state prison, and ascertain the quantity, quality, variety, and value of all property found on the state prison grounds, and that the Comptroller be directed to draw his warrant on the State Treasurer, in favor of said Conway, for said sum, payable out of the contingent fund of the Assembly:

REPORTS.

Mr. O'Brien, chairman of the Committee on Mileage, made the following report:

MR. SPEAKER:—The Committee on Mileage, having had under consideration the amount of mileage due the members of the committee appointed to visit Oakland, in reference to the removal of the capital, beg leave to report as follows:

MEMBERS OF COMMITTEE.	MILES.	MILEAGE.
F. L. Aud,	255	$51 00
A. A. H. Tuttle,	255	51 00
H. W. Havens,	255	51 00

All of which is respectfully submitted.

O'BRIEN, Chairman.

Adopted.

Mr. Young moved to amend the first standing rule of the Assembly by striking out "eleven o'clock," and inserting "ten o'clock," which was adopted;

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 225, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage.

Also, Assembly bill No 185, an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, El Dorado Amador, and Tuolumne, approved April 5, 1858;

Also, Assembly bill No 65, an act to extend the term of office of the board of supervisors of El Dorado county, and to change the manner of their election, and define their duties in certain cases, and establish their salaries;

Also, Assembly bill No. 240, an act to amend an act entitled an act to

provide for the payment of the debt of Santa Cruz county, approved April 24, 1857.

GEORGE A. YOUNG, Chairman.

Mr. De Long presented a memorial from the citizens of Yuba county against the change of the boundary line.

Referred to the Committee on Counties and County Boundaries.

Messrs. Sherwin and Harris presented petitions of citizens of Sutter county, relative to county seat.

Referred to the Committee on Counties and County Boundaries.

Mr. Sheridan presented remonstrances of residents of Mormon Island, relative to consolidation bill.

Ordered on file.

Mr. Safford made the following report:

MR. SPEAKER:—Your Committee on Claims, to whom was referred the claim of Frank Soule & Co, for advertising redemption of state warrants in 1855;

And the claim of Thomas F Lewis, for services rendered in April, 1857, serving subpœnas when the state was a party;

Have directed me to report the same back, and recommend that they be rejected.

The claim of Clairborne Hubbard, for services as porter in State Treasurer's office, in the year 1856, and January, 1857;

And the claim of Samuel B Jacques, for services rendered as a witness, where the state was a party, in 1857;

And the claim of D. & J. Maddux, for office rent, in 1857;

And the claim of Sonoma Journal, for papers furnished Assembly, in 1857;

Have directed me to report the same back, with the accompanying bill, and recommend its passage.

And recommend the petition of Shafter & Heydenfeldt be referred to the Judiciary Committee.

A. P. K. SAFFORD, Chairman *pro tem.*

An act for the relief of certain persons, above reported, was read first and second times, and ordered on file.

Mr. Caldwell made the following report:

MR. SPEAKER:—The Committee of Ways and Means, to whom was referred Senate bill No. 92, entitled *an act concerning county treasurers*;

Also, Senate bill No. 128, entitled an act to amend an act entitled an act to provide revenue for the support of the government of this state;

Also, Senate bill No. 142, entitled an act to provide revenue for the support of the government of this state, passed May 5, 1854;

Also, Assembly bill No. 217, entitled an act to amend section one hundred and eleven of the revenue law of this state;

Also, Assembly bill No 171, entitled an act to provide for the collection of licenses of billiard-tables, billiard and drinking-saloons, restaurants, and eating-houses;

Also, Assembly bill No. 283, entitled an act to amend section one of an act to provide revenue for the support of the government of this state, from a tax to be levied and collected from foreign and inland bills and other matters;

Also, Assembly bill No. 363, entitled an act to amend the one hundred and twelfth section of an act entitled an act to provide revenue for the support of the government of this state, passed May 15, 1854;

Report the same back, and recommend the passage of the same.

The same committee considered Assembly bill No. 220, entitled an act supplementary to an act to provide revenue for the support of the governernment of this state, passed April 29, 1857, and recommend its indefinite postponement.

All of which is respectfully submitted.

H. LEE, Chairman.

Mr. Stakes made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 326, an act to exempt the homestead from forced sale in certain cases, have had the same under consideration, report the bill back, with certain amendments, and recommend its passage, as amended

You committee have also had under advisement Assembly bill No. 404, an act recommending to the electors to vote for or against a convention to revise and change the constitution of this state, and report the same back, without recommendation, for the reason that the bill contains no legal proposition, and is not properly before the committee.

A. G. STAKES, Chairman.

Mr. Havens made the following report:

MR. SPEAKER:—The Committee on Corporations report back Assembly bill No. 393, an act amendatory of and supplementary to the act entitled an act to provide for the formation of corporations for certain purposes, passed April 22, 1853, and recommend its passage.

A. W. HAVENS, Chairman.

Assembly bill No. 393, above reported, considered engrossed, read third time, and passed

On motion of Mr. Neblett, the vote by which the House, on yesterday, refused to pass Assembly bill No. 207, an act for the improvement of the navigation of the San Joaquin River, and for reclaiming certain swamp and overflowed lands, was reconsidered, and the bill passed.

The following message was received from the Senate:

SENATE CHAMBER,
April 2, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 240, an act to amend an act entitled an act to provide for the payment of the debt of Santa Cruz county, approved April 24, 1857;

Also, on the thirty-first instant, passed Senate bill No. 274, an act amendatory of and supplementary to an act to reorganize and establish the county of San Mateo, approved April 18, 1857, as substitute for Assembly bill No. 148;

Also, have amended and passed Assembly bill No. 149, an act concerning the collection of poll-taxes, license taxes, and foreign miners' licenses, in the county of Sierra;

Also, amended and passed Assembly bill No. 254, an act to authorize the board of supervisors of the several counties of this state to grant the right to construct wharves on the overflowed and submerged lands of this state, and ask the concurrence of the Assembly.

EWING, Assistant Sec. Senate.

Senate amendments to Assembly bills Nos. 149 and 254, above reported, concurred in.

Senate bill No. 274, above reported, was read first and second times, and referred to Committee on Counties and County Boundaries.

The following messages were also received from the Senate:

SENATE CHAMBER,
April 3, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate concurrent resolution No. 37, requesting the Governor to furnish the Legislature with an estimate of the appropriation necessary for the support of the state prison;

Also, amended and passed Assembly bill No. 369, an act to extend the time for making the assessment and the collection of taxes in the county of Siskiyou;

Also have, this day, authorized the transmission to your honorable body of certain papers belonging to the claim of the Pacific Express Company.

J. T. EWING, Asst. Secretary Senate.

Senate concurrent resolution No. 37, above reported, concurred in.

Senate amendments to Assembly bill No. 369, above reported, concurred in.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate, on March 25th, refused to concur in amendments of Assembly to Senate bill No. 60, an act to provide for the better observance of the Sabbath, and respectfully ask the Assembly to recede from their amendment.

J. T. EWING, Asst. Secretary Senate.

APRIL 2, 1858.

On receding from House amendments to Senate bill No. 60, above reported, Mr. Safford moved the previous question, which was sustained, and Messrs. Curtis, Graham, and Safford, demanded the ayes and noes, and the House receded, by the following vote:

AYES—Messrs. Anderson, Banks, Briggs, Crane, Curtis, Davis, Edwards, Graham, Haldeman, Hamlin, Harris, Havens, Heath, Hill of Nevada, Hobart, Loofbourrow, Markley, Minis, Neblett, Ormsby, Pico, Shepard, Sheridan, Simons, Spilman, Stout, Street, Tipton, Walker, Ward, Warmcastle, and Willson—32.

NOES—Messrs Ballou, Caldwell, Clarke, De Long, Ferguson, Galbraith, Gray, Groom, Hill of Sierra, Howell, Mitchell, Moses, O'Brien, Safford, Smith of Nevada, Stratton, Thomas, and Young—18.

Messrs. Street and Graham gave notice of reconsideration of vote just taken.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 2, 1858.

To the Assembly of California:

I have, this day, approved an act to amend an act entitled an act fixing the time of holding the several courts authorized to be held by the county judge, in the county of Tuolumne, approved April 16, 1855.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 3, 1858.

To the Assembly of California:

I have, this day, approved an act to legalize certain statements in the form of affidavits made before the county recorders of this state;

Also, an act to create a sinking fund to pay the outstanding indebtedness of Contra Costa county.

JOHN B. WELLER.

SPECIAL ORDER OF THE DAY.

Senate bill No. 11, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning—

Amendments adopted, further amended, read a third time, and passed, and title amended.

Mr. Howell made the following report:

MR. SPEAKER:—The Committee on Agriculture have had under consideration Assembly bill No. 389, an act for the protection of game, and have directed me to report the same back, with an amendment, and recommend its passage, as amended.

C. S. HOWELL, Chairman

Assembly bill No. 389, an act for the protection of game; Mr. Hill of Nevada moved to strike out the enacting clause.

Lost.

On motion of Mr. Graham, at half-past three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

MONDAY, April 5, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All were present, except those absent on leave, and Messrs. Burbank, Holladay, Kabler, Lee, Lewis, McCoy, Moore, and Stocker.

Mr. Kabler had indefinite leave of absence, Mr. McCoy for two days, and Mr. Stocker for one day.

Journals of yesterday read and approved.

GENERAL FILE.

Senate bill No. 8, 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 third time, and, on its passage, Messrs Aud, Hitchens, and Markley, demanded the ayes and noes, and the bill was passed by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Caldwell, Clarke, Curtis, Davis, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Groom, Haldeman, Hamlin, Hancock, Heath, Hill of Sierra, Hitchens, Holman,

Hirst, King, Loofbourrow, Markley, Marshall, Minis, Mitchell, Neblett, O'Brien, Ormsby, Osgood, Palmer, Pearis, Pico, Sheridan, Simons, Smith of Nevada, Stakes, Stout, Stratton, Street, Thomas, Tipton, Tuttle, Walker, Ward, Warmcastle, Young, and Mr. Speaker—52.

NOES—Messrs. Banks, Crane, DeLong, Graham, Havens, Hobart, Moses, Safford, Warfield, and Willson—10.

Assembly bill No. 295, an act to amend an act entitled an act concerning crimes and punishments, passed April 16, 1850;

Also, Assembly bill No. 311, an act authorizing the board of supervisors of Los Angeles county to contract a loan for the purpose of erecting a court-house, and completing the jail;

Considered engrossed, read third time, and passed.

Senate bill No 198, an act to amend an act entitled an act to fix the time of holding the district courts throughout this state, passed May 16, 1853, approved May 4, 1855, and to repeal an act fixing the time for holding the terms of the district court of the second judicial district—amendment adopted, read third time, and passed.

Assembly bill No. 300, an act to authorize the judges of the Supreme Court to employ a secretary, ordered engrossed.

Assembly bill No. 328, an act to repeal the act to amend an act entitled an act defining the time for commencing civil actions, passed April 22, 1850, indefinitely postponed.

Assembly bill No. 132, an act to declare the force and validity of titles derived under the revenue laws of this state, and the ordinances of municipal corporations—judiciary amendments adopted.

Mr. Ferguson moved to amend:

First—By striking out, in first line of section one, the words "made and"

Second—In line two of section one, the words "heretofore, now, or."

Third—In same line and section, the words "to be."

The first two amendments were lost, and the third adopted.

The vote was reconsidered.

Mr. Stakes moved a call of the House.

Agreed to.

The following members were absent, viz.: Messrs. Anderson, Buel, Curtis, Edwards, Hamlin, Harris, Hill of Sierra, Hitchens, Hobart, Hirst, King, Marshall, Moore, Moses, Tipton, and Tuttle; and the sergeant-at-arms was dispatched for the absentees.

Messrs. Hill of Sierra, Tuttle, and Curtis, appearing at the bar of the House, were admitted, and excused.

Further proceedings under the call were dispensed with.

On the adoption of Mr. Ferguson's amendment, Messrs Stakes, Neblett, and Ward, demanded the ayes and noes, and the House refused to adopt the amendment, by the following vote:

AYES—Messrs. Ballou, Banks, Briggs, Caldwell, Crane, De Long, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Hill of Sierra, Holman, Marshall, O'Brien, Ormsby, Safford, Sheridar, Sherwin, Simons, Stout, Tatman, and Willson—24.

NOES—Messrs. Aud, Clarke, Curtis, Davis, Groom, Haldeman, Havens, Heath, Markley, Minis, Mitchell, Neblett, Osgood, Palmer, Pearis, Pico, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stratton

Thomas, Tuttle, Walker, Ward, Warmcastle, Young, and Mr. Speaker—28.

Mr. Havens offered the following amendment, which was adopted:

Insert in place of section three, as follows:

Section three—No injunction to restrain any sale of real estate, for taxes due thereon, or to restrain the collection of any taxes due upon personal property, shall be issued, granted, or allowed, by any court of this state, but the proceedings of all assessors, boards of equalization, and tax-collectors, may be reviewed by certiorari, and not otherwise, and on the coming in of the return to the writ, the court shall, upon motion of the defendant, summarily hear and determine the matter.

On motion of Mr. De Long, the clerk was directed to notify the Senate that the House was ready to meet that body in convention, for the purpose of electing a Quartermaster General of this state, and two trustees of the state insane asylum.

The clerk reported that the Senate had adjourned, for want of a quorum

Mr. Ferguson moved to amend, by striking out, in the first line of section two, the words "heretofore made and" and the words "to be."

Lost.

Mr. Crane moved to strike out the enacting clause, upon which, Messrs. Ely, Crane, and Hill of Sierra, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ballou, Caldwell, Clarke, De Long, Ely, Galbraith, Gray, Graham, Hill of Nevada, Hill of Sierra, Hobart, Howell, Mitchell, Safford, Sheridan, Sherwin, Simons, Stout, Street, and Warfield—20

NOES—Messrs. Aud, Briggs, Buel, Crane, Curtis, Davis, Edwards, Ferguson, Gordon, Groom, Haldeman, Havens, Heath, King, Loofbourrow, Markley, Marshall, Minis, Neblett, Ormsby, Osgood, Palmer, Pico, Smith of San Bernardino, Spilman, Stakes, Stratton, Warmcastle, Willson, Young, and Mr. Speaker—31.

Messrs. Ferguson and Crane gave notice of reconsideration of the vote just taken.

Mr. Street moved to reconsider the vote by which this House, on Saturday, receded from Assembly amendment to Senate bill No. 60, an act to provide for the better observance of the Sabbath.

Mr. Stratton moved to indefinitely postpone the motion to reconsider, upon which, Mr. Curtis moved the previous question, which was sustained.

Messrs. Loofbourrow, Markley, and Sherwin, demanded the ayes and noes, and the House indefinitely postponed the motion to reconsider, by the following vote:

AYES—Messrs. Anderson, Aud, Banks, Briggs, Buel, Curtis, Davis, Edwards, Ely, Galbraith, Gordon, Graham, Hancock, Harris, Havens, Heath, Hill of Sierra, Hobart, Loofbourrow, Markley, Marshall, Minis, Neblett, Osgood, Palmer, Pico, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stakes, Stout, Tatman, Thomas, Tipton, Ward, Warmcastle, and Willson—39.

NOES—Messrs. Ballou, Caldwell, Clarke, Crane, De Long, Ferguson,

Groom, Holman, Howell, Hirst, Mitchell, Safford, Stratton, Street, Tuttle, Walker, Warfield, and Young—18.

Assembly bill No. 40, an act to legalize the acknowledgment of certain conveyances and other instruments in writing, the special order of the day, was, on motion of Mr. Banks, postponed until Wednesday next, at two o'clock, P. M.

Mr. De Long moved to suspend the rules to consider Assembly bill No. 395, an act to restrict and prevent the immigration to and residence in this state of negroes and mulattoes, substitute for Assembly bill No. 339. Lost.

Also, to suspend the rules to consider Assembly bill No. 402, an act to prevent the further immigration of Chinese or Mongolians to this state.

Upon which, Mr. Willson moved the previous question, which was sustained.

Messrs. De Long, Tatman, and Street, demanded the ayes and noes, and the House refused to suspend the rules, by the following vote:

AYES—Messrs. Buel, Caldwell, De Long, Ely, Ferguson, Galbraith, Gray, Graham, Hamlin, Harris, Hill of Nevada, Hitchens, Hobart, Hirst, King, Loofbourrow, Markley, Marshall, Minis, Mitchell, O'Brien, Safford, Sherwin, Simons, Smith of Nevada, Spilman, Stakes, Stout, Stratton, Street, Tatman, Tipton, Tuttle, Walker, Ward, Warfield, and Young—37.

NOES—Messrs. Anderson, Aud, Ballou, Briggs, Clarke, Crane, Curtis, Davis, Edwards, Havens, Heath, Hill of Sierra, Holman, Ormsby, Osgood, Palmer, Shepard, Sheridan, Smith of San Bernardino, Thomas, Warmcastle, and Willson—22.

Mr. De Long moved to suspend the rules, to consider both bills, viz.: No. 395, substitute for No. 339, and No. 402, upon which, Mr. De Long moved the previous question, which was sustained, and Messrs. De Long, Hitchens, and Tatman, demanded the ayes and noes, and the rules were suspended by the following vote, and the bills made the special order for Wednesday evening next, at half past seven o'clock:

AYES—Messrs. Anderson, Aud, Buel, Caldwell, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Graham, Haldeman, Hamlin, Hancock, Harris, Hill of Nevada, Hitchens, Hobart, Hirst, King, Loofbourrow, Markley, Marshall, Minis, Mitchell, O'Brien, Pearis, Safford, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, and Young—47.

NOES—Messrs. Ballou, Clarke, Crane, Curtis, Ferguson, Havens, Heath, Hill of Sierra, Holman, Palmer, Shepard, Sheridan, and Willson—13.

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

Resolved, By the Assembly, the Senate concurring, that the Senate and Assembly will meet in joint convention, in the Assembly chamber, on Tuesday, April 6, 1858, at one o'clock, P. M., for the purpose of electing a Quartermaster General of this state, and two trustees of the insane asylum, to fill vacancies in those offices.

Senate bill No. 24, an act to amend the act of April 27, 1855, concern-

ing lawful fences, also, Senate bill No. 191, an act to audit the claim of Pacific Express Company, were read third time; and passed.

Assembly bill No. 179, an act for the better protection of stock-raisers, and Assembly bill No. 364, an act for the better protection of laborers, mechanics, and other workmen, were ordered engrossed.

Senate bill No. 202, an act concerning the treasury of Sacramento county, referred to Sacramento delegation.

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

Resolved, By the Assembly, the Senate concurring, that a committee of seven, four from the Assembly, and three from the Senate, be appointed, to take into consideration the subject of the state prison bills now before their respective bodies, and to draft a bill—the said committee to report on Thursday next—and the bill or report of said joint committee to be made the special order for that day at two o'clock, P. M.

Messrs. Galbraith, Havens, Lee, and Lewis, were appointed committee on the part of the House.

Assembly bill No. 278, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer;

Also, Assembly bill No. 372, an act reducing the amount of bonds to be given by the county officers in and for the counties of Klamath and Del Norte;

Also, Assembly bill No. 251, an act the more effectually to protect the rights of citizens, in certain cases;

Amendments adopted, and ordered engrossed.

REPORTS.

Mr. Havens, chairman of the Committee on Corporations, made the following report:

MR. SPEAKER:—The Committee on Corporations report and recommend the passage of Senate bill No. 249, an act amending an act entitled an act to incorporate the city of Oakland, passed March 25th, 1854;

Also, report back Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855, recommend that the same be indefinitely postponed

H. W. HAVENS, Chairman.

APRIL 5th, 1858.

Mr. Safford, chairman of the Committee on Education, made the following report:

MR. SPEAKER:—The Committee on Education have had under consideration Assembly bill No. 408, an act to create state and county boards of instruction, and to define the powers and duties thereof, and report the same back to the House, and recommend its passage.

A. P. K. SAFFORD, Chairman.

Mr. Edwards, chairman of the Committee on Public Lands, made the following report:

MR. SPEAKER:—The Committee on Public Lands to whom was refer-

red Assembly bill No. 256, an act to authorize the Governor to issue patents to parties who have located school-land warrants on public lands of this state, have had the same under consideration, report it back with an amendment, and recommend its passage, as amended.

URIAH EDWARDS, Chairman.

Mr. Ely, chairman of the Committee on Federal Relations, made the following report:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Assembly joint resolution, No. 10, respectfully report the same back, with slight amendment, and recommend its passage.

BEN. E. S. ELY, Chairman.

Amendments to Assembly joint resolution No. 10, above reported, amendment adopted, considered engrossed, read third time, and passed.

Mr. Moses, chairman of the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills, viz.:

Assembly bill No. 413, an act providing for registration of marriages, births, divorces, and deaths, in California;

Assembly bill No. 19, 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 25th, 1855;

Assembly bill No. 293, an act to amend the act entitled an act to regulate proceedings in criminal cases, passed May 1st, 1851;

Assembly bill No. 34, an act to amend the act concerning sheriffs, passed April 29, 1851;

Assembly bill No. 303, an act to suppress injurious publications; and,

Assembly bill No. 299, an act to authorize the board of supervisors of the county of San Diego to levy a special tax for road purposes.

H. A. MOSES, Chairman.

Mr. Ormsby made the following report:

MR. SPEAKER:—The committee to whom was referred Assembly bill No. 264, an act supplementary to an act entitled an act to provide for the ascertainment of the indebtedness of Calaveras county prior to the organization of Amador county, and to provide for the payment of that portion due from Amador county, to the county of Calaveras, approved April 27, 1855, and also supplementary to an act entitled an act concerning the revenue of the county of Calaveras, approved March 31, 1857, have had the same under consideration, and after a patient and careful investigation of the same, without being able to come to a definite agreement upon the subject, refer it back to the House, without recommendation.

J. S. ORMSBY,
P. M. HALDEMAN,
G. C. HOLMAN,
D. B. CURTIS.

Mr. Spilman made the following report:

MR. SPEAKER:—The select committee, to whom was referred Assembly

bill No. 378, for an act to grant the right to construct a bridge across the Feather River, have had the same under consideration and submit the accompanying bill as a substitute, and recommend its passage.

B. R SPILMAN, Chairman.
C. E. DE LONG.

The following communication was received from the Attorney General, and ordered printed:

ATTORNEY GENERAL'S OFFICE,
Sacramento, April 5, A. D. 1858.

Hon. N. E. Whitesides, Speaker of the Assembly:

SIR:—A resolution was adopted by the Assembly, on the 10th inst., requesting the Attorney General to inquire into the title to the slip and wharf property in the city and county of San Francisco, in order to ascertain whether the title to said property inheres in the state or otherwise; if in the state, then the extent and character of said property; with his opinions as to the proceedings necessary and proper to be taken to obtain possession of the same. Also, to inform this House of the result of his investigations at the earliest period consistent with public duty.

So soon after the receipt of this resolution as other official engagements would permit, I repaired to the city of San Francisco for the purpose of obtaining the facts necessary to a proper answer thereto, and now proceed to give you the result of my investigations, and the conclusions to which I have arrived.

In the course of my remarks I may find it more convenient to speak in general terms of the water-lot property in San Francisco, than to confine myself exclusively to the question of city slips; and if so, will not follow strictly the letter of the resolution quoted.

In March, 1851, the Legislature passed the act to provide for the disposition of certain property of the state, which is commonly known as the San Francisco Water-Lot Act.

Upon a proper construction of this act depends the title to property of immense value, and I confess that it is with diffidence I approach questions of such difficulty and importance as have arisen in connection with this subject, in reference to which the first lawyers of our state differ so widely.

It is contended by some, that the use and occupation for ninety-nine years of all the lands embraced within the water-front and high-water-mark lines, described in the first section of said act, (the title to which remained in the state) were granted to the city. Others again, with equal earnestness, maintain that only those lands which had been previously laid off into town lots, according to the plan and system adopted in said city, were affected by the act.

Believing the preponderance of reasoning in favor of the latter construction, I must adopt it.

The first section of this act declares that "all the lots of land, situated within the boundaries therein described, shall be known as the San Francisco beach and water lots;" and the second section grants the use and occupation, for ninety-nine years, of all the land described in section one, to the city of San Francisco.

The important question then to be determined, is as to what land is described in section one. Is it all the land lying within the lines formed by high-water-mark, and the city water-front, established by the fourth section of said act? Or is it such part of the same as had been previously laid off into city lots?

If the former had been the intention of the Legislature, is it not singular that the plainest and most simple language which could have been used to express such intention, was not adopted? If the intention was, that the act should read, "all the land situated within the following boundaries, etc., are known and designated in this act as the San Francisco beach and water lots," why insert before "land" the words "lots of?"

It is my opinion that the expression "lots of," was intended as a limitation of that which would otherwise have been more comprehensive, and would have embraced a greater amount of property. And this opinion, I think, is fortified by another expression, found in the same paragraph.

It will be noticed, that the "lots of land" spoken of, are to be known and designated as the San Francisco beach and water "lots."

Now, it was a well established fact at the time this act was passed, that of the land situated within the limits described by it, a part had been laid off into "city lots," so called, and a part had never been so segregated; thus it will be seen, if the Legislature had intended to describe the entire land within the limits named, instead of saying, "are known and designated as the beach and water lots," an expression like this: "the beach and water land," or, as we find in other acts, "beach and water property," would have been used.

In other words, the expression, "all the land within the boundaries, etc., *is* known and designated," would most naturally have been adopted rather than the plural "all the lots, etc., *are* known and designated as beach and water lots."

A statute ought to be construed, if possible, that every word shall have some force and effect, 22 Pick., 571, and that no clause, sentence or word shall be superfluous, void, or insignificant. 1 Harr., 285.

But we do not comply with these rules of law, in my opinion, if we give the act under discussion a different construction to that contended for in this communication. For in saying that all the land within the described boundaries was granted, we entirely ignore the existence of the term "lots," and cause the act to read precisely as though such term was not included in its provisions.

"The words of a statute, if of common use, are to be taken in their natural, plain, obvious, and ordinary signification and import; and if technical words are used, they are to be taken in a technical sense." Kent's Com.

Justice Bronson in Mallom *v.* May, said:

"That the current of authority at the present day, is in favor of reading statutes according to the natural and most obvious import of the language, without resorting to subtle and forced constructions, for the purpose of either limiting or extending their operations."

Webster defines the word "lot," thus:

"In the United States, a piece or division of land; perhaps originally assigned by drawing lots, but now any portion, piece, or division. So we say, a man has a lot of land in Broadway, or in the meadow; he has a lot in the plain, or on the mountain; he has a home-lot, a house-lot, a wood-lot."

And as defined by him, we find it used in writings, whether legal or otherwise, in legislative acts, and in ordinary business transactions.

I therefore conclude that the Legislature so intended it to be understood in this act, and in passing the same, only designed to grant to the city of San Francisco those "lots of land," which had been marked and defined upon the map referred to in the act as city lots.

From the foregoing, it follows that the title to all the land, within the "boundaries" specified in the water-lot act, which had not been divided into city lots, remained in the state.

The limited time which I have had to devote to this subject, renders it impossible for me to specify all the land within the water-lot limits, the title to which remained in the state. I am satisfied, however, that the Central Wharf, and Vallejo street slips belong to this class. But as to whether the title to those, is, at this date, in the state, depends upon the solution of other questions.

On the eighteenth day of May, one thousand eight hundred and fifty-three, an act was passed 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 the act entitled an act to provide for the disposition of certain property of the state of California, passed March twenty-sixth, one thousand eight hundred and fifty-one.

This act authorized the commissioners (created by its provisions) to take possession of and sell all the property within the boundaries defined by the act of March twenty-sixth, one thousand eight hundred and fifty-one, except open slips, authorized by law to be kept open as a slip, and other lands therein specified. I understand that as a matter of fact, the slips which I have named, were at that time (May eighteenth, one thousand eight hundred and fifty-three) open slips, and that they were authorized by law to be kept open, seems to be unquestioned.

It, then, follows that the board of land commissioners could not lawfully take possession of or sell any of the slip property; yet, notwithstanding the exemption of this property, made in the act from which they claimed their authority, said board did, on the tenth day of October, A. D. one thousand eight hundred and fifty-five, proceed to sell the state's interest therein at public auction. They also sold their property at the same time, and from all I can learn concerning said sale, I presume a more barefaced fraud and swindle was never perpetrated upon any community. Such proceedings ought to disgrace even the lowest political stock jobber of California—much more men who pretend to claims of respectability.

My predecessor instituted an action to set aside this sale, upon the ground of fraud, and I hope to be able to prosecute it to a successful termination.

I also learn that payments upon bids made at this sale, to a large amount, were made with the celebrated Carothers' judgment, which, for honesty, should be set down as twin brothers to the sale

I further understood that in December, one thousand eight hundred and fifty-three, the city of San Francisco, conceiving that the slip property which I have mentioned had been granted to her by the water lot act of one thousand eight hundred and fifty-one, sold the same at public auction.

The sale was fairly conducted.

The property brought four or five times its present value, and a part of the purchase money was paid into the state treasury, in accordance with the provisions of the act aforesaid.

The payments by purchasers were to be made by installments. Some paid all the installments, and received their deeds; whilst others did not, and abandoned the property.

Many of the claimants, under this city sale, now hold conveyances from the bidders at the land commission sale of October tenth, one thousand eight hundred and fifty-five, and all the claimants under the city sale, who paid

the entire sum bid, have erected improvements upon their lots so purchased.

As to the proceedings necessary and proper to be taken to obtain possession of the same, (the slip property,) I would recommend that the provisions of an act entitled an act supplementary to and amendatory of an act 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 the act entitled "an act to provide for the disposition of certain property of the state of California, passed March twenty-sixth, one thousand eight hundred and fifty-one," passed May eighteenth, one thousand eight hundred and fifty-three, be extended to this property so as to include the same, and that power be given said commission to sue, etc.

In this connection, and before concluding, I hope the Assembly will permit me to make a suggestion in regard to legislation upon this subject; the importance of the matter to the state, and a portion of her citizens, induces me to do so.

A law should be enacted confirming the title of the purchasers at the city slip sale of 1853, who paid the full amount of their bids; but no favor should be shown the pretended purchasers at the October sale, 1855, made by the board of land commission.

All other water-lot property, the title to which still remains in the state, ought to be disposed of at the earliest date practicable, so that a proper settlement of land titles in San Francisco may be expedited

As to the validity of the various acts of the Legislature, to which I have called attention, I am not prepared to give an opinion. They have been generally conceded to be constitutional, and, I presume, are so; at least, I shall not now attempt any examination, as further delay might prevent desirable action by the present Legislature.

Respectfully, your most obedient servant.

THOS. H. WILLIAMS,
Attorney General.

The following message was received from the Senate;

SENATE CHAMBER,
April 5, 1858.

MR. SPEAKER:—The Senate, on Saturday, the third instant, passed Senate bill No. 269, an act to pay the fees of attorneys, on the part of the state, in certain cases;

Also, amended and passed Assembly bill No. 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state;

And ask the concurrence of the Assembly.

Also, Assembly bill No. 297, an act to fix the amount of the official bonds of the county officers of the counties of Merced, Tulare, and Fresno;

Also, amended and passed Assembly bill No. 160, an act supplementary to an act to regulate rodeos, passed April 30, 1851;

And ask the concurrence of the Assembly.

EWING, Ass't Secretary.

Senate bill No. 269, above reported, was read first and second times, and referred to the Judiciary Committee

The House refused to concur in Senate amendments to Assembly bill No. 160, above reported.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Hill of Sierra, of a concurrent resolution relative to water-ditches;

By Mr. Holman, for an act to protect *bona fide* purchasers, for valuable consideration, in the possession and enjoyment of their property;

By Mr. Tuttle, for an act to authorize the erection of a bulk-head, by the state of California, upon its property in front of the city of San Francisco, and to employ the state prison convicts thereupon:

By Mr. Groom, an act asking an appropriation for the purpose of obtaining artesian water on the Colorado River;

By Mr. Pico, an act concerning the archives of California;

Also, an act relating to Spanish records, and declaring what shall constitute a notice.

Mr. Harris presented a petition of citizens of Sutter county, relative to county seat.

Referred to Committee on Counties and County Boundaries.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Warmcastle, an act to declare Nueces and Diablo Creeks, in the county of Contra Costa, navigable streams;

By Mr Simons, an act to amend an act entitled an act to create the county of Alameda, and to establish the seat of justice therein, to define its boundaries, and to provide for its organization.

Read first and second times, considered engrossed, read a third time, and passed.

By Mr. Heath, an act to amend an act entitled an act concerning the office of Secretary of State, passed May 15, 1854;

By Mr. Holman, an act fixing the compensation of the county superintendent of common schools of the county of San Joaquin.

Read first and second times, and ordered on file.

By Mr. Sheridan, an act concerning the county of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr Groom, an act to authorize the sale of real estate by guardians.

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

Also, an act to extend the time of commencing the construction of the San Diego and Gila Southern Pacific and Atlantic Railroad.

Read first and second times, and referred to the Committee on Corporations.

THIRD READING OF BILLS.

Assembly bill No. 19, 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;

Also, Assembly bill No. 34, an act to amend the act concerning sheriffs, passed April 29, 1851;

Also, Assembly bill No. 293, an act to amend the act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

And also, Assembly bill No. 299, an act to authorize the board of super-

visors of the county of San Diego to levy a special tax for road purposes.

Read a third time, and passed.

Mr. Hancock gave notice of reconsideration of the vote by which the House passed Asssembly bill No. 19, 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.

The House adopted Senate amendments to Assembly bill No. 112, an act to provide for the sale and reclamation of swamp and overflowed lands of this state.

On motion of Mr. Loofbourrow, at half-past three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, April 6, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called.

All were present, except those absent on leave, and Messrs. Ely and Moore.

Mr. Ely had indefinite leave of absence.

The journals of yesterday were read and approved.

Assembly bill No. 303, an act to suppress injurious publications, read third time, and passed.

GENERAL FILE.

Assembly bill No 168, an act for the protection of keepers of livery-stables, and wagon and drove-yards, read third time, and passed.

Assembly bill No. 336, an act to prevent stallions from running at large in certain counties of this state; amendments adopted, title amended, and ordered engrossed.

Assembly bill No. 296, an act to separate the office of collector of taxes from the office of sheriff, in the county of Tuolumne; amendments adopted, considered engrossed, read third time, and passed

Mr. Briggs moved to reconsider the vote by which the House, on the third instant, refused to adopt proposed amendments to the constitution of the state of California.

Ruled out of order.

Mr. Briggs appealed.

Messrs. Crane, Warmeastle, and Sherwin, demanded the ayes and noes, and the decision of the chair was sustained, by the following vote:

AYES—Messrs. Anderson, Banks, Buel, Burbank, Cherry, Davis, De Long, Edwards, Galbraith, Gray, Graham, Hancock, Hill of Nevada, Hobart, Holladay, Holman, Lewis, Loofbourrow, Markley, Marshall, McCoy, O'Brien, Palmer, Sheridan, Smith of Nevada, Stout, Stratton, Tatman, Thomas, Tuttle, Ward, Warmeastle, Willson, and Young—34.

NOES—Messrs. Aud, Ballou, Briggs, Caldwell, Crane, Curtis, Gordon, Haldeman, Hamlin, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hirst, Lee, Minis, Moses, Neblett, Osgood, Safford, Shepard, Sherwin, Simons, Smith of San Bernardino, Stakes, Stocker, Walker, and Warfield—29.

The following message was received from the Senate:

SENATE CHAMBER,
April 6, 1858.

MR. SPEAKER:—The Senate have, this day, passed the following resolutions:

Resolved, That Assembly bill No. 112, entitled an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, having been reported to the Assembly during the pendency of a motion for reconsideration of the vote by which said bill passed the Senate, therefore,

Resolved, That the secretary request the Assembly to return said bill to the Senate.

EWING, Assistant Sec. Senate.

On motion of Mr. Davis, the rules were suspended, and the vote by which Senate amendments to Assembly bill No. 112, above reported, reconsidered, and the bill sent back to the Senate.

Assembly joint resolutions No. 9, instructing our senators and requesting our representatives, to have American consuls established at the ports of Guaymas, Mazatlan, La Paz, and Manzanillo, amendments adopted, considered engrossed, read third time, and passed.

Assembly bill No. 174, an act to authorize the treasurer of the city and county of San Francisco, to pay certain demands on the school fund;

And also, Assembly bill No. 410, an act for the relief of certain persons;

Amendments adopted, considered engrossed, read third time, and passed.

Assembly bill No. 203, an act to ascertain the indebtedness of Nevada county to the county of Yuba, and to provide for the payment of the same—

Mr. Caldwell moved to lay on the table.

Lost.

Ordered engrossed.

The following message was received from the Senate:

SENATE CHAMBER,
April 6, 1858

MR SPEAKER:—The Senate have, this day, concurred in Assembly concurrent resolution, relative to a joint convention for election of Quartermaster General, and insane asylum trustees.

J. T. EWING, Asst. Secretary Senate.

The House, at quarter before one o'clock, P. M., took a recess for fifteen minutes.

ONE O'CLOCK, P. M., THE HOUSE REASSEMBLED.

The hour having arrived for the joint convention of the two Houses, for the election of Quartermaster General, and for trustees of the insane asylum, the clerk was directed to inform the Senate that the Assembly was ready to meet in joint convention.

The sergeant-at-arms announced the president and members of the Senate.

The convention having been called to order, the roll was called, and a

quorum of both Houses being present, nominations were first made for Quartermaster General.

Mr. Lewis, of the Senate, nominated Wm. C. Kibbe.

Mr. Grant, of the Senate, nominated Thomas D. Johns.

Those who voted for Mr. Kibbe, were—

SENATE—Messrs Anderson, Allen, Berry, Burch, Bell, Carpenter, Chase, Coulter, Dickinson, Garter, Gregory, Griffith, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Taliaferro, and Thom —25

ASSEMBLY—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Caldwell, Clarke, Crane, Davis, De Long, Edwards, Ferguson, Galbraith, Gordon, Groom, Haldeman, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Holman, Howell, Hirst, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Pico, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Street, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Young, and Mr Speaker—60. Total—85.

Those who voted for Mr. Johns, were :

SENATE—Messrs. Grant and Sullivan—2.

ASSEMBLY—Messrs. Banks, Holladay, Palmer, and Shepard—4. Total—6.

Mr. Burbank voted for Mr. Tatman, and Messrs. Tatman and Willson voted for Mr. Burbank.

Whole number of votes cast, 91.

Necessary to a choice, 48.

Mr. Kibbe, having received a majority of all the votes cast, was declared duly elected Quartermaster General.

For trustees of the insane asylum, Senator Melony nominated Messrs. P Edward Connor and Wm. H. Lyons, and it was ordered that the convention vote for both trustees at the same time

Those who voted for Messrs Connor and Lyons were:

SENATE—Messrs. Anderson, Allen, Baker, Berry, Burch, Burton, Bell, Carpenter, Chase, Coulter, Dickinson, Garter, Gregory, Hamm, Hart, Holden, Johnson of Sacramento, Johnson of El Dorado, Ketchum, Lewis, Merritt, Melony, Pacheco, Rogers, Taliaferro, and Thom—26.

ASSEMBLY—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Buel, Caldwell, Clarke, Crane, Curtis, Davis, Edwards, Ferguson, Galbraith, Gordon, Graham, Haldeman, Hancock, Harris, Havens, Heath, Hill of Sierra, Holman, Howell, Hirst, King, Lee, Loofbourrow, Markley, Marshall, McCoy, Mitchell, Neblett, O'Brien, Ormsby, Osgood, Pico, Safford, Sheridan, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, and Mr. Speaker—56. Total—82.

Messrs. Burbank and Willson voted for Messrs. Bell and Merritt.

Mr. De Long voted for Messrs Lewis and Lee.

Mr. Hill of Nevada, voted for Messrs Thomas and McKune.

Mr. Lewis voted for Messrs. De Long and Burbank.

M Sherwin voted for Messrs. Burbank and Tatman.

Mr. Young voted for Messrs. Stakes and Ferguson.
Whole number of votes cast, 89.
Necessary to a choice, 45.
Messrs. Connor and Lyons having received a majority of all the votes cast, were declared duly elected trustees of the state insane asylum.
Its object having been accomplished, the convention adjourned *sine die*, and the Senate withdrew, and at half-past one o'clock, P. M., the House took a recess of fifteen minutes.

FIFTEEN MINUTES BEFORE TWO O'CLOCK P. M.

The House reassembled, and a quorum was present.
Mr. Lewis presented a communication from P. B. Cornwall, in relation to site for branch state prison.
Referred to special committee, consisting of Messrs. Galbraith, Havens, Lee, and Lewis.
Mr. Safford presented claims of G. Elliott and Cook & Cofran.
Referred to Committee on Claims.
Mr. Safford, chairman of Committee on Claims, made the following report:

MR. SPEAKER:—The Committee on Claims have had under consideration Assembly bill No. 412, an act to appropriate the sum of sixteen thousand four hundred and eighty dollars and twenty-one cents, to meet deficiencies for the support of the insane asylum of California, existing on the 31st December, 1857, and have directed me to report the same back to the House, and recommend its indefinite postponement.
Your committee have been induced to take this action upon the bill for the reason that a portion of the claims proposed to be paid by the appropriations, were due for services performed and materials furnished prior to January 1st, 1857, consequently parties holding those claims will be obliged to present them to the Legislature to be audited, and if shown to be correct, bonds will issue in their names and for their benefit, but it is not in the power of the Legislature to pay in any other way than as prescribed by law.

A. P. K. SAFFORD,
Chairman of the Committee on Claims.

Mr. Graham presented the claims of J. R. Watson, and also of C. H. Wood, for services as porters.
Referrred to Committee on Public Expenditures and Accounts.

FURTHER REPORTS.

Mr. Crane, chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom were referred certain petitions and remonstrances relative to the boundary line between Sutter and Plumas counties, and also, relative to the removal of the county seat of Sutter county, beg leave to report the same back, and recommend that they be referred to the Placer and Sutter delegations.

CRANE, Chairman.

Mr. Moses, chairman of the Committee on Engrossment made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 372, an act reducing the amount of bonds to be given by the county officers in and for the counties of Klamath, Del Norte, and Humboldt.

H. A MOSES, Chairman.

Mr. Young, chairman of the Committee on Enrollment made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 254, an act to authorize the boards of supervisors of the several counties of this state, to grant the right to construct wharves on the overflowed and submerged lands of this state;

Also, Assembly bill No. 369, an act to extend the time for making the assessment and collection of taxes in the county of Siskiyou;

Also, Assembly bill No. 297, an act to fix the amount of the official bonds of the county officers in the counties of Merced, Tulare, and Fresno.

GEO. A. YOUNG, Chairman.

Mr. Aud made the following report:

REPORT OF OAKLAND COMMITTEE.

MR. SPEAKER:—The joint committee of the Senate and Assembly, appointed to visit the city of Oakland, with the view of ascertaining its advantages as a site for the permanent location of the seat of government, and to receive such proposals as the citizens of Oakland might offer with reference to that object, beg leave, respectfully, to report that they have, in the discharge of the duty confided to them, visited the city of Oakland and the adjacent country, and present, as the result of their investigations, the following facts and considerations:

The natural advantages of the site, in point of salubrity, genial temperature of the climate, dryness of soil, and beauty of scenery, we believe are second to those of no other point in this state.

Its location may be considered as the focal point of the navigable waters of this state, as well as of any system of internal improvements, and communication by railroad and telegraph, which may be hereafter carried into practical effect

It is situated sufficiently near the commercial metropolis to enjoy all the advantages of early information from the Eastern States and foreign countries, as well as from the interior and remote counties of this state—is convenient of access to the best and most extensive libraries, while sufficiently removed from the noise and bustle of the city to preserve all the benefits of a quiet, suburban location.

In the event of the removal of the seat of goverment to the proposed point, the material for the construction of a permanent building for the capitol could probably be had cheaper at Oakland than at any other suitable point. If brick or granite is selected, they can both be procured, of superior quality, at San Quentin, by the labor of the prisoners, and shipped by water at a distance of about fifteen miles, while at a distance

of about five miles back, at the foot of the range of hills, on the easterly side of the bay, is found a gray sandstone, which is pronounced by experienced quarrymen to be a very superior building material, of which the proprietor assured us the state could use as much as she might need for public buildings, free of charge.

In reference to economical considerations, your committee submit the following facts, to wit: The state is now paying rents for the accommodation of the Legislature, Supreme Court, etc., state offices, and committee rooms, an annual sum of about twenty-five thousand dollars; and for mileage of legislative committee to visit San Francisco, the state prison, and lunatic asylum annually, about five thousand dollars more, making an annual cost to the state of about thirty thousand dollars.

It will be seen by the accompanying proposals, made under the guaranty of responsible property-holders of the city of Oakland, that this large annual expense, until the erection of suitable state buildings, will be almost entirely saved to the state, which, in three years, assuming that as a period required for the erection and completion of a state capitol adequate to the future wants of this growing and populous state, will amount to nearly one-half of the probable expense of such a building.

The same parties propose, under the like guarantees, to convey to the state, as a site for the erection of public buildings, twenty acres of land, to be selected by the state, within the corporate bounds of the city, free of charge.

Your committee deem these proposals extremely liberal and advantageous to the state, if the policy of removing the seat of government be decided affirmatively by the Legislature; and they are of opinion, that the character and standing of the guarantors, and the binding character of the proposals, are an assurance to the Legislature, that their undertaking will be strictly and honorably fulfilled on their part.

Your committee are also of the opinion, that it is an imperative duty of every member of the Legislature, if, while the public wants and interests are equally guarded and cared for, in legislating upon so important a subject, to so legislate as to save to the people of the state, if practicable, so large a sum as that now annually expended for state buildings, and other necessary accommodations.

In accordance with the views your committee have adopted in relation to the subject submitted to them, they herewith present a bill for an act to provide for the permanent location of the seat of government of the state of California at the city of Oakland, and recommend the passage thereof.

FRANCIS L. AUD,
H. W. HAVENS,
A. A. H. TUTTLE,
House Committee.

The undersigned, members of the joint committee on the part of the Senate, concur in the report of the majority of the committee, except that we make no recommendation to the Legislature in regard to a removal of the capitol; but simply report the facts for the consideration of the Senate and Assembly, and ask to be discharged from the further consideration of the subject.

SAML. A. MERRITT,
GEO. H. ROGERS,
Senate Committee.

Bill for an act to provide for the permanent location of the seat of government of the state of California, at the city of Oakland, read first and second times.

Mr. Stratton moved to lay the bill on the table, upon which, Messrs. Havens, Aud, and De Long, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ballou, Briggs, Buel, Caldwell, Clarke, Curtis, Davis, Edwards, Ferguson, Galbraith, Hill of Nevada, Hill of Sierra, Holman, Howell, Minis, Moses, Neblett, Ormsby, Safford, Sheridan, Smith of Nevada, Stout, Stratton, Street, Tipton, Young, and Mr. Speaker—27.

NOES—Messrs. Aud, Banks, Burbank, Cherry, Crane, De Long, Gordon, Groom, Haldeman, Hamlin, Harris, Havens, Heath, Hitchens, Hobart, Holladay, Hirst, Lee, Loofbourrow, Markley, Marshall, McCoy, Mitchell, O'Brien, Osgood, Palmer, Pico, Shepard, Sherwin, Simons, Smith of San Bernardino, Spilman, Stocker, Tatman, Thomas, Tuttle, Walker, Ward, Warfield, Warmcastle, and Willson—41.

Mr. McCoy moved to make it the special order for Friday next, at one o'clock, P. M.

Mr. De Long moved the previous question.

Sustained.

Messrs. Hamlin, De Long, and Sherwin, demanded the ayes and noes, and the bill was so made the special order, by the following vote:

AYES—Messrs. Aud, Banks, Burbank, Cherry, De Long, Gordon, Groom, Haldeman, Hamlin, Harris, Havens, Heath, Hitchens, Hobart, Holladay, Hirst, Lee, Loofbourrow, Markley, Marshall, McCoy, Mitchell, O'Brien, Osgood, Palmer, Pico, Shepard, Sherwin, Simons, Smith of San Bernardino, Spilman, Stocker, Tatman, Thomas, Tuttle, Ward, Warfield, Warmcastle, and Willson—39.

NOES—Messrs. Ballou, Briggs, Buel, Caldwell, Clarke, Crane, Curtis, Davis, Edwards, Ferguson, Galbraith, Graham, Hancock, Hill of Nevada, Hill of Sierra, Holman, Howell, Minis, Moses, Neblett, Ormsby, Safford, Sheridan, Smith of Nevada, Stout, Stratton, Street, Tipton, Walker, Young, and Mr. Speaker—31.

Mr. Holladay made the following report:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Senate bill No. 233, an act to grant the right of way for a railway-track in the city and county of San Francisco, have had the same under consideration, and have made several amendments thereto, which they herewith return with said bill, which amendments they recommend to the House for adoption, but without any recommendation on the passage of the bill, some being for, and some against it.

HOLLADAY, for the Committee.

MARCH 31, 1858.

Mr. Shepard presented a remonstrance of the citizens of San Francisco against the passage of the bill above reported.

Mr. Banks made the following report:

MR. SPEAKER:—The special committee to whom was referred the petition of J. T. Overton, praying for an appropriation of three thousand dol-

lars, to enable him to complete his steam-wagon, for common roads, having carefully and minutely examined the same, respectfully ask leave to report that, in their opinion, the Overton Steam-Wagon exhibits mechanical skill and inventive genius of a high order, and it will, when completed in accordance with the plans of the inventor, travel over common roads at a rapid rate, and be as easily guided as a common team.

This invention is one in which the people of the state of California are deeply interested, as many years must necessarily elapse before railroads to any considerable extent can be completed within our borders, and it is believed by many scientific and practical men who have given this subject their attention that the Overton Steam-Wagon will, in a great measure, answer as a substitute for railroads and locomotives. It is the opinion of your committee that enterprises of this character should be encouraged by the Legislature, and in common with all who have an interest in the honor and the advancement of our young state, we feel a deep solicitude in regard to the success of the invention, but make no recommendation in regard to the appropriation asked for.

J. F. BANKS, on behalf of the Committee.

Assembly bill No. 289, an act for the relief of J. T. Overton, was ordered on file.

Senate bill No. 250, an act to amend an act entitled an act to establish pilots and pilot regulations for the port of San Francisco, passed May 11, 1854, the special order of the day, was read third time, and on its passage Mr. Ferguson moved the previous question, which was sustained.

Mr. De Long moved to adjourn.

Lost.

Messrs. Hill of Nevada, De Long, and Shepard, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs Ballou, Briggs, Buel, Burbank, Cherry, Clarke, Curtis, Davis, De Long, Edwards, Ferguson, Galbraith, Gordon, Gray, Harris, Hill of Sierra, Hitchens, Hobart, Hol-laday, Holman, Howell, Hirst, Lee McCoy, Mims, Mitchell, Moses, Neblett, Ormsby, Osgood, Palmer, Pico, Shepard, Sheridan, Sherwin, Smith of San Bernardino, Stocker, Stout, Thomas, Tipton, Walker, and Young—42.

NOES—Messrs. Caldwell, Crane, Graham, Hamlin, Havens, Hill of Nevada, Lewis, Markley, Marshall, O'Brien, Safford, Simons, Smith of Nevada, Spilman, Stratton, Tatman, Tuttle, Ward, Warfield, Willson, and Mr. Speaker—21.

Messrs. Young and De Long gave notice of reconsideration of the vote just taken.

Assembly bill No 372, an act reducing the amount of bonds to be given by the officers in and for the the counties of Klamath, Del Norte, and Humboldt, read third time, and passed

Mr. Street offered concurrent resolution relative to overland immigration.

Referred to Committee on Federal Relations.

Mr. Gray offered concurrent relative to the Pacific Railroad Company.

Referred to Committee on Federal Relations.

Mr. Ferguson made the following report:

MR. SPEAKER:—The undersigned, members of the Sacramento delega-

tion, to whom was referred Senate bill No. 83, known as the "Consolidation Bill," have had the same under consideration, and report it back, recommending its passage, with amendments.

R. D. FERGUSON,
C. S. HOWELL,
MOSES STOUT.

Mr. Sheridan made the following minority report:

MR. SPEAKER:—The undersigned regrets to say that he cannot unite with the rest of his colleagues in recommending the passage of the bill just reported. He firmly believes that it meets neither the wants, nor the wishes, of a large portion of his constituents.

J. E. SHERIDAN.

The bill above reported was made the special order for Thursday next, at two o'clock P. M.

Mr. Osgood offered concurrent resolution relative to a breakwater at the port of San Luis Obispo, in this state.

Adopted.

Mr. Hill of Nevada, offered the following resolution, which was adopted:

Resolved, That the Comptroller be requested to report to the Assembly, as soon as practicable, the amount of delinquent taxes due the state.

Mr. Safford offered a resolution relative to *sine die* adjournment of the Legislature, and, on suspending the rules, Messrs. Safford, Neblett, and Sherwin, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Anderson, Ballou, Buel, Caldwell, Cherry, Clarke, Curtis, Edwards, Gordon, Graham. Harris, Havens, Hill of Nevada, Holman, Hirst, Lee, Lewis, Markley, McCoy, Neblett, Ormsby, Osgood, Palmer, Safford, Sheridan, Simons, Smith of Nevada, Spilman, Stratton, Tipton, Walker, Ward, Warfield, Willson, and Mr. Speaker—35.

NOES—Messrs. And, Banks, Briggs, Burbank, Davis, De Long, Ferguson, Galbraith, Groom, Haldeman, Hamlin, Heath, Hill of Sierra, Hitchens, Hobart, Howell, Loofbourrow, Marshall, Minis, Mitchell, Moses, O'Brien, Shepard, Sherwin, Smith of San Bernardino, Stout, Street, Tatman, Thomas, Tuttle, Warmcastle, and Young—32.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 6, 1858.

To the Assembly of California:

I have, this day, approved an act to extend the term of office of the board of supervisors of El Dorado county, and to change the manner of their election, and define their duties and powers in certain cases, and establish their salaries;

Also, an act granting the privilege to Charles Talcott to erect a wharf at Point San Quentin, in Marin county, and collect wharfage;

Also, an act to audit and allow the claim of James Smiley;

Also, an act to fix the compensation of certain officers in the counties of San Joaquin and Alameda;

Also, an act to amend an act concerning the office of public administrator, in the counties of Nevada, Sacramento, Monterey, El Dorado, Amador, and Tuolumne, approved April 5, 1856;

Also, an act to authorize Simpson Thompson and T. H. Thompson to construct a wharf at Suscol Ferry, in Napa county, on the east bank of Napa River;

Also, an act to amend an act entitled an act to provide for the payment of the debt of Santa Cruz county, approved April 24, 1857.

JOHN B. WELLER.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Havens, amendments to the sixth article of the constitution of this state;

By Mr. Howell, an act to regulate the pay of members and *attachés* of the Legislature.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ferguson, an act to prevent Chinese from working in the mines of California.

Read first and second times, and referred to Committee on Mines and Mining Interests.

By Mr. Holman, an act supplemental to an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state.

Read first and second times, and referred to special committee, consisting of Messrs. Burbank, Briggs, and Warmcastle.

Assembly bill No. 347, an act to audit certain claims, amended, considered engrossed, read a third time, and passed.

Assembly bill No. 315, an act to reduce the salaries of officers, pay of members of the Legislature, and the officers and employees of the Senate and Assembly—substitute for Assembly bills Nos. 20 and 60, on the same subject—

Mr. De Long moved to lay it on the table, upon which, Messrs. McCoy, Ferguson, and Edwards, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Davis, Galbraith, Groom, Haldeman, Harris, Hobart, Lee, Lewis, Moses, O'Brien, Palmer, Stocker, Tatman, Walker, and Ward —15.

NOES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Crane, Curtis, De Long, Edwards, Ferguson, Gordon, Gray, Hamlin, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Holman, Loofbourrow, Markley, McCoy, Minis, Mitchell, Neblett, Ormsby, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stout, Stratton, Street, Tipton, Warfield, Warmcastle, Willson, and Young—46.

At three-quarters past three o'clock, P. M., Mr. Buel moved to adjourn,

upon which, Messrs. Sherwin, Caldwell, and Buel, demanded the ayes and noes, and the House adjourned, by the following vote:

AYES—Messrs. Anderson, Buel, Clarke, Crane, Davis, De Long, Galbraith, Gordon, Gray, Heath, Hill of Nevada, Howell, Lewis, Loofbourrow, Markley, Marshall, Moses, Neblett, Osgood, Palmer, Smith of Nevada, Stocker, Stout, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Willson, Young, and Mr. Speaker—32.

NOES—Messrs. Ballou, Banks, Briggs, Caldwell, Curtis, Edwards, Ferguson, Harris, Havens, Hill of Sierra, Hobart, Holman, Lee, McCoy, Minis, O'Brien, Ormsby, Safford, Shepard, Sheridan, Sherwin, Spilman, Stratton, Street, Warfield, and Warmcastle—26.

IN ASSEMBLY.

WEDNESDAY, April 7, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All were present, except those absent on leave, and Mr. Neblett.

Mr. Neblett had leave of absence for one day.

The journal of yesterday was read and approved.

Mr. Burbank presented petition of physicians of San Francisco in relation to drugs, etc.

Referred to Committee on Hospitals.

GENERAL FILE.

Assembly bill No. 344, an act for the relief of W. G. Poindexter, substitute for Assembly bill No. 245, substitute adopted, considered in Committee of the Whole, (Mr. Crane in the chair,) considered engrossed, read third time, and passed.

Assembly bill No. 270, an act to regulate the interest of money;

Mr. Safford moved to indefinitely postpone.

Messrs. Sheridan, Aud, and Havens, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Anderson, Banks, Buel, Caldwell, Cherry, Clarke, Ferguson, Gordon, Gray, Graham, Haldeman, Hill of Nevada, Hobart, Holladay, King, Marshall, Mitchell, Moses, Palmer, Pearis, Safford, Stakes, and Street—23.

NOES—Messrs. Aud, Ballou, Briggs, Burbank, Crane, Davis, De Long, Edwards, Galbraith, Groom, Hamlin, Harris, Havens, Heath, Hill of Sierra, Markley, McCoy, Minis, O'Brien, Ormsby, Osgood, Pico, Sheridan, Sherwin, Smith of San Bernardino, Spilman, Stout, Tatman, Thomas, Tipton, Tuttle, Warfield, Warmcastle, Young, and Mr. Speaker—35.

And the bill was ordered engrossed.

Senate bill No. 263, an act to audit the claim of James Smiley; and,

Senate bill No. 210, an act to authorize the congregation of St. Patrick's (Catholic) church, in the city of Stockton, to remove the remains of deceased persons;

Were read third time, and passed.

Assembly bill No. 368, an act to fix the compensation of the district attorney of Sierra county, considered engrossed, read third time, and passed.

Senate bill No. 154, an act entitled an act to incorporate the town of Petaluma, amendments adopted, read third time, and passed.

Assembly bill No. 196, an act to grant the right to open Cache Creek from Clear Lake to the mouth of the cañon in Sacramento Valley, considered engrossed, read third time, and passed.

The following resolution was offered by Mr. Lee, and adopted:

Resolved, That the sergeant-at-arms be, and he is hereby, directed to strictly observe and enforce the sixty-seventh rule of his House.

REPORTS.

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

MR. SPEAKER:—The Committee of Ways and Means, to whom was referred Assembly bill No. 308, an act entitled an act relating to auctioneers, having had the same under consideration, report the same back, with a substitute, and recommend the passage of the substitute.

H. LEE, Chairman.

APRIL 7, 1858.

Mr. Stakes, chairman of the Judiciary Committee, made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 273, an act for the relief of Paul Shirley, late sheriff of Solano county;

Also, Senate bill No. 269, an act to pay the fees of attorneys on the part of the state, in certain cases;

Also, Assembly bill No. 133, an act authorizing the commissioners of the funded debt of the county of Contra Costa, to reissue certain bonds to Erastus Bartlett;

Have had the same under consideration, report the three bills back, and recommend their passage.

Senate bill No. 251, a substitute for Assembly bill No. 298, an act to amend section four of an act to regulate fees in office, passed April 10, 1855;

Also, Assembly bill 403, an act to amend the first and second sections of an act concerning official and other bonds, approved April 2, 1857;

Are herewith reported back, amended, with the recommendation that the two bills pass, as amended.

Your committee have also had under advisement Senate bill No. 15, an act to repeal an act for the relief of insolvent debtors, and protection of creditors, passed May 4, 1852, report the same back, and recommend it be indefinitely postponed.

A. G. STAKES, Chairman.

Mr. Clarke, chairman of the Committee on Mines and Mining Interests, made the following report:

MR. SPEAKER:—The Committee on Mines and Mining Interests, to

which was referred concurrent resolution relating to arable land in Plumas and Nevada counties, have considered the same, and beg leave to report the same back to the House, without recommendation.

J. A. CLARKE, Chairman.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Engrossing Committee have examined, and found correctly engrossed, the following bills:

Assembly bill No. 215, an act amendatory of and supplementary to an act entitled an act to reincorporate the city of San José, approved March 27, 1857;

Assembly bill No. 310, an act to fix the amount of the official bonds of the county officers in and for the counties of San Diego and San Bernardino;

Assembly bill No. 187, an act for the relief of Daniel J. Thomas;

Assembly bill No. 182, an act amendatory of an act concerning notaries public, approved April 30, 1857;

Assembly bill No. 346, an act to audit and allow the claims of the Sacramento Gas Company;

Assembly bill No. 300, an act to authorize the judges of the supreme court to employ a secretary;

And, Assembly bill No. 278, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer.

H. A. MOSES, Chairman.

Mr. Ballou, chairman of the Committee on Public Expenditures, made the following report:

MR. SPEAKER:—The Committee on Public Expenditures and Accounts herewith report the accounts of J. R. Watson and C. H. Wood, for the sum of $36 each, for services as porters from January 4th to the 9th, inclusive, and recommend the adoption of the same by the House.

S. A. BALLOU, Chairman.

Adopted.

Mr. Edwards, chairman of the Committee on Public Lands, made the following report:

MR. SPEAKER:—The Committee on Public Lands, to whom was referred Senate bill No. 232, an act to authorize the issuance of duplicates for certain lost school-land warrants, have had the same under consideration, report it back, without amendment, and recommend its passage.

URIAH EDWARDS, Chairman.

Senate bill No. 232, above reported, was read third time, and passed.

Mr. Holladay made the following report:

MR. SPEAKER:—The majority of the special committee, consisting of the San Francisco delegation, to whom was referred Assembly bill No. 21, entitled "an act to provide for the construction of a bulk-head in the harbor of San Francisco," have had the same under consideration, and report the same back to the House, together with certain amendments,

accompanying, which amendments your committee recommend may be adopted by the House; with which amendments, your committee recommend the passage of the bill.

S. W. HOLLADAY, for the Committee.

APRIL 7, 1858.

Assembly bill No. 21, above reported, ordered printed, with the amendments.

SPECIAL ORDER.

Assembly bill No. 40, an act to legalize acknowledgments of certain conveyances and other instruments in writing.

After various amendments being adopted, Mr. Stakes moved the previous question, which was sustained.

On the indefinite postponement, Messrs. Anderson, Lee, and Stakes, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ballou, Buel, Edwards, Ferguson, Gray, Hill of Nevada, Hobart, Howell, Sherwin, Stout, and Tipton—11.

NOES—Messrs. Anderson, Aud, Banks, Briggs, Burbank, Caldwell, Clarke, Crane, Curtis, Davis, De Long, Galbraith, Gordon, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Holladay, Holman, Lee, Loofbourrow, Markley, McCoy, Minis, Mitchell, Moore, Osgood, Palmer, Pico, Shepard, Sheridan, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Stratton, Street, Tatman, Thomas, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—52.

Mr. Ballou moved to adjourn.

Lost.

The bill was ordered engrossed.

On motion of Mr. Crane, the order to engross the bill was reconsidered.

On suspending rules to consider bill engrossed, and put upon its passage, Mr. Lee moved the previous question.

Sustained.

Messrs. Sheridan, Ballou, and Sherwin, demanded the ayes and noes, and the rules were suspended, by the following vote:

AYES—Messrs. Anderson, Aud, Briggs, Burbank, Caldwell, Clarke, Crane, Curtis, Davis, Galbraith, Gordon, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Holladay, Holman, Lee, Loofbourrow, McCoy, Minis, Mitchell, Moore, Moses, Ormsby, Osgood, Palmer, Pico, Shepard, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Stratton, Thomas, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—47.

NOES—Messrs. Ballou, Banks, Buel, Cherry, De Long, Edwards, Ferguson, Gray, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Howell, Marshall, O'Brien, Pearis, Safford, Sheridan, Sherwin, Smith of Nevada, Stout, Street, and Tipton—23.

Mr. Ferguson moved that the House adjourn.

Lost.

On the passage of the bill, Messrs. Sherwin, Gray, and Ballou, demand-

ed the ayes and noes, and the bill was read a third time, and passed, by the following vote:

AYES—Messrs. Anderson, Aud, Banks, Briggs, Burbank, Caldwell, Clarke, Crane, Curtis, Davis, Galbraith, Gordon, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Holladay, Holman, Lee, Loofbourrow, McCoy, Minis, Mitchell, Moore, Ormsby, Osgood, Palmer, Pico, Shepard, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Tatman, Thomas, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—48.

NOES—Messrs. Ballou, Buel, Cherry, De Long, Edwards, Ferguson, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Howell, Marshall, O'Brien, Pearis, Safford, Sheridan, Sherwin, Smith of Nevada, Stout, Street, and Tipton—21.

Mr. Gray gave notice of reconsideration of the vote just taken.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hamlin, an act concerning roads and highways.

Read first and second times, and referred to Committee on Roads and Highways.

By Mr. Havens, proposed amendments to the constitution of the state of California.

Read first and second times, and ordered on file.

By Mr. Stakes, an act to amend sections five hundred and sixty-three and five hundred and sixty-six of the act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851.

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

By Mr. Ormsby, an act to license auctioneers in this state, and to define their duties and liabilities.

Read first and second times, and referred to the Committee on Ways and Means.

At half-past four o'clock, P. M., Mr. Howell moved to adjourn.

Lost.

Mr. Hill of Sierra offered Assembly concurrent resolution relative to mining canals or water-ditches.

Ordered on file.

At thirty-five minutes past four o'clock, Mr. Street moved to adjourn to half-past seven o'clock this evening.

Lost.

Mr. Harris introduced a bill for an act supplementary to an act entitled an act to fund the debt of Sutter county, and provide for the payment thereof, passed May 17, 1853.

Read first and second times, and ordered on file.

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

Whereas, The committee appointed to investigate the indebtedness of the auctioneers of San Francisco to the state, found it necessary in the prosecution of their duties to cause subpœnas to be served upon divers persons, and also to employ a clerk during the sittings of said committee, for the purpose of taking down the testimony adduced before said committee; *And, whereas*, said committee paid out of their private funds the following sums, to wit:

To Mr. Snyder, clerk, - - - - - - -	$40 00
To Mr. Kenyon, serving subpœnas, - - - -	24 00
Total, - - - - - - - - - - -	$64 00

which said sum was paid by said committee for and on behalf of the state; therefore,

Resolved, That the sum of sixty-four dollars be and the same is hereby ordered to be paid out of the contingent fund of the Assembly, to Messrs. Hill, Ormsby, and Cherry, members of said committee, to reimburse them for money expended by them for clerk hire and service of subpœnas on behalf of the state, whilst acting as a special committee, as above set forth.

At three-quarters past four o'clock, P. M., on motion of Mr McCoy, the House took a recess until half-past seven o'clock this evening.

HALF-PAST SEVEN O'CLOCK, P. M.

The House reassembled, a quorum being present.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 395, an act to restrict and prevent the immigration to and residence in this state of negroes and mulattoes, substitute for Assembly bill No. 339, was taken up.

Mr. Shepard moved a call of the House.

Lost.

Mr. Street moved to strike out all after the word "misdemeanor," in section one, upon which, Messrs. Tuttle, Curtis, and Hamlin, demanded the ayes and noes, and the House, refused, by the following vote:

AYES—Messrs. Ballou, Briggs, Buel, Caldwell, Curtis, Ferguson, Gray, Graham, Havens, Hill of Nevada, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, King, O'Brien, Safford, Sherwin, and Street—21.

NOES—Messrs. Anderson, Aud, Burbank, Cherry, Crane, De Long, Edwards, Galbraith, Gordon, Haldeman, Harris, Heath, Hill of Sierra, Loofbourrow, McCoy, Mitchell, Ormsby, Osgood, Palmer, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stratton, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—35.

Mr. Street moved to strike out all after the word "state," in section one, and insert: "To such state, territory, or country, as said negro may designate; *Provided*, the laws of such state, territory, or country, do not forbid the immigration thereto of negroes; *And provided, further*, that if said negro shall designate a state, territory, or country, to which he cannot emigrate, by reason of the laws of said state, territory, or country, then the sheriff of the county in which such conviction is had shall designate the place; *And provided*, said negro or mulatto has not the means of paying his way out of the state, said sheriff shall hire said negro out at public hiring, to the person who shall hold him to service for the shortest term as a compensation for expenses to be incurred by said person in transporting said negro to the place designated, as provided in this section, and to pay the costs of conviction; and said person shall execute to the people of the state of California a bond, with good security, approved

by said sheriff, conditioned to transport, at his own cost, said negro to the place designated as aforesaid, immediately after the expiration of the term for which he hired said negro, and the parties to said bond shall be liable thereon for a sum sufficient to transport said negro, as provided in this act, and to pay the costs of conviction; and it is hereby made the duty of the district attorney of the county in which said bond is executed, to prosecute the same, upon forfeiture, and the sheriff of said county shall be entitled, and it is hereby made his duty, to use any sum recovered upon said bond, in transporting said negro and paying the costs of conviction; *Provided*, that no hiring shall be made under the provisions of this act for a greater period than six months."

Adopted.

Mr. Shepard offered the following proviso to section one:

"*Provided*, that any person who shall, after the first of October next, bring any negro slave into the state shall be guilty of a misdemeanor and subject to a fine of not less than five hundred dollars."

Upon which, Messrs. Shepard, Cherry, and Moore, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs. Banks, Buel, Burbank, Cherry, Crane, Gray, Hill of Sierra, Hobart, Holladay, Moore, Palmer, Shepard, Sherwin, and Mr. Speaker.

NOES—Messrs. Anderson, Aud, Caldwell, Curtis, De Long, Edwards, Ferguson, Galbraith, Gordon, Graham, Haldeman, Hancock, Harris, Havens, Heath, Hill of Nevada, Hitchens, Holman, Howell, Hirst, King, Loofbourrow, McCoy, Mitchell, O'Brien, Ormsby, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, and Young—42.

Mr. Young moved to fill the blank in first section with "six months."

Adopted.

Mr. Shepard moved to insert in section four after the word "slavery" "or to hold him or her as a slave."

Upon which, Messrs. Crane, Shepard, and Holladay, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs. Banks, Burbank, Cherry, Crane, Gray, Graham, Groom, Havens, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Moore, O'Brien, Palmer, Shepard, Sherwin, and Mr. Speaker—18.

NOES—Messrs. Anderson, Aud, Buel, Caldwell, Curtis, De Long, Edwards, Ferguson, Galbraith, Gordon, Haldeman, Harris, Heath, Holman, Hirst, King, Loofbourrow, McCoy, Mitchell, Ormsby, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stratton, Street, Tatman, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, and Young—35.

Mr. Crane moved to strike out the last clause of section four, upon which, Messrs. Sherwin, Crane, and Hill of Sierra, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Aud, Buel, Burbank, Caldwell, Crane, Curtis, Ferguson,

Gray, Graham, Groom, Haldeman, Havens, Hill of Nevada, Hill of Sierra, Holman, Hirst, King, Loofbourrow, O'Brien, Osgood, Sherwin, Smith of Nevada, Smith of San Bernardino, Street, Tipton, Walker, and Ward —27.

NOES—Messrs. Anderson, Cherry, De Long, Edwards, Galbraith, Gordon, Harris, Hobart, Holladay, McCoy, Mitchell, Ormsby, Palmer, Shepard, Simons, Spilman, Stocker, Tatman, Tuttle, Warfield, Warmcastle, Young, and Mr. Speaker—23.

Mr. Buel moved to strike out "as soon as practicable," in section five, and insert "six months."

Adopted.

Mr. Warmcastle moved to strike out "one thousand," in section four, and insert "five hundred."

Adopted.

Substitute adopted.

On suspending rules for third reading Messrs. Shepard, Moore, and Burbank demanded the ayes and noes, and the rules were suspended, by the following vote:

AYES—Messrs. Anderson, Aud, Caldwell, Crane, Curtis, De Long, Edwards, Galbraith, Gordon, Gray, Graham, Haldeman, Harris, Havens, Hill of Nevada, Holman, McCoy, Mitchell, O'Brien, Ormsby, Simons, Smith of Nevada, Spilman, Stocker, Stratton, Street, Tatman, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—35.

NOES—Messrs. Banks, Buel, Burbank, Cherry, Ferguson, Groom, Hill of Sierra, Hobart, Holladay, King, Loofbourrow, Moore, Osgood, Shepard, and Sherwin—15.

Mr. Buel moved a call of the House.

Lost.

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

On the passage of the bill, Messrs. De Long, Young, and Shepard, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Aud, Caldwell, Crane, Curtis, De Long, Edwards, Ferguson, Galbraith, Gordon, Gray, Graham, Haldeman, Hamlin, Harris, Havens, Hill of Sierra, Holman, Hirst, King, Lee, Lewis, Loofbourrow, Markley, McCoy, Mitchell, O'Brien, Ormsby, Sherwin, Simons, Smith of Nevada, Spilman, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—45.

NOES—Messrs. Banks, Burbank, Cherry, Groom, Hobart, Holladay, Moore, and Shepard—8.

The following message was received from the Senate:

SENATE CHAMBER,
April 7, 1858.

MR. SPEAKER:—The Senate have, this day, refused to recede from their amendment to Assembly bill No. 160, an act supplemental to an act to regulate rodeos, passed April 30, 1851, and have appointed Messrs. Melony and Phelps a committee of free conference on the disagreeing

vote of the two Houses, and respectfully ask the appointment of a like committee on the part of the Assembly.

J. T. EWING, Assistant Secretary Senate.

Assembly bill No. 402, an act to prevent the further immigration of Chinese or Mongolians into this state, also special order for this day, postponed until to-morrow at one o'clock, P. M.

The speaker appointed Messrs. Crane and Ward a committee of conference on the disagreeing vote of the two Houses on Assembly bill No. 160, an act supplemental to an act to regulate rodeos.

On motion of Mr. McCoy, at eleven o'clock, P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, April 8, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All were present, except those absent on leave.

Journal of yesterday read and approved.

THIRD READING.

Assembly bill No. 182, an act amendatory of an act concerning notaries public, approved April 30, 1857;

Also, Assembly bill No. 278, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer; and,

Also, Assembly bill No. 310, an act to fix the amount of the official bonds of the county officers in and for the counties of San Diego and San Bernardino;

Were read third time, and passed.

GENERAL FILE.

Assembly bill No. 331, an act to abolish the office of county assessor, and provide for the election of district assessors, in the counties of this state.

Indefinitely postponed.

Assembly bill No. 329, an act concerrning divorces—

Mr. Davis offered the following substitute:

Strike out all after the enacting clause, and insert—

Section one—An act entitled an act concerning divorces, passed March 25, 1851, and an act entitled an act supplementary to an act concerning divorces, passed April 24, 1857, are hereby repealed.

Upon which, Mr. Buel moved the previous question, which was sustained, and Messrs. Davis, O'Brien, and Buel, demanded the ayes and noes, and the substitute was lost, by the following vote:

AYES—Messrs. Anderson, Aud, Banks, Buel, Caldwell, Crane, Davis, Gray, Hamlin, Hancock, Havens, Heath, Hill of Nevada, Hobart, How-

ell, Kabler, Minis, O'Brien, Osgood, Palmer, Pico, Safford, Sherwin, Simons, Stratton, Willson, Young, and Mr. Speaker—28.

Noes—Messrs. Ballou, Briggs, Burbank, Clarke, De Long, Ferguson, Galbraith, Gordon, Graham, Haldeman, Harris, Hill of Sierra, Hitchens, Holladay, Holman, Lee, Lewis, Loofbourrow, McCoy, Mitchell, Moses, Ormsby, Shepard, Smith of Nevada, Stakes, Stout, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, and Warmcastle—35.

On the indefinite postponement of the bill, Messrs. Briggs, Buel, and Holladay, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

Ayes—Messrs. Anderson, Aud, Banks, Briggs, Buel, Crane, Davis, Galbraith, Gordon, Gray, Graham, Hamlin, Hancock, Havens, Heath, Hill of Nevada, Hill of Sierra, Hobart, Holman, Howell, Kabler, Lee, McCoy, Minis, O'Brien, Osgood, Palmer, Pico, Safford, Shepard, Sherwin, Simons, Stratton, Street, Tatman, Thomas, Tipton, Ward, Warmcastle, and Willson—40.

Noes—Messrs. Ballou, Burbank, Caldwell, De Long, Ferguson, Haldeman, Harris, Hitchens, Holladay, Lewis, Loofbourrow, Mitchell, Ormsby, Smith of Nevada, Smith of San Bernardino, Stocker, Stout, Tuttle, Walker, Warfield, Young, and Mr. Speaker—22.

Senate bill No. 273, an act for the relief of Paul Shirley, late sheriff of Solano county, amended, read third time, and passed.

Senate bill No. 157, an act to amend an act entitled an act to establish an asylum for the insane of the state of California, passed May 17, 1853.

Mr. Buel moved to strike out "1861," and insert "1859."

Lost.

Mr. Holladay moved to amend by striking out "five thousand," in section one, and inserting "three thousand five hundred."

Also, to strike out "three thousand," in section three, and insert twenty-five hundred.

Mr. Mitchell moved the previous question.

Sustained.

On Mr. Holladay's amendments, Messrs. Stakes, Buel, and Holladay, demanded the ayes and noes, and the amendments were lost, by the following vote:

Ayes—Messrs. Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Curtis, De Long, Edwards, Hill of Nevada, Holladay, Howell, Kabler, Safford, Sheridan, Smith of Nevada, Stout, and Stratton—18.

Noes—Messrs. Anderson, Aud, Briggs, Clarke, Crane, Davis, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hill of Sierra, Holman, King, Lee, Lewis, Loofbourrow, Markley, McCoy, Minis, Mitchell, Ormsby, Osgood, Parker, Pearis, Pico, Shepard, Sherwin, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Willson, and Young—47.

On the passage of the bill, Messrs. Stakes, Hill of Nevada, and Lee, demanded the ayes and noes, and the bill was passed, by the following vote:

Ayes—Messrs. Anderson, Aud, Briggs, Clarke, Crane, Davis, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Holman, King, Lee, Lewis, Loofbourrow, Markley, McCoy, Minis,

Mitchell, Ormsby, Osgood, Palmer, Parker, Pearis, Pico, Sheridan, Sherwin, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, Willson, Young, and Mr. Speaker—49.

NOES—Messrs. Ballou, Buel, Burbank, Caldwell, Cherry, Curtis, De Long, Edwards, Hill of Nevada, Holladay, Howell, Kabler, Safford, Shepard, Smith of Nevada, Stout, and Stratton—17.

SPECIAL ORDER.

Assembly bill No. 402, an act to prevent the further immigration of Chinese or Mongolians to this state, special order of the day—

Mr. De Long offered to amend by striking out the word "or," in the seventh line of section one.

Adopted.

Also, to add to the end of section three, as follows: "Which fact shall also be made to appear to the satisfaction of the court, or the judge having the hearing of the same."

Adopted.

Mr. Curtis offered the following additional section, which was lost:

Section four—The provisions of this act shall not apply to any Chinese or Mongolians engaged exclusively and continuously in commercial or mercantile pursuits; and every such person or persons, upon coming into this state, shall be required to obtain from the mayor or other chief municipal officer of any city, town, or port of this state, immediately upon their arrival, a certificate, setting forth the name, age, height, particular marks, and business. The aforesaid mayor, or chief officer, shall keep a record of the same, for which, the person or persons applying, shall pay the sum of ———— dollars; and any violation of the provisions of this section, shall constitute a misdemeanor, and be punished by fine of not less than one hundred dollars, and not more than five hundred dollars, or imprisonment, not to exceed one year."

Mr. Havens moved that the whole subject be referred to a special committee of five, with power to sit during the recess of the Legislature, with instructions to investigate the condition of the Chinese population now in this state, and to report to the Legislature at the next session thereof.

Ruled out of order by the chair.

Mr. Havens appealed, and the decision of the chair was sustained.

Mr. Sherwin offered the following amendment, which was lost:

"*Provided, always*, that the provisions of this act shall apply with equal force and effect to all other races of mankind, save that of the *pure Caucasian*."

Mr. Briggs offered the following additional section, which was adopted:

Section four—It shall be the duty of the Secretary of State, as soon as practicable, after the passage of this act, to cause the same to be translated into the Chinese language, and shall cause one thousand copies of the same to be published in said language, for distribution among the Chinese residents in this state; and the sum of five hundred dollars is hereby set apart, out of any funds in the treasury not otherwise appropriated, to defray the cost of said translation, publication, and distribution; and it shall

also be the duty of the Secretary of State to forward a translated copy of this act to each of the commercial agents of the United States in the ports of China.

The bill was considered in Committee of the Whole, Mr. Ballou in the chair.

Mr. Hancock offered the following proviso:

Provided, That the counties of San Diego, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, Tulare, Buena Vista, and Monterey, be excepted from the provisions of this act.

Upon the adoption of the same, Messrs. Hancock, Crane, and Sherwin, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Banks, Cherry, Clarke, Crane, Groom, Hancock, Havens, Heath, Holladay, Holman, Howell, Kabler, Ormsby, Osgood, Palmer, Sheridan, Smith of San Bernardino, Stakes, and Stout—19.

NOES—Messrs. Aud, Ballou, Briggs, Buel, Burbank, Caldwell, Curtis, De Long, Edwards, Ferguson, Galbraith, Gordon, Gray, Graham, Haldeman, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Hirst, King, Lee, Loofbourrow, Minis, Mitchell, O'Brien, Parker, Safford, Sherwin, Simons, Smith of Nevada, Spilman, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Willson, Young, and Mr. Speaker—46.

Mr. Crane offered the following additional section, which was lost:

Section four—The provisions of the foregoing section shall be deemed applicable to citizens of Mexico and the subjects of Great Britain and France.

Mr. De Long moved the previous question.

Sustained.

The rules were suspended, and the bill considered engrossed.

On the third reading and passage of the bill, Messrs. O'Brien, De Long, and Tuttle, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Caldwell, Clarke, Curtis, De Long, Edwards, Ferguson, Galbraith, Gordon, Gray, Graham, Haldeman, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Hirst, King, Lee, Loofbourrow, Markley, Minis, Mitchell, O'Brien, Parker, Safford, Sherwin, Smith of Nevada, Spilman, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Willson, Young, and Mr. Speaker—50.

NOES—Messrs. Banks, Cherry, Crane, Davis, Groom, Havens, Heath, Holman, Howell, Kabler, Moore, Ormsby, Osgood, Palmer, Shepard, Sheridan, Simons, Smith of San Bernardino, Stakes, Stout, and Warmcastle—21.

EXCUSED—Mr. Hancock was excused from voting.

Mr. Mitchell moved to adjourn.

Lost.

The following message was received from the Senate:

SENATE CHAMBER,
April 7, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 101, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state;

Also, substitute for Senate bill No. 26, an act concerning roads and highways;

Also, Assembly bill No. 174, an act to authorize the treasurer of the city and county of San Francisco to pay certain demands on the school fund;

Also, Assembly bill No. 417, an act to declare Nueces and Diablo Creeks, in the county of Contra Costa, navigable streams;

Also, Assembly bill No. 407, an act amendatory of and supplementary to an act to incorporate the city of Nevada, approved April 19, 1856.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 101, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 26, above reported, read first and second times, and made special order for Tuesday next, at one o'clock, P. M.

The following messages were also received from the Senate:

SENATE CHAMBER,
April 7, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, this day, passed Senate bill No. 300, an act to audit the claim of G. W. Ryckman.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 300, above reported, read first and second times, and ordered on file.

SENATE CHAMBER,
April 8, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 240, an act supplementary to and amendatory of an act 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 the act entitled an act to provide for the disposition of certain property of the state of California, passed March 26th, 1851, passed May 18th, 1853.

EWING, Assistant Sec. Senate.

Senate bill No. 240, above reported, read first and second times, rules suspended, read third time, and passed.

Mr. Clarke presented the claim of John Platt, Jr.

Referred to the Committee on Claims.

Senate bill No 83, an act to repeal an act passed March 26, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento, special order for this day, postponed until one o'clock, P. M., to-morrow.

On motion of Mr. Gray, the vote by which the House, on yesterday, passed Assembly bill No. 40, an act to legalize the acknowledgment of certain conveyances, and other instruments in writing, was reconsidered, and made the special order for to-morrow, at two o'clock, P. M.

On motion of Mr. Tatman, at half-past five o'clock, P. M., the House adjourned.

IN ASSEMBLY.

FRIDAY, April 9, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All were present, except those absent on leave, and Mr. Marshall, who had leave of absence for one day.

Journals of yesterday read and approved.

GENERAL FILE.

Assembly bill No. 381, an act to authorize the purchase of a lot for the use of the San Francisco Hospital, ordered engrossed.

Assembly bill No. 356, an act to regulate fees in office in the city and county of San Francisco, considered engrossed, read third time, and passed.

Assembly bill No. 316, an act concerning the offices of county clerk, sheriff, and county recorder, of the city and county of San Francisco, amended, considered engrossed, read a third time, and passed.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 423, an act to provide for the permanent location of the seat of government of the state of California, at the city of Oakland, first special order of the day—

Postponed until Thursday next, at two o'clock, P. M.

Senate bill No. 83, an act to repeal the act passed March 26, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento, second special order—

Amendments of the committee adopted, and the bill further amended, when Mr. Street moved to recommit the bill to a special committee of seven, which was ruled out of order, and Mr. Gray appealed.

Upon which, Messrs. Gray, De Long, and Sheridan, demanded the ayes and noes, and the chair was sustained, by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Davis, Edwards, Ferguson, Gordon, Groom, Haldeman, Hamlin, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Kabler, Lee, Lewis, Loofbourrow, Markley, McCoy, Minis, Moses, Neblett, O'Brien, Ormsby, Osgood, Palmer, Parker, Pearis, Pico, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stocker, Stout, Thomas, Ward, Warfield, Warmcastle, Willson, and Young—53.

NOES—Messrs. De Long, Gray, Graham, Hill of Nevada, Safford, Stratton, Street, Tipton, and Walker—9.

Upon the third reading of the bill, Mr. Lee moved the previous question, and Messrs. Buel, De Long, and Graham, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Anderson, Ballou, Briggs, Buel, Cherry, Clarke, Davis, De Long, Groom, Hill of Nevada, Hitchens, Howell, Kabler, Lee, Lewis, Markley, Minis, Moses, Neblett, Osgood, Palmer, Pearis, Shepard, Sherwin, Smith of Nevada, Spilman, Stocker, Stratton, Tipton, Walker, Ward, Warfield, and Young—33.

NOES—Messrs. Aud, Banks, Burbank, Caldwell, Edwards, Ferguson, Gordon, Gray, Graham, Haldeman, Hamlin, Harris, Havens, Heath, Hill of Sierra, Hobart, Holladay, Holman, King, Loofbourrow, McCoy, Mitchell, O'Brien, Ormsby, Parker, Pico, Sheridan, Smith of San Bernardino, Stout, Street, Tatman, Thomas, Warmcastle, Willson, and Mr. Speaker —35.

Mr. Sheridan offered the following additional section:

Section —. Before this act shall be legal, or take effect, for any purpose, it shall be submitted to the legal voters of the county of Sacramento, and approved by a majority of such voters at an election, which, it is hereby made the duty of the supervisors of said county to call, at a time to be fixed by said supervisors, not more than twenty days from the passage of this act.

Pending the consideration of this amendment, the bill was made the special order for to-morrow, at one o'clock, P. M.

On motion of Mr. De Long, at half-past five o'clock, P. M., the House adjourned.

IN ASSEMBLY.

SATURDAY, April 10, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All present, except those absent on leave.

Journals of yesterday read and approved.

Assembly bill No. 300, an act to authorize the judges of the Supreme Court to employ a secretary, read third time, and passed.

GENERAL FILE.

Assembly bill No. 359, an act to prohibit the collection of accounts for liquors sold at retail, considered engrossed, read a third time, and passed.

Senate concurrent resolution No. 31, asking of Congress an appropriation to build a break-water at Crescent City, in this state, concurred in.

Senate bill No. 194, an act the better to enable the collection of judgments in favor of the state, read third time, and passed.

The claims of Wines & Co.'s Express, C. H. Bradford, T. Penney, and Rasey Biven, were rejected.

Assembly bill No. 388, an act to audit the claim of Jonathan Nichols, considered engrossed, read a third time, and passed.

Assembly bill No. 104, an act fixing the time at which representatives in Congress shall be elected—

Mr. Hill of Nevada moved to strike out the enacting clause.

Upon which, Messrs. Hill of Nevada, Stratton, and Kabler, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ballou, Banks, Briggs, Burbank, Caldwell, Cherry, Crane, De Long, Gray, Hancock, Hill of Nevada, Hitchens, Moses, O'Brien, Palmer, Shepard, Simons, Stocker, Thomas, Tuttle, and Willson—21.

NOES—Messrs. Anderson, Aud, Buel, Curtis, Edwards, Galbraith, Gordon, Graham, Haldeman, Harris, Havens, Heath, Hill of Sierra, Hobart, Holladay, Holman, Kabler, King, Lee, Lewis, Loofbourrow, Markley, McCoy, Minis, Neblett, Ormsby, Osgood, Pico, Safford, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Spilman, Stout, Stratton, Street, Tipton, Walker, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—44.

Upon the passage of the bill, Mr. Warmcastle moved the previous question.

Sustained.

Messrs. Crane, Buel, and Minis, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Aud, Buel, Curtis, Edwards, Galbraith, Gordon, Graham, Haldeman, Harris, Havens, Heath, Hill of Sierra, Hobart, Howell, Kabler, King, Lee, Lewis, Loofbourrow, Markley, Minis, Neblett, Ormsby, Osgood, Palmer, Pico, Safford, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Spilman, Stout, Stratton, Street, Tipton, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—42.

NOES—Messrs. Banks, Briggs, Burbank, Caldwell, Cherry, Crane, De Long, Gray, Hancock, Hill of Nevada, Hitchens, Hirst, Moses, O'Brien, Shepard, Simons, Stocker, Thomas, Tuttle, Walker, and Willson—21.

REPORTS.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Engrossing Committee have examined, and found correctly engrossed, the following bills, viz.:

Assembly bill No. 270, an act to regulate the interest of money;

Assembly bill No. 364, an act for the better protection of laborers, mechanics, and other workmen;

Assembly bill No. 203, an act to ascertain the indebtedness of Nevada county to the county of Yuba, and to provide for the payment of the same;

Assembly bill No. 251, an act the more effectually to protect the rights of citizens in certain cases;

Assembly bill No. 418, an act to amend an act entitled an act to create the county of Alameda, to establish the seat of justice therein, to define its boundaries, and to provide for its organization;

Assembly bill No. 329, an act amendatory of and supplementary to an act entitled an act amendatory of and supplementary to an act to establish, support, and regulate common schools, and to repeal former acts concerning the same, approved May 3, 1855, passed March 28, 1857; and,

Assembly bill No. 296, an act to separate the office of collector of taxes from the office of sheriff, in the county of Tuolumne.

H. A. MOSES, Chairman.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 373, an act to repeal, in part, an act to fund the debt of Sierra county, and to provide for the payment of the same, approved March 29, 1856;

Also, Assembly bill No. 417, an act to declare Nueces and Diablo Creeks, in the county of Contra Costa, navigable streams;

Also, Assembly bill No. 174, an act to authorize the treasurer of the city and county of San Francisco to pay certain demands on the school fund;

Also, Assembly bill No. 407, an act amendatory of and supplementary to an act to incorporate the city of Nevada, approved April 19, 1856;

Also, Assembly bill No 100, an act to amend an act entitled an act to amend an act entitled an act to fund the debt of the county of Napa, and provide for the payment of the same, approved Feb. 13, 1857;

Also, Assembly bill No. 346, an act to audit and allow the claim of the Sacramento Gas Company;

Also, Assembly bill No. 233, an act to authorize the board of supervisors of San Joaquin county to levy a special tax for school purposes;

Also, Assembly bill No. 149, an act concerning the collection of poll-taxes, license taxes, and foreign miners' licenses, in the county of Sierra;

Also, Assembly concurrent resolution, relative to a break-water at San Luis Obispo.

GEORGE A. YOUNG, Chairman.

Mr. Havens, chairman of the Committee on Corporations, made the following report:

MR. SPEAKER:—The Committee on Corporations report back Senate bill No 212, an act for the incorporation of water companies, with amendments, and recommend its passage, as amended.

H. W. HAVENS, Chairman.

APRIL 10, 1858.

Mr. Crane, chairman of the Committee on Counties and County Boundaries, made the following report:

MR. SPEAKER:—The Committee on Counties and County Boundaries have had under consideration Senate bill No. 274, substitute for Assembly bill No. 148, and beg leave to report the same back, with amendments, and recommend the passage of the bill, as amended.

CRANE, Chairman.

MR. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 382, have had the same under consideration, and beg leave to report a substitute therefor, and recommend its passage.

CRANE,
TUTTLE,
B. R. SPILMAN,
J. N. WARD,
D. B. CURTIS.

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

MR. SPEAKER:—The Committee on Ways and Means, to whom were referred Assembly bills Nos. 122, 325, and 261, having had the same under consideration, report the same back, and recommend that bills Nos. 122 and 325, both entitled an act to amend an act to provide revenue for the support of the government of this state, one approved April 29, 1857, and the other passed May 15, 1854, do not pass, for the reason that your committee have embodied the provisions of said bills in a general amendment to the revenue law.

Your committee make no recommendatien as to bill No. 261.

H. LEE,
Chairman of Committee on Ways and Means.

APRIL 10, 1858.

Assembly bill, above reported, read first and second times, and ordered on file.

Mr. Buel verbally reported a substitute for Assembly concurrent resolutions relative to the Pacific railroad.

Adopted.

The resolution passed.

Mr. Buel also verbally reported, and recommended the adoption of Assembly concurrent resolution relative to the boundary line between the state of California and the territory of Utah.

Adopted.

Mr. King, chairman of the Committee on Public Printing, made the following report:

MR. SPEAKER:—Your Committee on Public Printing have had under consideration the claims of O. D. Avaline, publisher of the Amador Sentinel, and from a careful consideration of the same, and the vouchers before said committee, I have been directed to report, that said committee find the sum of sixty-six dollars justly due said Avaline from the state for printing, by authority of the Governor, and therefore beg leave to introduce the accompanying bill, for his relief, for said sum, and recommend its passage.

KING, Chairman.

Assembly bill, above reported, was read first and second times, and ordered on file.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 7, 1858.

To the Assembly of California:

I have, to-day, approved an act to fix the amount of the official bonds of the county officers of the counties of Merced, Tulare, and Fresno.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 8, 1858.

To the Assembly of California:

I have, this day, approved an act to authorize the board of supervisors

of the several counties of this state to grant the right to construct wharves on the overflowed and submerged lands of this state.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 8, 1858.

To the Assembly of California:

I return, herewith, with my approval, an act to repeal in part, 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 twelfth, one thousand eight hundred and fifty-three, approved April twenty-eighth, one thousand eight hundred and fifty-seven.

The act of March 20th, 1855, to create boards of supervisors in defining their duties, says: They shall have power to lay out, control, and manage public roads, turnpikes, ferries, and bridges, within the county, in all cases where the law does not prohibit such jurisdiction, and to make such orders as may be necessary and requisite to carrying its control and management into effect.

The act of May 12th, 1853, in regard to the formation of corporations to construct plank or turnpike roads, in section fifteen says: The company shall have power to locate its contemplated road in such manner and places as may be designated by its engineer and approved by the company following the general route and termini described in the original notice, etc.

Take the two acts together, I think no legislation was required to authorize an individual or company to build a bridge across a river, not navigable under the laws of this state. The act of 28th April, 1857, gives the power, however, in terms to companies, and the principal object of that act seems to have been to prescribe certain limitations and restrictions upon these corporations.

It declares that such company "shall only be allowed to put up and keep such toll-gates, demand, collect, and receive such tolls as may be fixed and prescribed by the board of supervisors of the county or counties through which such road or roads may pass." The rates are fixed from year to year. It also imposes a penalty on any company violating the law.

So far as this act places the general control of the companies in the hands of the representatives of the people, (the board of supervisors,) I regard it as a safe and wise one, and I have failed to find any satisfactory reason why the counties of Plumas, Sierra, Trinity, Siskiyou, Del Norte, Klamath, Butte, and Shasta, should be exempted from its operations. I cannot see how these restrictions upon corporations or companies are less necessary in the counties named, than in the other counties of the state. These associations are very apt to abuse their powers, and I do not consider it sound policy to remove any of the restrictions imposed upon them by existing laws.

As I am opposed to special legislation, exeept when clearly necessary, this bill is respectfully returned for such action as your honorable body may deem proper.

JOHN B. WELLER.

The consideration of the preceding message was postponed until Tuesdy next, at one o'clock, P. M.

The following communication was received from the Comptroller rela-

tive to the delinquent taxes due the state, which was referred to the Committee on Ways and Means, and ordered printed:

COMPTROLLER'S OFFICE,
Sacramento, April 8, 1858.

To the Honorable the Speaker of the Assembly:

SIR:—In compliance with the following resolution:

Resolved, That the Comptroller of State be requested to report to the Assembly, as soon as practicable, the amount of delinquent taxes due this state:

I herewith submit to the honorable body over which you preside, the following

REPORT:

"A" is a tabular statement, so far as the imperfect returns made to this office show, of the amount of delinquent taxes due this state from the several counties named, from the organization of the state government up to date.

The time necessary to have prepared it, since the receipt of your resolution, would have been greater, had it not been for the fact that, more than one year since, I had prepared this table, with the exception of the year one thousand eight hundred and fifty-seven. Other matters, however, interposed, and prevented my making the use of it intended.

This table exhibits, more strikingly than any words that I can use, the necessity of amending the revenue laws in the matter of making reports to this office by county officials, as recommended in my last annual report. I think it more than probable that, in some instances, the returns from which this table is prepared contain the amount of delinquent taxes due the county, as well as the state.

The first of February last is the time fixed by law for the returns of one thousand eight hundred and fifty-seven to be made.

All of which is respectfully submitted.

G. W. WHITMAN,
Comptroller of State.

[A] *Total amount of Delinquent Tax-Lists reported to the Comptroller of State for the Years* 1850 *to* 1857, *inclusive.*

COUNTIES.	1850.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	TOTALS.
Amador,						$2,304 57			$2,304 57
Butte,						14,465 96			14,465 96
Calaveras,								$3,708 09	3,708 09
Contra Costa,	$1,514 89				$15,491 29	42,208 81		2,732 48	61,947 47
Fresno,						1,389 98	$2,195 29		3,585 27
Humboldt,				$56 76	7,097 82	3,456 53	1,423 01	174 79	12,208 91
Klamath,					322 08	961 13			1,283 21
Los Angeles,		$2,088 38				2,445 99		486 92	5,021 29
Marin,		1,701 99			1,060 72				2,762 71
Monterey,	1,784 99	834 75				61 56	2,854 57		5,535 87
Napa,		389 47				1,155 02		1,352 44	2,896 93
Nevada,	390 24								390 24
Placer,					1,739 48				1,739 48
Plumas,					3,770 60	1,600 20			5,370 80
Sacramento,						102,234 26	18,008 53	16,001 41	136,244 20
San Diego,			$2,515 45						2,515 45
San Joaquin,				5,964 73			3,417 72	2,082 85	11,465 30
San Luis Obispo,		117 23		623 56	272 85		1,206 51		2,220 15
Santa Barbara,						769 35	209 75		979 10
Santa Cruz,			743 61		1,329 75				5,073 36
Santa Clara,					10,990 71				10,990 71
Shasta,		113 00			3,655 53	4,032 88	5,086 74		12,888 15
Sierra,								1,521 90	1,521 90
Siskiyou,					1,232 00				1,232 00
Solano,	425 00	858 00							1,283 00
Sonoma,	891 15				25,782 53			13,411 82	40,085 50
Stanislaus,					2,518 33	2,862 56	1,391 43	449 03	7,221 35
Sutter,		4,622 32		20 25		15,808 40	19,100 73		39,551 70
San Mateo,							278 36	957 81	1,236 17
Tulare,							353 61		353 61
Tehama,						767 19			767 19
Yolo,								3,418 47	3,418 47
Yuba,			2,276 41	2,957 17	3,348 80	4,547 70		2,439 72	15,569 83
									$417,867 94

NOTE.—Counties that do not appear on this table, have never made any returns to this office.

The following messages were received from the Senate:

SENATE CHAMBER,
April 8, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 373, an act to repeal in part an act entitled an act to fund the debt of Sierra county, and to provide for the payment of the same, approved March 29, 1856;

Also, Assembly bill No. 215, an act amendatory of and supplementary to an act entitled an act to reincorporate the city of San José, approved March 27, 1857;

Also, Assembly bill No. 233, an act to authorize the board of supervisors of San Joaquin county to levy a special tax for school purposes;

Also, Assembly bill No. 100, an act to amend an act entitled an act to amend an act entitled an act to fund the debt of the county of Napa, and provide for the payment of the same, approved February 13, 1857;

Also, Assembly bill No. 346, an act to audit and allow the claim of the Sacramento Gas Company;

Also, concurred in Assembly concurrent resolution relative to breakwater of San Luis Obispo;

Also, passed Senate bill No. 298, an act to audit and allow the claim of James D. Potter;

Also, Senate bill No. 293, an act for the relief of Hugh O'Donnell.

JAS. T. EWING, Assistant Secretary Senate.

Senate bill No. 298, above reported, read first and second times, and ordered on file.

Senate bill No. 293, also above reported, was read first and second times, and referred to the San Francisco delegation.

SENATE CHAMBER,
April 9, 1858

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 256, an act to fix the salary of the district attorney of the county of Santa Clara;

Also, Senate bill No. 216, an act to amend an act concerning courts of justice and judicial officers, passed May 19, 1853;

Also, Senate bill No. 246, an act supplementary and amendatory of an act entitled an act to provide for the incorporation of railroad companies, passed April 22, 1853, and to the several acts amendatory and supplementary thereto.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 216, above reported, was read first and second times, and referred to the Judiciary Committee.

Senate bill No. 246, also above reported, read first and second times, and referred to Committee on Corporations.

Senate bill No. 256, also above reported, read first and second times, and ordered on file.

SENATE CHAMBER,
April 9, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 301, a substitute for Assembly bill No. 44, an act to adjust the amount of in-

debtedness of the county of Alameda to the county of Contra Costa, and provide for the payment thereof.

EWING, Ass't Sec. Senate.

Senate bill No. 301, above reported, read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER, April 9, 1858.

MR. SPEAKER:—The Senate have, this day, adopted the report of the committee of free conference on Assembly bill No. 160, an act supplemental to an act to regulate rodeos, passed April 30, 1851.

J. T. EWING, Ass't Secretary Senate.

The House likewise adopted the report.

SENATE CHAMBER, April 10, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate has passed Senate bill No. 292, substitute for Assembly bill No. 175, an act amendatory of an act entitled an act to establish a standard of weights and measures, passed March 30, 1850, and to amend an act entitled an act to amend an act entitled an act to establish a standard of weights and measures, passed March 30, 1850, passed April 30, 1853.

THOS. N. CAZNEAU, Secretary of Senate.

Senate bill No. 292, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 364, an act for the better protection of laborers, mechanics, and other workmen, read third time, and passed.

Assembly bill No. 203, an act to ascertain the indebtedness of Nevada county to the county of Yuba, and to provide for the payment of the same;

On the passage of the bill, Mr. Safford moved the previous question.

Lost.

Messrs. Hill and Smith of Nevada, and De Long, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Aud, Davis, De Long, Ferguson, Galbraith, Gordon, Graham, Hancock, Harris, Heath, Holladay, Holman, King, Lewis, Minis, Mitchell, O'Brien, Ormsby, Osgood, Palmer, Parker, Safford, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Stratton, Thomas, Walker, Ward, Warmcastle, Willson, and Mr. Speaker—35.

NOES—Messrs. Ballou, Caldwell, Hill of Nevada, Hill of Sierra, Palmer, Smith of Nevada, Warfield, and Young—8.

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

Resolved, That the clerk of the Assembly be and is hereby allowed one more assistant clerk during the remainder of the session.

Mr. Safford made the following report:

MR. SPEAKER:—Your Committee on Claims, to whom was referred the petition of G. Elliott Cook & Cofran, for brick used at state prison in 1855;

Also, a claim of C. Binney, for stationery furnished Treasurer of State and Comptroller's office, in 1856 and 1857;

Also, claim of Claiborne Hubbard, for services as porter in State Treasurer's office, in 1856;

And the claim of Platt & Forbes, for publishing proposed amendments to the constitution in 1856;

Have directed me to report the same back, with the accompanying bills, and recommend their passage.

And the claim of J. C. Doherty, for services as porter in Comptroller's office, and articles furnished Senate and Assembly in 1856, recommend it be rejected;

Also, Assembly bill No. 152, an act to provide for the payment of the expenses in the survey of the boundary line between the counties of Tuolumne and Stanislaus, and recommend the passage of the same.

A. P. K. SAFFORD, Chairman *pro tem.*

The three bills, above reported, were read first and second times, and ordered on file.

Mr. Stakes made the following report:

MR. SPEAKER:—The Committee on the Judiciary, to whom was referred Assembly bill No. 379, an act amendatory of and supplementary to an act to prescribe the mode of drawing grand jurors and trial jurors in the city and county of San Francisco, approved April 2, 1857, have had the same under consideration, report the same back, with a substitute, and recommend the passage of the substitute.

A. G. STAKES, Chairman.

SACRAMENTO, April 10, 1858.

The substitute for Assembly bill No. 379, above reported, read first and second times, considered engrossed, read a third time, and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Stakes, an act relating to the water-front of the city of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Harris, an act to define the lines of Sutter county, to establish its boundaries, and to locate the county seat thereof.

Read first and second times, and made the special order for Wednesday next, at two o'clock, P. M.

By Mr. Lewis, an act for the protection of the harbor of the city of San Francisco.

Read first and second times, and referred to the Committee on Corporations

By Mr. Smith of San Bernardino, an act for the purpose of obtaining artesian water on the Colorado desert, and to appropriate money therefor.

Read first and second times, and ordered on file.

By Mr. Galbraith, an act to extend the terms of office of the justices of the peace in this state.

Read first and second times, and made special order for Monday next, at two o'clock, P. M.

By Mr. Holladay, an act to perpetuate the evidence of title, under execution.

And, also, an act to provide for the payment of judgments against counties, and to prevent the sale of property under execution.

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

By Mr. Stocker, an act to authorize certain persons to construct a wharf at the foot of Francisco street, in the city and county of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Assembly bill No. 40, an act to legalize the acknowledgment of certain conveyances and other instruments in writing, was taken up, and made the special order for Tuesday next, at one o'clock, P. M.

Assembly bill No. 251, an act the more effectually to protect the rights of citizens in certain cases, was taken up, and made the special order for Wednesday next, at two o'clock, P. M.

Mr. Loofbourrow gave notice of the introduction of a bill for an act fixing the amount of official bonds of county and township officers of the county of El Dorada.

Mr. Aud verbally reported and recommended Assembly bill No. 271, an act supplementary to an act to provide for the funding the indebtedness of the county of Yuba, approved March 26, 1857.

Considered engrossed, read third time, and passed.

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

Resolved, That the assistant sergeant-at-arms of the House be allowed the same per diem for services rendered during this session, as is now allowed by law to the sergeant-at-arms.

Mr. Smith of Nevada offered the following resolution, which was adopted:

Resolved, by the Assembly, the Senate concurring, that the Secretary of State be requested to distribute to each member of this Legislature a copy of the Journals and Laws of this session as soon as the same shall be furnished by the State Printer.

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

Resolved, That from and after this date no special order shall be made by this House, except bills under discussion at the time of adjournment; and further,

Resolved, That no new business shall be introduced into this House, after Tuesday, the 13th of April.

Mr. Lewis moved to suspend the rules for the purpose of taking up and considering Senate concurrent resolution relative to adjournment *sine die*.

Upon which, Messrs. Buel, Safford, and Lewis, demanded the ayes and noes, and the House refused, by the following vote, two thirds being necessary:

AYES—Messrs. Aud, Ballou, Buel, Burbank, Caldwell, Edwards, Gordon, Graham, Heath, Hill of Nevada, Hill of Sierra, Holladay, Holman, Kab-

ler, Lewis, Markley, McCoy, Mitchell, Neblett, O'Brien, Ormsby, Osgood, Pico, Safford, Sherwin, Simons, Smith of Nevada, Stocker, Tipton, Warfield, Willson, and Mr. Speaker—32.

NOES—Messrs. Cherry, Davis, De Long, Ferguson, Galbraith, Haldeman, Hamlin, Havens, Hitchens, Lee, Loofbourrow, Minis, Moses, Palmer, Shepard, Sheridan, Stakes, Stout, Tatman, Thomas, Tuttle, Ward, and Young—23.

SPECIAL ORDER.

Senate bill No. 83, an act to repeal the act passed March 26, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento, the special order for the day, was taken up.

Mr. Lewis moved the previous question, on the additional section offered by Mr. Sheridan on yesterday, upon which, Messrs. Ballou, Sherwin, and Sheridan, demanded the ayes and noes, and the same was sustained, by the following vote:

AYES—Messrs. Anderson, Aud, Buel, Caldwell, Curtis, De Long, Edwards, Galbraith, Gray, Graham, Groom, Hill of Nevada, Hitchens, Hobart, Holladay, Howell, Kabler, Lee, Lewis, Minis, Moses, Neblett, Ormsby, Osgood, Palmer, Pearis, Pico, Sheridan, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Stratton, Thomas, Tipton, Walker, Ward, Willson, and Mr. Speaker—42.

NOES—Messrs. Ballou, Banks, Briggs, Burbank, Cherry, Crane, Ferguson, Gordon, Hamlin, Havens, Heath, Hill of Sierra, Holman, Hirst, Loofbourrow, McCoy, O'Brien, Parker, Safford, Shepard, Sherwin, Tatman, Warfield, and Young—24.

On the adoption of the additional section, Messrs. Sherwin, Buel, and Sheridan, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs. Ballou, Buel, De Long, Galbraith, Gray, Graham, Hitchens, Hirst, McCoy, Mitchell, Sheridan, Stratton, Tipton, Walker, Ward, and Mr. Speaker—16

NOES—Messrs. Anderson, Aud, Banks, Briggs, Burbank, Caldwell, Cherry, Crane, Curtis, Davis, Edwards, Ferguson, Gordon, Groom, Haldeman, Hamlin, Havens, Heath, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Howell, Kabler, Lee, Lewis, Loofbourrow, Minis, Moses, Neblett, O'Brien, Ormsby, Osgood, Palmer, Parker, Pearis, Pico, Safford, Shepard, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Tatman, Thomas, Warfield, Willson, and Young—53.

On the passage of the bill, Messrs. DeLong, Sheridan, and Loofbourrow, demanded the ayes and noes, and the same was passed, by the following vote:

AYES—Messrs Anderson, Aud, Ballou, Banks, Briggs, Burbank, Caldwell, Cherry, Crane, Curtis, Davis, Edwards, Ferguson, Gordon, Gray, Groom, Haldeman, Hamlin, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Lee, Lewis, Loofbourrow, McCoy, Minis, Moses, Neblett, Ormsby, Palmer, Parker, Pearis, Pico, Safford, Shepard, Sherwin, Simons,

Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stout, Tatman, Thomas, Warfield, Willson, and Young—50.

NOES.—Messrs. Buel, De Long, Galbraith, Graham, Harris, Havens, Heath, Hill of Nevada, Hirst, Kabler, O'Brien, Osgood, Sheridan, Spilman, Stratton, Tipton, Walker, Ward, and Mr. Speaker—19.

Messrs. Safford and Loofbourrow gave notice of reconsideration of the vote just taken.

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

Resolved, By the Assembly the Senate concurring, that the enrolling clerk of the Assembly is hereby directed to strike from the twenty-sixth line of the sixth section the words "of one," of Assembly bill No. 25, entitled an act amendatory of and supplementary to an act entitled an act to reincorporate the city of San José, approved March 27, 1857.

Mr. Davis made the following report:

MR. SPEAKER:—The select committee, to whom was referred Assembly bill No. 11, an act for the suppression of mobs, insurrections, and other unlawful assemblages and organizations against the government of this state, and to fix the punishment of offences therein defined, and also the substitutes, Nos 177 and 178, have had the same under consideration, and respectfully report a substitute therefor, and recommend its passage.

N. H. DAVIS, Chairman,
J. S. ORMSBY,
R M. BRIGGS,
GEO. W. CRANE,
CHAS. W. PEARIS,
BEN. E. S. ELY.

An act supplementary to and amendatory of an act entitled an act concerning crimes and punishments, passed April 16, 1850, read first and second times, and ordered printed.

Mr De Long moved to adjourn.

Messrs. Smith of Nevada, Buel, and Lewis, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Ballou, Briggs, Crane, De Long, Ferguson, Galbraith, Haldeman, Hamlin, Harris, Havens, Hitchens, Howell, Spilman, Stakes, Stout, Tatman, Ward, Warfield, and Young—20.

NOES—Messrs. Anderson, Banks, Buel, Burbank, Caldwell, Curtis, Davis, Gordon, Graham, Heath, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Hirst, Kabler, Lewis, Loofbourrow, McCoy, Moses, Neblett, O'Brien, Ormsby, Osgood, Palmer, Parker, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Stocker, Stratton, Tipton, Walker, Willson, and Mr. Speaker—39.

Mr. Harris moved a call of the House.
Lost.
Mr. Howell moved to adjourn.
Lost.
Mr. De Long moved a call of the House.
Lost.

The special order, relative to the adjournment of the Legislature on the twelfth April, inst.. was taken up.

Mr. Lewis offered the following substitute :

Resolved, By the Assembly, the Senate concurring, that the Legislature will adjourn *sine die* on Tuesday, the twentieth day of April, A. D. 1858.

Mr. Crane moved a call of the House.

Lost.

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

Lost.

Mr. Buel moved the previous question.

Lost.

Mr. Davis moved to adjourn, upon which, Messrs. Buel, Davis, and Safford, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Aud, Briggs, Crane, Davis, De Long, Galbraith, Haldeman, Hamlin, Harris, Hitchens, Howell, Mitchell, Moses, O'Brien, Osgood, Parker, Shepard, Spilman, Stakes, Stocker, Stout, Thomas, Ward, Warfield, and Young—25.

NOES—Messrs. Anderson, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Curtis, Edwards, Gordon, Gray, Graham, Heath, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Hirst, Kabler, Lewis, Loofbourrow, Neblett, Ormsby, Palmer, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stratton, Tatman, Tipton, Walker, and Willson—36.

Mr. Crane moved a call of the House, upon which, Messrs. Crane, Warfield, and Young, demanded the ayes and noes, and it was ordered, by the following vote :

AYES—Messrs. Aud, Crane, Curtis, De Long, Edwards, Galbraith, Harris, Hill of Nevada, Hobart, Hirst, Kabler, Lewis, Loofbourrow, Neblett, O'Brien, Ormsby, Parker, Safford, Sheridan, Sherwin, Smith of Nevada, Stratton, Thomas, Tipton, Walker, Ward, Warfield, Willson, and Young —29.

NOES—Messrs Anderson, Banks, Briggs, Buel, Caldwell, Cherry, Gordon, Graham, Haldeman, Holladay, Howell, Palmer, Simons, and Stout —15.

The roll was called, and the following members were absent, and the sergeant-at-arms dispatched for the absentees, viz.: Messrs. Davis, Ferguson, Groom, Hancock, King, Lee, Markley, McCoy, Minis, Moore, Pearis, and Pico.

Further proceedings under the call were dispensed with.

Pending the resolution, at half-past five o'clock, P. M., the House, on motion of Mr. Warfield, adjourned.

IN ASSEMBLY.

MONDAY, April 12, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called.

All were present, except those absent on leave, and Messrs. Aud, Buel, Havens, Heath, Lee, Lewis, Moore, Warmcastle, Willson, and Tatman.

Messrs. Aud, Buel, Heath, Lee, Lewis, and Warmcastle, had leave of absence one day each, Mr. Havens, for three days, and Mr. Willson indefinite leave.

The journals of Saturday were read and approved.

GENERAL FILE.

Senate bill No. 262, an act to audit the claim of D. H. Carpenter, read third time. and passed

Assembly bill No. 380, an act to authorize the executors of the last will and testament of Imanuel Christian Russ, deceased, to sell real estate of the testator at private sale, considered engrossed, read third time, and passed.

Assembly bill No. 360, an act to amend an act concerning crimes and punishments, passed April 16, 1850, considered engrossed, read third time, and passed.

Assembly bill No. 210, an act to amend an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin; senate amendments concurred in.

Senate bill No. 202, an act for the incorporation of water companies; amendments concurred in, read third time, and passed.

Mr. Loofbourrow had leave to withdraw Assembly bill No. 350, an act to exempt the wages of laborers and other employees, in certain cases, from execution or other legal process.

Assembly bill No. 307, an act to amend an act entitled an act to regulate proceedings in civil cases—

On the indefinite postponement of the bill, Messrs. Thomas, Warfield, and Stout, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Anderson, Caldwell, Clarke, Davis, Graham, Groom, Hancock, Kabler, King, McCoy, Osgood, Parker, Pearis, Pico, Stratton, Ward, and Young—17.

NOES—Messrs. Ballou, Banks, Briggs, Burbank, Cherry, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Loofbourrow, Markley, Marshall, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stocker, Stout, Thomas, Tipton, Walker, Warfield, and Mr. Speaker—43.

On ordering the bill to be engrossed, Mr. Safford moved the previous question, which was sustained.

Messrs. De Long, Sheridan, and Ferguson, demanded the ayes and noes, and the bill was ordered engrossed, by the following vote:

AYES—Messrs. Ballou, Banks, Briggs, Burbank, Crane, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holman, Howell, Loofbourrow, Markley, Marshall, Minis, Moses, Neblett, O'Brien, Ormsby, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spil-

man, Stocker, Stout, Thomas, Tipton, Tuttle, Walker, Warfield, and Mr. Speaker—43.

NOES—Messrs. Anderson, Caldwell, Cherry, Davis, Graham, Groom, Hancock, Holladay, Kahler, King, McCoy, Osgood, Palmer, Parker, Pearis, Pico, Stratton, and Ward—18.

Mr. Crane gave notice of reconsideration of the vote just taken.

Assembly bill No. 355, 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, indefinitely postponed.

Assembly bill No 238, an act granting certain powers to the board of education of the city and county of San Francisco; and, also,

Assembly bill No. 318, an act amendatory of and supplemental to the estray law of this state—amendments concurred in, considered engrossed, read third time, and passed, and title amended.

The following message was received from the Senate:

SENATE CHAMBER, April 10, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 265, an act to amend an act entitled an act to authorize the funding of the floating debt of the city of San Francisco, and to provide for the payment of the same, passed May 1, 1850;

Also, with amendments, Assembly bill No. 257, an act to authorize George W. Chedic to sell certain property of Georgia M. C F. Chedic;

Also, with amendments, Assembly bill No. 252, an act to confer further powers upon the board of supervisors of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned, and ask the concurrence of the Assembly;

Also, Senate bill No. 166, an act making appropriation for the support of the civil government of the state for the fiscal year, commencing on the first day of July, 1858, and ending on the thirtieth day of June, A. D. 1859.

Also, Senate bill No. 286, an act for the government of the state prison convicts, and to provide for the location of a branch prison;

Also, Assembly bill No. 291, an act to establish the industrial school department of the city and county of San Francisco;

Also, Senate concurrent resolution No. 38, relating to the volunteer service rendered on the southern Oregon emigrant road in 1854.

THOS. N. CAZNEAU, Secretary of Senate.

Senate bill No. 265, above reported, read third time, and passed.

Senate amendments to Assembly bill No. 257, also above reported, concurred in.

Senate bill No. 166, also above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 286, also above reported, read first and second times, and placed on the file with state prison bills.

Senate concurrent resolution No. 38, above reported, was referred to the Committee on Federal Relations.

The following message was also received from the Senate:

SENATE CHAMBER, April 12, 1858.

MR. SPEAKER:—The Senate, on Saturday, the 10th inst., passed Senate bill No. 117, an act to regulate the creation of homesteads;

Also, Senate bill No. 170, an act amendatory of supplementary to an act entitled an act to regulate fees of office, approved April 10th, 1855;

Also, Senate bill No. 167, an act to amend the act of April 9th, 1857, to authorize the Governor to remove insane persons from the state prison to the insane asylum;

Also, Senate bill No. 270, an act defining the legal distances from each county seat to the capital, lunatic asylum, and state prison;

Also, Assembly bill No. 387, an act to fix the compensation of the board of supervisors of San Joaquin county;

Also, Assembly bill No. 250, an act to change the time of holding the courts of sessions, county courts, and probate courts, of the counties of Santa Barbara, and San Luis Obispo;

Also, have, this day, passed Senate bill No. 313, an act to authorize the guardian of Espidion Noe, José Jesus Noe, and Vincent Noe, to sell and dispose of their real estate and chattels real.

THOS. N. CAZNEAU, Secretary Senate.

Senate bills Nos. 117 and 313, above reported, were read first and second times, and referred to the Judiciary Committee.

Senate bill No. 170, above reported, was read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 167, above reported, was read first and second times, and referred to Committee on Hospitals.

Senate bill No. 270, above reported, read first and second times, and referred to the Committee on Mileage.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 10, 1858.

To the Assembly of California:

I return, herewith, with my approval, the following bills, viz.:

An act to repeal, in part, an act entitled an act to fund the debt of Sierra county, and provide for the payment of the same, approved March 29th, 1856;

An act to amend an act entitled an act to amend an act entitled an act to fund the debt of the county of Napa and provide for the payment of the same, approved February 13th, 1857;

An act to audit and allow the claim of the Sacramento Gas Company;

An act to authorize the board of supervisors of San Joaquin county to levy a special tax for school purposes;

An act amendatory of and supplementary to an act to incorporate the city of Nevada, approved April 19th, 1856;

An act to declare the Nueces and Diablo Creeks, in the county of Contra Costa, navigable streams.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 12, 1858.

To the Assembly of California:

I return, herewith, to your honorable body, with my approval, an act to extend the time for making the assessment and the collection of taxes in the county of Siskiyou.

JOHN B. WELLER.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. De Long, for an act to provide for the support and future government of the state prison, and appropriating money therefor.

Read first and second times, and ordered on file with the other bills on the same subject.

By Mr. Loofbourrow, for an act amendatory of and supplementary to an act entitled an act concerning official and other bonds, approved April 2, 1857.

Read first and second times, and ordered on file.

Mr. Holman presented the claim of the state insane asylum.

Referred to the Committee on Claims.

GENERAL FILE RESUMED.

Assembly bill No. 396, an act to audit certain claims, ordered engrossed.

Assembly bill No. 398, an act to encourage the working of the mines of precious metals in this state, was considered in Committee of the Whole, Mr. Hill of Sierra in the chair.

On the indefinite postponement, Mr. Hill of Nevada moved the previous question, which was sustained.

Messrs. Clarke, Ely, and Loofbourrow, demanded the ayes and noes, and the House refused to postpone, by the following vote:

AYES—Messrs. Anderson, Ballou, Caldwell, Cherry, Gordon, Graham, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Howell, McCoy, Mitchell, Ormsby, Osgood, Pearis, Safford, Shepard, Sheridan, Simons, Smith of Nevada, Stratton, Street, Thomas, and Young—25.

NOES—Messrs. Burbank, Clarke, Crane, Davis, De Long, Edwards, Ely, Galbraith, Gray, Groom, Haldeman, Hancock, Hitchens, Holman, Hirst, Kabler, King, Loofbourrow, Markley, Marshall, Neblett, O'Brien, Parker, Pico, Sherwin, Spilman, Stocker, Stout, Tipton, Walker, Ward, Warfield, and Mr. Speaker—33.

On ordering the bill to be engrossed, Messrs. Loofbourrow, Galbraith, and Hamlin, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Clarke, De Long, Edwards, Ely, Ferguson, Galbraith, Gray, Haldeman, Hamlin, Hirst, Kabler, King, Loofbourrow Markley, Marshall, Neblett, O'Brien, Parker, Sheridan, Sherwin, Spilman, Stocker, Tipton, Tuttle, Walker, and Mr. Speaker—26.

NOES—Messrs. Anderson, Ballou, Briggs, Caldwell, Cherry, Davis, Gordon, Graham, Harris, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Howell, McCoy, Minis, Mitchell, Ormsby, Osgood, Palmer, Pearis, Pico, Safford, Shepard, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stout, Stratton, Street, Thomas, Ward, Warfield, and Young—36.

Mr. Briggs gave notice of reconsideration of the vote just taken.

Mr. Ballou presented the claim of board of war commissioners for room rent, etc.

Referred to Committee on Claims.

SPECIAL ORDER OF THE DAY.

Assembly bill No. 443, an act to extend the terms of office of the justices of the peace in this state, ordered engrossed.

Vote reconsidered, and bill referred to the Judiciary Committee, with instructions to report on Saturday next.

REPORTS.

Mr. Pico, of the special committee concerning publication of laws in Spanish, made the following report:

Mr. Speaker:—The special committee, to whom was referred the resolution concerning the publication of the laws for 1850 and 1851, in the Spanish language, respectfully submit the accompanying list of such acts and parts of acts as they find to be now in force, and recommend the adoption of the following concurrent resolution, as a substitute:

Resolved, By the Assembly, the Senate concurring, that the Secretary of State be directed to cause to be printed in the Spanish language, two hundred and forty copies of laws and portions of laws mentioned in the annexed schedule, for distribution, according to law, and that he be further directed to distribute such extra copies of the statutes in Spanish, of the years 1852, 1853, 1854, 1855, 1856, and 1857, as may be in his possession, exceeding the number of fifty copies each, in a *pro rata* number, in accordance with laws now in force for such distribution, *And further*, that the Secretary of State is hereby authorized and directed to contract with Miguel Smith, agent of the estate of W. E. P. Hartnell, deceased, for the translations and indexes required for the publication of said laws mentioned in said annexed schedule, at a rate not to exceed fifty cents per folio, to be paid out of the fund for translation of laws under the direction of the board of examiners.

A. PICO, Chairman.

SCHEDULE OF LAWS OF 1856 AND 1857, NOW IN FORCE.

[Taken from Woods' Digest.]

TITLE OF LAW.	FROM ARTICLE.	TO ARTICLE.
Actions, Civil, limitations of,	1	5
" " " "	9	33
Administrator, Public,	41	42
" " "	44	54
Assessor, County,	67	74
Associations, Religious, etc., Incorporation of,	76	81
" " " " " "	83	83
Attorney General,	106	113
District Attorney,	114	128
Attorney at Law,	132	156
Auctioneer,	169	176
Bills of Exchange,	177	196

TITLE OF LAW.	FROM ARTICLE.	TO ARTICLE.	
Bonds, Due Bills, etc.,	197	204	
Bonds, Official,	205	228	
Cities, Incorporation of,	238	271	
County Clerk,	274	284	
Private Secretary to Governor,	291	291	
Colleges, Incorporation of,	295	299	
Constable,	305	314	
Comptroller of State,	315	318	
" "	320	333	
Conveyance,	338	360	
" "	363	379	
" "	389	404	
" "	406	414	
" "	424	424	
Coroner,	426	444	
"	446	446	
Corporations,	448	479	
Counties, Organizations, Boundaries, etc.,	520	520	
" " " "	528	528	
" " " "	541	543	
" " " "	547	548	
" " " "	555	555	
" " " "	560	560	
" " " "	570	571	
" " " "	573	573	
" " " "	577	578	
" " " "	607	607	
" " " "	609	610	
County Seats, Location of,	614	614	
" " "	616	620	
Civil Practice,	735	738	
" "	740	740	
" "	742	758	
" "	760	760	
" "	762	764	
Civil Practice, (§§ 36 and 37 of 773,)	767	773	
" "	774	777	§ 42
" "	778	779	
" "	781	783	
" "	785	797	
" "	800	800	
" "	803	805	
" "	808	817	
" "	819	834	
" "	837	843	
" "	845	853	
" "	856	861	
" "	863	869	
" "	873	875	
" "	877	877	

TITLE OF LAW.	FROM ARTICLE.	TO ARTICLE.
Civil Practice,	879	887
" "	888	906
" "	909	909
" "	911	932 § 197
" "	933	950
" "	952	952
" "	954	972
" "	974	997
" "	999	1022
" "	1024	1066
" "	1068	1069
" "	1071	1072
" "	1074	1076
" "	1078	1079
" "	1082	1088
" "	1090	1090
" "	1092	1092
" "	1098	1098
" "	1103	1126 § 391
" "	1129	1135
" "	1137	1155
" "	1157	1181
" "	1183	1186
" "	1188	1225
" "	1228	1233 § 504
" "	1234	1237
" "	1239	1242
" "	1244	1245
" "	1246	1261
" "	1263	1269
" "	1271	1303
" "	1305	1308
" "	1312	1320
" "	1322	1325
" "	1327	1328
" "	1332	1334
" "	1336	1350
" "	1356	1356
" "	1358	1370
" "	1372	1372
Civil Practice,	1381	1381 § 12
Criminal Practice,	1383	1421 § 66
" "	1423	1590
" "	1592	1621 § 361
" "	1623	1711 § 496
" "	1712	1724
" " (§§ 518 and 519)	1725	1725
" "	1726	1850
" "	1852	1862
" "	1864	1867 § 2

TITLE OF LAW.	FROM ARTICLE.	TO ARTICLE.
Crimes and Punishments, - - - - -	1869	1869 § 3
" " (§ 5 of 1877) - -	1877	1877
" " - - - - -	1879	1885 § 20
" " - - - - -	1886	1887 § 25
" " - - - - -	1888	1899
" " (part of art. 1900) -	1902	1903
" " - - - - -	1905	1905
" " - - - - -	1908	1908
" " - - - - -	1910	1912 § 55
" " - - - - -	1918	1918
" " - - - - -	1923	1926
" " - - - - -	1928	1935
" " - - - - -	1938	1942
" " - - - - -	1845	1966
" " - - - - -	1968	1976
" " (§ 153 of 2294) -	1978	1997
" " - - - - -	1999	2000
" " - - - - -	2002	2002
" " - - - - -	2009	2014
Elections, - - - - - - - -	2114	2114
" - - - - - - - -	2120	2124
" - - - - - - - -	2129	2130
" - - - - - - - -	2132	2143
" - - - - - - - -	§ 39	§ 39
" - - - - - - - -	2145	2158 § 55
" - - - - - - - -	§ 57	§ 57
" - - - - - - - -	2159	2159
" - - - - - - - -	§ 60	§ 60
" - - - - - - - -	2162	2165 § 68
" - - - - - - - -	2169	2169
" - - - - - - - -	2171	2200
" - - - - - - - -	2202	2207
Estate of Deceased Persons, - - - -	2222	2230 § 19
" " - - - - -	2232	2232 § 23
" " (§ 25 of 2233) -	2233	2233
" " - - - - -	2234	2249
" " (§§ 53 and 54 of 2250)	2250	2250
" " - - - - -	2251	2257 § 72
" " (§ 74 of 2257) - -	2257	2257
" " (§ 75) - - -	2258	2258
" " - - - - -	§ 77	§ 77
" " - - - - -	2259	2262
" " (§§ 89 and 90 of 2263)	2263	2263
" " - - - - -	2264	2294 § 151
" " - - - - -	§ 153	§ 153
" " - - - - -	2295	2302 § 170
" " - - - - -	§ 173	§ 173
" " - - - - -	2304	2352 § 293
" " - - - - -	2359	2362
" " - - - - -	2367	2383 § 49

TITLE OF LAW.	FROM ARTICLE.	TO ARTICLE.
Ferries and Toll-Bridges,	2509	2516
Forcible Entry and Unlawful Detainer,	2525	2532 § 16
" " " "	2536	2538
Habeas Corpus,	2549	2559 § 28
" "	2561	2563 § 41
Homestead,	2580	2590
Husband and Wife,	2595	2602 § 8
" "	2603	2611
" "	2613	2614
" "	2616	2623
" "	2632	2634
" "	2636	2639
Indians,	2642	2645
"	2647	2654
"	2656	2656 § 17
"	2657	2657 § 20
Insurance Companies,	2683	2694 § 10
Judges of the Plains,	2695	2696 § 6
" " (§ 8 of 2697)	2697	2697
" "	2698	2698 § 10
Land,	2728	2731 § 6
Library, State,	2784	2790
Marks and Brands,	2812	2812 § 2
" " (§§ 4 and 5 of 2813)	2813	2813
" "	2814	2817 § 13
Militia,	2833	2833
Money, of account and interest,	2836	2838 § 3
Navigable Rivers,	2840	2842 § 2
Office,	2852	2862
"	2864	2883 § 44
" (§§ 46, 48 and 49)	2883	2883
"	2894	2895 § 4
Partnership, Limited,	2905	2905 § 1
" "	§ 3	§ 3
" "	2906	2910 § 13
Passengers,	2921	2921 § 2
Prisoners,	2953	2955 § 6
Recorder, County,	2989	2989 § 2
" " (§§ 4 and 5, 2990)	2990	2990
" "	2991	2993 § 14
" "	2994	2998 § 32
Rodeos,	§ 4	§ 4
"	3174	3177 § 10
Sheriff,	3235	3257 § 38
"	§ 40	§ 40
"	3259	3271
"	§ 56	§ 56
"	§ 58	§ 58
"	3274	3274 § 60
Steam Navigation Companies,	3294	3305

TITHE OF LAW.	FROM ARTICLE.	TO ARTICLE.
Storage, - - - - - - - - -	3306	3312
Surveyor, - - - - - - - - -	3337	3337 § 4
" - - - - - - - - -	3341	3341 § 6
" - - - - - - - - -	3342	3360
Treasurer, State, - - - - - - - -	3390	3390
" " - - - - - - - -	3392	3400
Treasurer, County, - - - - - - -	3417	3427
" " - - - - - - -	3430	3435
Water Companies, - - - - - - -	3468	3493
Water-Crafts, Lost Money, - - - - -	3510	3544
Weights and Measures, - - - - - -	3545	3558
Wills, - - - - - - - - - -	3563	3586

Mr. Groom offered the following report:

MR. SPEAKER:—Your Committee on Commerce and Navigation, to whom was referred Senate bill No. 283, an act authorizing F. F. Marx, B. Nordheimer, and others, to construct a wharf at Trinidad, in Klamath county, have had the same under consideration, and beg leave to report the same back, with amendments, and recommend its passage, as amended.

GROOM, Chairman.

Mr. Edwards made the following report:

MR SPEAKER:—The Committee on Public Lands, to whom was referred Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of lands donated to this state for school purposes, have had the same under consideration, and report it back, with an amendment, and recommend its passage, as amended.

URIAH EDWARDS, Chairman.

Mr. Stakes, chairman of the Judiciary Committee, made the following reports:

MR. SPEAKER:—The Committee on the Judiciary, to whom was referred the petitions of R. Aug. Thompson and F. Forman, for relief for services rendered as commissioners on the part of the state to the President of the United States, have had the same under advisement, and have given the subject matter that consideration which its importance deserves.

The committee will not attempt here to recite all of the circumstances which appear to form the basis.

The circumstances are, in the main, a matter of history, and it is devoutly to be hoped that they may soon be lost sight of in the dark ocean of oblivion; that a returning sense of public duty, and a purer and more exalted spirit of patriotism, will render a recurrence of past events in this state a thing impossible for all time to come; and that the same community of interests, mutual friendships, and paternal ties, that were torn asunder by the lawless hand of violence, may soon be re-cemented in the bonds of one common brotherhood.

Section three of article seven of the constitution provides that the Gov-

ernor shall have power to call forth the militia to execute the laws, to suppress insurrections, and repel invasions.

The record shows that on the third day of June, 1856, the Governor issued a proclamation declaring the county of San Francisco in a state of insurrection. The strong arm of the Executive was powerless to enforce implicit obedience to the law; the state was without arms or munitions of war; the general commanding this military division of the United States army had sought a pretext to justify his refusal to furnish the required aid; the civil power of the state government was set at defiance; the writ of *habeas corpus* was scoffed at, and its due execution resisted by an armed force.

At this juncture of affairs, the Governor, in the exercise of a sound discretion, conceived it to be his imperative duty, (as it was,) to use all lawful means within his power to save the fair name of our state from irretrievable shame and dishonor. In accordance with these solemn convictions of duty, he, on the eighteenth day of June, of said year, duly appointed the petitioners, R. Aug. Thompson and F. Forman, commissioners on the part of this state, to the President of the United States, in order to procure the necessary aid from the federal government

Section four of article four of the constitution of the United States provides that "the United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence."

The Legislature was not in session on the eighteenth day of June; the members elect had just concluded the duties of a protracted session, and returned to their distant homes, there to engage in the varied pursuits of private life.

To have attempted to convene the Legislature, would have been but an empty form, and might have produced naught but irreparable mischief and delay.

Every function of the state government might have been usurped, and the name of Governor Johnson have been covered with eternal obloquy. Had the Governor stated in his application to the President that the Legislature could not be convened in time to avert the impending evil, the President could not have gone behind the record to ascertain the truth or falsity of the Governor's note. It would have been the imperative duty of the President to interpose the strong arm of federal authority If this position be correct, then the question may be asked, did the omission of a few words in the Governor's communication justify the action of the President in shielding himself behind a technicality? Was not the facts stated in the communication of the Governor sufficient to warrant in the President the belief that a state of things existed in California which would enable him to interfere without any unauthorized exercise of Executive power under that clause of the constitution above cited? Was *not the bare application for aid evidence of itself* (without a recital of facts) sufficient to satisfy the President that the Governor had complied with the requirements of the constitution?

If the first question is answered in the affirmative, then, the rule of law is, that the petitioners were presumed to know whether the Governor was acting within the limits of his constitutional authority, and their right to compensation would be a question of equity and simple justice. But if the first question be answered in the negative, and the two latter in the affirmative, then the right of the petitioners to relief is both legal and equitable.

The committee are divided in opinion on the question of strict legality of the claims, while they are nearly unanimous in the opinion, that the claims are equitable and just, and ought to be paid. The evidence warrants the conclusion, that the services were rendered faithfully, and at great pecuniary sacrifice to the petitioners. The committee, therefore, report the petition and accompanying documents, together with a bill, back to the Assembly, and recommend the passage of the bill.

A. G. STAKES, Chairman.

SACRAMENTO, April 12, 1858.

The bill above reported, an act making provision for the payment of Robert Augustus Thompson and Ferris Forman, as commissioners on the part of this state to the President of the United States, read first and second times, and ordered on file.

MR. SPEAKER:—The Committee on the Judiciary, to whom was referred the claim of B. F. Marshall, have had the same under consideration, and respectfully ask leave to report as follows:

The record discloses, that at the general election held on the third day of September, 1851, an election was held for sheriff of Calaveras county. Marshall claimed to be elected sheriff, but W H Nelson received the certificate of the clerk A contest ensued, Marshall continuing to discharge the duties of sheriff. Pending the contest, the people refused to pay taxes; and the legislature, on the twenty-eighth day of April, 1852, passed an act appointing A. B. Laforge, collector of taxes for said county.

Section thirteen of article eleven of the constitution, provides that "assessors and collectors of town, county, and state taxes, shall be elected by the qualified electors of the district, county, or town, in which the property taxed for state, county, or town purposes, is situated."

The act of the Legislature of April 28, 1852, is clearly unconstitutional. The presumption of law is, that Marshall knew it. He should either have enjoined Laforge from collecting the taxes, or treated his acts as a nullity, and have proceeded to collect the taxes himself, in the manner prescribed by law.

At the June term of the district court, held in and for Calaveras county, in the year 1852, the jury found a verdict in favor of Marshall, in words as follows:

"The jury, in the case of the sheriffalty of Calaveras county, find that Benjamin F Marshall was legally elected to the office of sheriff. Judgment was entered in accordance with the verdict. The committee do not feel called upon to go behind the verdict of the jury, for the reason, that the record is not before them. Moreover, the verdict of the jury does not change the rule of law, or strengthen the equity of Marshall's claims as against the state. The Legislature, on the thirteenth day of May, 1854, passed an act for the relief of Marshall, for the sum of $9,825. This act was passed on the eve of adjournment. The Governor withheld his signature, and it therefore failed to become a law. The committee cannot see the justice of this act of the Legislature, but fully justify the action of the Executive. The affidavit of La Forge shows that he collected, under the provisions of the act of April 28, 1852, the sum of $77,523 62, and that he received as commissions for collecting the same, the sum of $11,950. Marshall's right of action to recover the amount of commissions existed against La Forge, until he, Marshall, was deprived of his remedy by operation of the statute of limitations. He cannot plead his own laches in support of his claim.

The committee are of the opinion that Marshall has no demand against the state, either in law or equity, and therefore report his claim, with the accompanying documents, back to the Assembly, and recommend that the same be rejected.

A. G. STAKES, Chairman.

SACRAMENTO, April 12, 1858.

The following message was received from the Senate:

SENATE CHAMBER,
April 12, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 304, substitute for Assembly bill No. 165, an act to locate the county seat of the county of El Dorado, and to submit the question of the removal thereof from Placerville to Coloma, to the qualified electors of said county.

EWING, Ass't Secretary.

Senate bill No. 304, above reported, read first and second times, and referred to the El Dorado delegation.

SENATE CHAMBER,
April 12, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate, this day, passed a resolution for the adjournment of the General Assembly *sine die*, on Monday, the 26th instant, at twelve o'clock, M., and ask the concurrence of the Assembly.

THOS. N. CAZNEAU, Sec. Senate.

Senate concurrent resolution relative to adjournment *sine die*, above reported, amended, and concurred in.

Mr. Ferguson offered the following resolution which was adopted:

Resolved, That the Committee on Ways and Means, be instructed to report back to this House, on Tuesday, April 13, Assembly bill No. 126, with or without recommendation, as they may deem proper.

Mr. Gray made the following report of majority of San Francisco delegation:

MR. SPEAKER:—The committee, consisting of the San Francisco delegation, to whom was referred Assembly bill 400, entitled an act to authorize George H. Ensign, and other, owners of the Spring Valley Water-Works, to lay down water-pipes in the city and county of San Francisco, having had the same under consideration, ask leave to report it back, with amendments, and recommend its passage.

S. W. HOLLADAY,
CALEB BURBANK,
W. W. SHEPARD,
THOMAS GRAY,
JAMES A. BANKS,

Assembly bill No. 400, above reported, ordered on file.

Mr. Palmer, from the minority of the San Francisco delegation, made the following report:

MR. SPEAKER:—The undersigned, members of the San Francisco dele-

gation, beg leave to make a minority report on Assembly bill No. 400, an act to authorize George H. Ensign, and others, owners of Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco, and recommend its passage, with the accompanying amendments, but not otherwise.

PALMER,
CHERRY.

Mr. Hamlin, chairman of the Committee on Roads and Highways, made the following report:

MR. SPEAKER:—The Committee on Roads and Highways, to whom was referred Assembly bill No. 427, entitled an act concerning roads and Highways in and for the counties of Tuolumne and Alameda, would report the same back, without amendment, and would recommend its passage.

(Signed.) HAMLIN, Chairman.

Assembly bill No. 427, above reported, amendments adopted, considered engrossed, read third time, and passed.

Mr. Davis gave notice of a bill for an act fixing the salary of the district attorney of Solano county;

Also, an act granting the privilege to Owen & Cannon, of conducting water in and through Suisun City.

Mr. Banks introduced a bill for an act to authorize certain persons to construct a wharf at the foot of Greenwich street, in the city and county of San Francisco.

Read first and second times and referred to the San Francisco delegation.

On motion of Mr. Ely, at half-past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, April 13, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All were present, except those absent on leave.

The journal of yesterday was read and approved.

GENERAL FILE.

Assembly bill No. 389, an act for the protection of game, recommitted to select committee of five, viz.: Messrs Tuttle, De Long, Moore, Ormsby, and Hitchens, with instructions to report to-morrow.

Assembly bill No. 201, an act to provide for the payment of troops called out by the Governor of the state to quell insurrection in the year 1856;

On ordering the bill to be engrossed, Messrs. Ballou, Sherwin, and Caldwell, demanded the ayes and noes.

Mr. Mitchell moved the previous question.

Sustained.

The House refused to engross the bill, by the following vote:

AYES—Messrs. Clarke, Crane, Curtis, Davis, De Long, Galbraith, Gordon, Gray, Groom, Haldeman, Harris, Hitchens, Howell, King, Lee, Lewis, Mitchell, Moses, O'Brien, Pearis, Pico, Simons, Stakes, Stocker, Tatman, Tuttle, Walker, Ward, and Mr. Speaker—29.

NOES—Messrs. Anderson, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Edwards, Ferguson, Graham, Hamlin, Havens, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Kabler, Loofbourrow, Markley, Minis, Moore, Neblett, Ormsby, Osgood, Palmer, Parker, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stout, Stratton, Street, Thomas, Tipton, Warfield, and Warmcastle—41.

Messrs. Parker and Briggs gave notice of reconsideration of the vote just taken.

Senate bill No. 269, an act to pay the fees of attorneys on the part of the state, in certain cases, was considered in Committee of the Whole, (Mr. Havens in the chair,) read third time.

On the passage of the bill, Messrs. Ballou, Tatman and Sherwin, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Cherry, Clarke, Crane, Davis, De Long, Ferguson, Galbraith, Gordon, Haldeman, Harris, Havens, Heath, Holladay, Holman, King, Lee, Lewis, McCoy, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pearis, Pico, Shepard, Simons, Smith of Nevada, Stout, Thomas, Tipton, Walker, Ward, Warfield, Young, and Mr. Speaker—43.

NOES—Messrs. Banks, Caldwell, Curtis, Edwards, Hill of Nevada, Hill of Sierra, Hobart, Kabler, Markley, Marshall, Palmer, Safford, Sherwin, Stratton, Street, Tatman, and Warmcastle—17.

Mr. Ballou gave notice of reconsideration of the vote just taken.

CLAIMS.

Claims were presented as follows:

By Mr. Buel, of J. C. Potter, late under sheriff of El Dorado county;

By Mr. Galbraith, of L. B. Curtis, A. M. Peterson, and J. Wicketman;

Which were referred to the Committee on Claims.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Burbank, an act to audit and allow the claim of J. J. LeCount; and,

By Mr. Holman, an act to appropriate money to pay certain indebtedness of the state insane asylum;

Which were read first and second times, and referred to Committee on Claims.

By Mr. Holladay, an act providing for the sale of the interest of the state in certain land, covered with water, in the city and county of San Francisco.

Read first and second times, and placed on file.

By Mr. Cherry, an act to amend an act entitled an act to provide revenue for the support of the government, passed May 15, 1854.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Davis, an act granting the privilege to J. C. Owen and R. B. Cannon, of conducting water into and through Suisun City, in the county of Solano, and supplying the inhabitants therewith.

Read first and second times, and laid over.

Also, an act fixing the salary of the district attorney of Solano county.

Read first and second times, considered engrossed, read third time, and passed.

By Mr. De Long, an act fixing the time at which the clerk of the Supreme Court shall be elected.

Read first and second times, and referred to the Committee on Elections.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Pearis, an act to incorporate the town of Coloma, in El Dorado county;

By Mr. Simons, an act granting Captain Charles Thorn, and others, the privilege to turn the Guadalupe River into the creek called the Slough, near the town of Alviso, in Santa Clara county;

By Mr. Stakes, an act fixing the time of holding the court of sessions in the county of San Joaquin.

REPORTS.

Mr. Palmer, from the San Francisco delegation, made the following report:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Senate bill No. 293, an act for the relief of Hugh O'Donnell, report the same back, without recommendation.

PALMER, for the Delegation.

Mr. Moses, chairman of the Committee on Engrossment made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following Assembly bills:

No. 356, an act to regulate fees in office in the city and county of San Francisco;

No. 316, an act concerning the offices of county clerk, sheriff, and county recorder, of the city and county of San Francisco;

No. 381, an act to authorize the purchase of a lot for the use of the San Francisco hospital;

No. 402, an act to prevent the further immigration of Chinese or Mongolians to this state;

No. 336, an act to prevent stallions from running at large in certain counties in this state;

No. 395, an act to restrict and prevent the immigration to and residence in this state, of negroes and mulattoes;

No. 179, an act for the better protection of stock-raisers;

No. 196, an act to grant the right to open the channel of Cache Creek, from Clear Lake to the mouth of cañon, in Sacramento Valley.

H. A. MOSES, Chairman.

Mr. Groom, chairman of the Committee on Commerce and Navigation, made the following report:

MR. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 439, an act relating to the water-front of the city of San Francisco, have had the same under advisement, and respectfully ask leave to report as follows:

The magnitude of the interests involved in the improvement contemplated in the bill imperatively requires that the Legislature should take definite action only after mature deliberation and a thorough understanding of the whole subject matter.

It is not the interests of San Francisco alone, nor that of a few individuals, which commands attention; the interests of the whole state and the commerce of the globe are directly involved, and demand our most careful and attentive consideration.

The work should only be undertaken after a thorough survey by a competent board of engineers, appointed by authority of the state.

The succeeding Legislature can then determine whether the work can be prosecuted without injury to the harbor of San Francisco, and also whether the work should be undertaken by the state or the right thereto granted to San Francisco or to individuals.

The bill is sufficiently guarded in its provisions, and the persons named as engineers are known to the committee as gentlemen of high integrity of character, and every way qualified to discharge the duties imposed therein.

The committee, therefore, report the bill back to the Assembly, and recommend its passage.

GROOM, Chairman.

APRIL 13, 1858.

Mr. Kabler presented the petition of citizens of this state in relation to the act to protect the owners of growing crops on mineral lands.

Ordered on file.

The following message was received from the Senate:

SENATE CHAMBER,
April 13, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 237, an act to define more definitely the northern and western boundaries of the county of Butte;

Also, Senate bill No. 211, an act to repeal the sixth section of an act concerning the receipts and expenditures of the state, approved February 7, 1857;

Also, Senate bill No. 234, an act to audit the claim of W. H. Peterson;

Also, Senate bill No. 314, an act to audit certain claims;

Also, Senate bill No. 229, an act to audit the claim of J. Tyson;

Also, Senate joint resolution relative to muster-rolls and vouchers of war claims transmitted to the war department at Washington;

Also, Senate concurrent resolution No. 41, directing the Secretary of State and the clerk of Monterey county to deliver to the United States

Surveyor General for California all Spanish or Mexican archives which they may have in their possession;

Also, Assembly bill No. 243, an act amendatory of and supplementary to an act entitled an act to regulate elections, passed March 20, 1850;

Also, Assembly bill No. 268, an act relative to the board of supervisors of San Diego county;

Also, Assembly bill No. 140, an act to legalize and amend the county records of the counties of this state;

Also, Assembly bill No. 405, an act supplementary to an act to incorporate the city of Santa Barbara, passed April 9, 1850;

Also, Assembly bill No. 345, an act to audit the claim of Ferris Forman.

EWING, Assistant Sec. Senate.

Senate bills Nos. 211, 229, 234, and 314, above reported, were read first and second times, and ordered on file.

Senate bill No. 237 also, above reported, was read first and second times, and referred to to the Committee on Counties and County Boundaries, to which Mr. Lewis was added.

Senate concurrent resolution No. 41, above reported, referred to Committee on Federal Relations, with instructions to report day after to-morrow.

Senate joint resolution No. 35, also above reported, was read first and second times, and referred to Committee on Federal Relations.

GENERAL FILE RESUMED.

Assembly bill No. 436, an act to audit the claim of Elliott and Cook, and Coffran, considered engrossed, read third time and passed.

SPECIAL ORDER.

Senate bill No. 26, an act concerning roads and highways—

Mr. Briggs moved to strike out the enacting clause.

Upon which, Messrs. De Long, Anderson, and Safford, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs Briggs, Caldwell, De Long, Gray, Groom, Hill of Nevada, Hobart, Hirst, King, Marshall, Moses, O'Brien, Parker, Safford, Smith of Nevada, Stratton, Tatman, Tuttle, Walker, Warfield, and Young—21.

NOES—Messrs. Anderson, Aud, Buel, Burbank, Crane, Davis, Edwards, Ely, Galbraith, Gordon, Harris, Havens, Hitchens, Holladay, Holman, Kabler, Lewis, Minis, Mitchell, Moore, Ormsby, Palmer, Sheridan, Sherwin, Simons, Smith of San Bernardino, Stakes, Stout, Street, Thomas, Tipton, Ward, and Warmcastle—34.

The bill was then amended, and, on motion of Mr. Clarke, was laid upon the table.

Mr Crane had leave to move, on to-morrow, a reconsideration of the vote by which the House ordered engrossed, on yesterday, Assembly bill No. 307, an act to amend an act entitled an act to regulate proceedings in civil cases.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Aud, an act to authorize the issuance of a duplicate for a certain lost Comptroller's warrant;

Also, an act to authorize the issuance of a duplicate for a certain lost Comptroller's warrant;

Were read first and second times, and referred to Committee on Claims.

By Mr. Davis, an act to re-locate the county seat of Solano county, by the qualified voters of said county;

Also, by Mr. Tuttle, an act to authorize the board of supervisors of the city and county of San Francisco to pay certain advertising bills; and,

An act to audit and allow the claims of certain persons for services rendered and expenses incurred during the insurrection in the city and county of San Francisco, A. D. 1856;

Were read first and second times, and ordered on file.

By Mr. Holladay, an act to authorize the construction of a wharf at the foot of Howard street, in the city and county of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Pico, an act to provide for the payment of the indebtedness of the state to the extent of $200,000, the same being surplus money of the treasury;

Also, an act appropriating one hundred thousand dollars for the purpose of carrying into execution the provisions of section three, article seven, of the constitution of the state;

Were read first and second times, and referred to the Committee on Ways and Means.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Warmcastle, an act to define the boundary lines of Contra Costa county;

Also, an act to appropriate the county funds, and fix the amount of interest on county warrants in said county;

By Mr. Hobart, an act to fix the compensation of certain officers in the county of Alameda.

Mr. Groom offered a concurrent resolution relative to a weekly mail, by ocean steamers, from San Francisco to San Diego *via* Monterey, San Luis Obispo, Santa Barbara, and San Pedro, and overland from San Diego, by the nearest and best route, to New Orleans.

Adopted.

Mr. Hirst offered a concurrent resolution relative to the passage of a law by Congress making appropriation for the payment of bonds authorized to be issued for the payment of Indian hostilities.

Read and referred to Committee on Federal Relations.

Mr. Hamlin offered a concurrent resolution relative to the passage of a law by Congress requiring the mint to be kept open ten months in the year.

Read and referred to the Committee on Federal Relations.

The following resolution was offered by Mr. Pico, and referred to the Committee on Federal Relations:

Whereas, All that tract of country embraced within the present limits of the state of California lying south of thirty-five degrees and forty-five minutes north latitude, is deemed by the inhabitants thereof as an unfortunate and unnatural alliance with the remaining portion of the state; at-

taching as a tributary to the populous north a sparsely populated territory differing most radically in climate, soil, and productions; inhabited for the most part by a people whose language, manners, habits, customs, and interests, are very dissimilar, and altogether unlike those of the people of the north; the physical and geographical features of whose country is as different, distinct, separate, and apart from those of the northern portion of the state, with which it is at present unhappily united, as are those of Oregon and Washington territories, or the Sandwich Islands;

And whereas, their representatives ask for and wish to obtain the consent of this ninth Legislature of the state of California, convened at the city of Sacramento on the fourth day of January, A. D. 1858, to the effect that all of that portion of the present territory of the state of California, which is situate and lies south of the thirty-fifth and three-fourths degree of north latitude, may, from and after the time when the Congress of the United States shall organize a territorial government therefor, under the name of the territory of Colorado or such other name as may be deemed meet, be detached from and left out of the present boundaries of the state of California;

Therefore, it is hereby resolved, By the Assembly, the Senate concurring, that such consent as is hereby last set forth in the preamble of this resolution to the same, be and the same is hereby given.

And it is further resolved, That in case the Congress of the United States shall so act upon the consent hereby given as to detach the territory situated south of the parallel of latitude herein specified, previous to the next session of the Legislature of this state, then the next or tenth Legislature of the state of California shall appoint two commissioners, who shall be allowed the same pay as members of the Legislature, and the territory of Colorado, by its first territorial assembly, two commissioners, to meet in the city of San Francisco, on the first day of March, 1859, to adjust the financial relations in an amicable and just manner between the government of the state of California and the territory of Colorado; and in case the four shall not agree, they shall name another person, to be paid, one-half by the state of California and one-half by the territory of Colorado, a majority of whom shall determine on what the territorial government of Colorado shall in justice pay to the state of California as her proportion of the state indebtedness at the time of the segregation of the territory of Colorado; and in case the Congress of the United States shall refuse or fail to organize and provide a territorial government for the territory of Colorado, then this resolution shall be deemed null and fully revoked.

Resolved, also, further, That his Excellency, the Governor, is hereby requested to forward a copy of this resolution to each of our senators and representatives in Congress, at as early a day as possible, and that our senators are hereby instructed and representatives requested, to take immediate action on the same.

On motion of Mr. Cherry, at quarter past six o'clock, P. M., the House adjourned.

IN ASSEMBLY.

WEDNESDAY, April 14, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All were present, except those absent on leave, and Messrs. King and McCoy.

Mr. McCoy had leave of absence for two days.

Journal of yesterday read and approved.

GENERAL FILE.

Assembly bill No. 179, an act for the better protection of stock-raisers;

Also, Assembly bill No. 336, an act to prevent stallions from running at large in certain counties in this state;

Also, Assembly bill No. 381, an act to authorize the purchase of a lot for the use of the San Francisco hospital; and,

Also, Senate bill No. 300, an act to audit the claim of G. W. Ryckman;

Were read third time, and passed

Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines—

Mr. Warfield made the following report on the bill:

MR. SPEAKER:—The following members of the committee, to whom was referred Senate bill No 61, relative to the introduction and sale of spurious drugs and medicines in this state, beg leave to state that since the making of the report in which they recommend the indefinite postponement of said bill, there has been presented to your body a petition, signed by the physicians and apothecaries of San Francisco, setting forth the fact that the original bill was framed by the state medical convention, and asking the Legislature to pass the same into a law, and also they have seen the report of the grand jury of the city and county of San Francisco, setting forth the necessity of an act of the kind; for these reasons, and from the belief that a law of this character, properly guarded, is absolutely needed, we have again considered the bill, and present with this statement such amendments as in our opinion removes every objection to the bill as it came from the Senate, and with such amendments we would respectfully recommend its passage

Agreed to by the following gentlemen.

WARFIELD,
ORMSBY,
SMITH,
PEARIS,
HOLMAN.

Bill amended, and indefinitely postponed.

Mr. Ferguson gave notice of reconsideration.

Assembly bill No. 274, an act concerning goods, wares, and merchandise, contained in packages, and usually sold by weight—

On the motion to indefinitely postpone the bill, Messrs Harris, Briggs, and Mitchell, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Anderson, Ballou, Buel, Caldwell, Crane, De Long, Edwards, Ely, Gordon, Hill of Sierra, Hobart, Holladay, Howell, Hirst, Kabler, Markley, Marshall, Palmer, Safford, Sherwin, Smith of Nevada, Stratton, Thomas, and Young—24

NOES—Messrs. Briggs, Cherry, Davis, Galbraith, Graham, Hamlin, Harris, Havens, Heath, Hill of Nevada, Holman, Lewis, Loofbourrow, Minis,

Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Sheridan, Spilman, Stakes, Stocker, Stout, Street, Tatman, Tipton, Walker, Ward, Warfield, and Mr. Speaker—33.

Bill read third time

On the passage of the bill, Messrs. Heath, Stakes, and Sherwin, demanded the ayes and noes, and it was passed, by the following vote:

AYES—Messrs. Briggs, Clarke, De Long, Ferguson, Graham, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hitchens, Holman, Lewis, Loofbourrow, Mitchell, Moses, Neblett, O'Brien, Ormsby, Osgood, Parker, Pico, Sheridan, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Street, Tatman, Tipton, and Ward—33.

NOES—Messrs. Anderson, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Crane, Davis, Edwards, Ely, Galbraith, Gordon, Gray, Hill of Sierra, Hobart, Holladay, Howell, Hirst, Kabler, Markley, Marshall, Palmer, Safford, Sherwin, Simons, Smith of Nevada, Stratton, Thomas, Walker, and Young—31.

Assembly bill No. 306, an act to provide for the recovery of the possession of lands in certain cases, in this state, and for the protection of settlers—Mr. Havens moved to strike out the enacting clause.

Mr Lee moved the previous question.

Lost.

Mr. Lee moved to lay the bill upon the table.

Upon which, Messrs. Ely, Burbank, and De Long, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Anderson, Clarke, Curtis, Graham, Groom, Hancock, Heath, Hill of Sierra, Lee, Mitchell, Moore, Osgood, Pearis, Pico, Shepard, Smith of San Bernardino, Stakes, Stocker, Stratton, Street, Tuttle, Walker, Ward, and Young—24.

NOES—Messrs. Ballou, Banks, Briggs, Buel, Burbank, Cherry, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Haldeman, Hamlin, Harris, Havens, Hitchens, Hobart, Holman, Howell, Kabler, Lewis, Loofbourrow, Marshall, Minis, O'Brien, Ormsby, Palmer, Parker, Safford, Sheridan, Sherwin, Simons, Spilman, Stout, Tatman, Thomas, Tipton, Warmcastle, and Mr. Speaker—42.

The hour for taking up the special order for the day having arrived, a motion to postpone its consideration for one hour was made, upon which, Messrs. Lee, Graham, and Street, demanded the ayes and noes, and it was agreed to, by the following vote:

AYES—Messrs Ballou, Banks, Briggs, Burbank, Cherry, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Haldeman, Hamlin, Hill of Sierra, Hitchens, Hobart, Holman, Howell, Lewis, Loofbourrow, Marshall, Minis, O'Brien, Ormsby, Parker, Safford, Shepard, Sheridan, Sherwin, Simons, Spilman, Stout, Stratton, Tatman, Thomas, Tipton, Warmcastle, and Mr. Speaker—40.

NOES—Messrs. Anderson, Aud, Buel, Clarke, Curtis, Graham, Groom, Hancock, Havens, Heath, Hirst, Lee, Markley, Mitchell, Moore, Neblett, Osgood, Pico, Smith of San Bernardino, Stakes, Stocker, Street, Tuttle, Ward, and Young—25.

Mr. Warmcastle moved the previous question.

Sustained.

Messrs. De Long, Burbank, and Harris, demanded the ayes and noes, and the House refused to strike out the enacting clause, by the following vote:

AYES—Messrs. Anderson, Clarke, Crane, Graham, Groom, Hancock, Havens, Heath, Hirst, Markley, Mitchell, Moore, Osgood, Pico, Smith of San Bernardino, Stratton, Street, and Ward—18.

NOES—Messrs. Ballou, Banks, Briggs, Buel, Burbank, Cherry, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Hamlin, Harris, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Kabler, Lewis, Loofbourrow, Marshall, Minis, O'Brien, Ormsby, Parker, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stakes, Stocker, Stout, Tatman, Thomas, Tipton, Tuttle, Warmcastle, and Mr. Speaker—47.

And the bill was ordered to be engrossed.

Mr. Ballou moved to reconsider the vote by which the bill was ordered engrossed.

Mr. Hancock moved to indefinitely postpone the motion to reconsider, upon which, Messrs. Hancock, Groom, and Crane, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Anderson, Banks, Briggs, Burbank, Caldwell, Clarke, Crane, Curtis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Groom, Hancock, Harris, Havens, Hobart, Holladay, Howell, Hirst, Lee, Lewis, Markley, Marshall, Mitchell, Osgood, Pico, Shepard, Sheridan, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Stout, Street, Thomas, Tipton, Ward, Young, and Mr. Speaker—45.

NOES—Messrs. Ballou, Buel, Cherry, Davis, Hill of Sierra, Minis, O'Brien, Ormsby, Parker, Safford, Sherwin, Simons, Tatman, and Warmcastle—14.

Mr. Parker moved to reconsider the vote by which the House, on yesterday, refused to order engrossed Assembly bill No. 201, an act to provide for the pay of troops called out by the Governor of this state to quell insurrection in the year 1856.

Upon which, Mr. Buel moved the previous question, which was sustained, and Messrs. Parker, O'Brien, and Hamlin, demanded the ayes and noes, and the vote was reconsidered, as follows:

AYES—Messrs. Aud, Briggs, Clarke, Crane, Curtis, Davis, De Long, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Holman, Lee, Lewis, Loofbourrow, Markley, Marshall, Mitchell, Moses, O'Brien, Ormsby, Parker, Pico, Simons, Spilman, Stakes, Stocker, Stratton, Tatman, Tipton, Tuttle, Ward, Warfield, Young, and Mr. Speaker—44.

NOES—Messrs Anderson, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Edwards, Hill of Sierra, Holladay, Hirst, Kabler, Minis, Moore, Osgood, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Stout, Street, and Warmcastle—24.

Mr. Lee moved the adoption of Assembly bill No. 464, an act to audit and allow the claims of certain persons for services rendered and expenses

incurred during the insurrection in the city and county of San Francisco, A. D 1856, as a substitute.

Upon which, Mr Parker moved the previous question, and Hill of Sierra, Sheridan, and Buel, demanded the ayes and noes, and the previous question was sustained, by the following vote:

AYES—Messrs. Anderson, Briggs, Clarke, Curtis, De Long, Ely, Galbraith, Gordon, Gray, Groom, Haldeman, Hancock, Harris, Heath, Hobart, Lee, Lewis, Markley, Marshall, Mitchell, Moses, O'Brien, Osgood, Parker, Pearis, Pico, Simons, Spilman, Stakes, Stocker, Tatman, Tipton, Tuttle, Ward, Warfield, and Young—36.

NOES—Messrs. Aud, Ballou, Buel, Burbank, Caldwell, Cherry, Crane, Davis, Edwards, Graham, Havens, Hill of Sierra, Holman, Hirst, Kabler, Loofbourrow, Minis, Moore, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Stout, Thomas, Warmcastle, and Mr. Speaker—28.

On the adoption of the substitute, Messrs. Ballou, Sherwin, and Caldwell, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Aud, Briggs, Buel, Clarke, Crane, Curtis, Davis, De Long, Ely, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hancock, Harris, Heath, Holman, Lee, Lewis, Loofbourrow, Markley, Marshall, Mitchell, Moses, O'Brien, Ormsby, Parker, Pearis, Pico, Simons, Spilman, Stakes, Stocker, Stratton, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Young, and Mr. Speaker—44.

NOES—Messrs. Anderson, Ballou, Banks, Burbank, Caldwell, Cherry, Edwards, Havens, Hill of Sierra, Hirst, Kabler, Minis, Moore, Osgood, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stout, Street, and Warmcastle—24.

On ordering the bill to be engrossed, Messrs. O'Brien, Parker, and Safford, demanded the ayes and noes, and the bill was ordered engrossed, by the following vote:

AYES—Messrs. Aud, Briggs, Buel, Clarke, Crane, Curtis, Davis, De Long, Ely, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hancock, Harris, Heath, Holman, Lee, Lewis, Loofbourrow, Markley, Marshall, Mitchell, Moses, O'Brien, Ormsby, Parker, Pearis, Pico, Simons, Spilman, Stakes, Stocker, Stratton, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, and Young—43.

NOES—Messrs. Anderson, Ballou, Banks, Burbank, Caldwell, Cherry, Edwards, Havens, Hill of Sierra, Hobart, Holladay, Hirst, Kabler, Minis, Moore, Osgood, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stout, Street, and Warmcastle—26.

Mr. Crane moved to reconsider the vote by which the House, on the 12th inst., ordered engrossed Assembly bill No 307, an act to amend an act entitled an act to regulate proceedings in civil cases, and the motion was laid on the table.

Assembly bills Nos. 40, 251, and 440, and the veto message, special orders for this day, were postponed until to-morrow at one o'clock, P. M.

SPECIAL ORDER.

Senate bill No. 286, an act for the government of the state prison convicts, and to provide for the location of a branch prison, special order, was taken up.

Mr. Banks offered the following amendment:

"The labor of the convicts may be applied in the manufacture of brick, the quarrying and dressing of stone, the manufacture of carpets, and the manufacture of all articles required for use in the prison, and for supplying the wants of the convicts; and in the improvement and repair of the prison and prison grounds, and the erection of state buildings, and in such other occupations, not of a mechanical or manufacturing character, as the board of directors shall designate, but in no case shall the labor of the convicts be applied in any mechanical or manufacturing business except as provided in this section."

Upon which, Messrs. Banks, Shepard, and Burbank, demanded the ayes and noes, and the same was adopted, by the following vote:

AYES—Messrs. Anderson, Ballou, Banks, Buel, Burbank, Cherry, Crane, Davis, De Long, Ely, Galbraith, Gordon, Gray, Haldeman, Harris, Hobart, Holladay, Kabler, Minis, Mitchell, O'Brien, Ormsby, Palmer, Parker, Sheridan, Sherwin, Smith of Nevada, Stocker, Stout, Stratton, and Ward—31.

NOES—Messrs. Caldwell, Clarke, Curtis, Edwards, Graham, Hancock, Havens, Hill of Nevada, Hill of Sierra, Hirst, Lee, Lewis, Moore, Safford, Shepard, Simons, Street, Thomas, Tuttle, Warfield, Warmcastle, Young, and Mr. Speaker—23.

Mr. Hancock offered the following amendment: Add to the section offered by Mr. Banks:

"Except the board shall deem it necessary, in which case, the directors may engage in any business other than that which is named in this section; it shall be their duty to publish their intention to enter upon any such other undertaking, for a term of at least three weeks, in some newspaper, to be published in the city of San Francisco."

Upon the adoption of which, Messrs. Cherry, Shepard, and Banks, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Caldwell, Clarke, Crane, Hancock, Hill of Sierra, Lee, Lewis, Mitchell, Moore, Moses, Safford, Street, Thomas, Warfield, Young, and Mr. Speaker—16.

NOES—Messrs. Anderson, Ballou, Banks, Briggs, Buel, Burbank, Cherry, Curtis, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Groom, Haldeman, Harris, Havens, Hill of Nevada, Hobart, Holladay, Hirst, Kabler, Loofbourrow, Markley, Marshal, Minis, O'Brien, Palmer, Parker, Shepard, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stocker, Stout, Stratton, Tipton, and Ward—41.

The bill was then considered in Committee of the Whole, Mr. Clarke in the chair.

Mr. Hill of Sierra moved the previous question.

Sustained.

Mr. Stratton moved to adjourn.

Lost.

On third reading, Messrs. Mitchell, Tatman, and De Long, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Ballou, Briggs, Buel, Caldwell, Clarke, Curtis, De Long, Edwards, Ely, Galbraith, Gordon, Graham, Groom, Hancock, Harris, Hill of Sierra, Holman, Kabler, Lee, Lewis, Loofbourrow, Markley, Marshall, Minis, Neblett, Ormsby, Palmer, Parker, Safford, Shepard, Sheridan, Smith of San Bernardino, Stocker, Stout, Street, Tipton, Tuttle, Young, and Mr. Speaker—40.

NOES—Messrs. Banks, Burbank, Crane, Gray, Haldeman, Havens, Hill of Nevada, Hobart, Mitchell, O'Brien, Sherwin, Tatman, Ward, and Warfield—14.

Mr. De Long gave notice of reconsideration of the vote just taken.

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

Resolved, That the Committee on Accounts and Expenditures are hereby instructed to audit the accounts of the sergeants-at-arms, for arrests under calls of the House, the same to be certified to by the clerk of the House.

Mr. Buel gave notice of reconsideration.

REPORTS

Mr. O'Brien, chairman of the Committee on Mileage, made the following report:

MR. SPEAKER:—The Committee on Mileage, to whom was referred Senate bill No. 270, an act defining the legal distances from each county seat to the capitol, lunatic asylum, and state prison, have had the same under consideration, and beg leave to report it back to the House, and recommend its passage

O'BRIEN, Chairman.

Mr. Hamlin, chairman of the Committee on Roads and Highways, made the following report:

MR. SPEAKER:—The Committee on Roads and Highways have had under consideration Assembly bill No. 218, and report the same back, with a substitute, with a recommendation that the substitute do pass.

T. T. HAMLIN,
T. H. ANDERSON,
J. D. GALBRAITH,
E. NEBLETT.

Substitute above reported adopted, bill read a third time, and passed.

Mr. Tuttle made the following report:

MR. SPEAKER:—The special committee to whom was referred Assembly bill No. 389, an act entitled an act for the protection of game, have had

the same under consideration, and beg leave to report the same back, with an amendment, and recommend its passage, as amended.

TUTTLE, Chairman.

Senate bill No. 199, an act supplementary to an act of April 30, 1855, concerning the escape of convicts from the state prison, read third time, and passed.

Mr. Ballou moved to reconsider the vote by which the House, on yesterday, passed Senate bill No 369, an act to pay the fees of attorneys on the part of the state, in certain cases.

Mr. Parker moved to indefinitely postpone the motion to reconsider.

Agreed to.

On motion of Mr. Tuttle, at six o'clock, P. M., the House adjourned.

IN ASSEMBLY.

THURSDAY, April 15, 1858.

House met pursuant to adjournment.

The speaker in the chair.

The roll was called.

All were present, except those absent on leave, and Messrs. Moses and Walker.

Mr. Moses had leave of absence for one day, and Mr. Walker, for three days.

Journals of yesterday read and approved.

Mr. Buel moved to reconsider the vote by which the House, on yesterday, adopted the resolution in relation to sergeant-at-arms' fees for arresting absentees.

Upon which, Messrs. Kabler, Safford, and Street, demanded the ayes and noes, and the House refused to reconsider, by the following vote:

AYES—Messrs. Ballou, Banks, Buel, Caldwell, Curtis, Edwards, Ely, Galbraith, Hill of Nevada, Holman, Kabler, McCoy, Minis, Ormsby, Osgood, Safford, Sheridan, Sherwin, Smith of Nevada, Stout, Stratton, Street, Tipton, and Warfield—25.

NOES—Messrs. Anderson, Briggs, Cherry, Clarke, Davis, De Long, Gordon, Gray, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Heath, Hobart, Howell, Loofbourrow, Markley, Marshall, Neblett, O'Brien, Palmer, Parker, Shepard, Simons, Smith of San Bernardino, Spilman, Stocker, Tatman, Thomas, Tuttle, Ward, Warmcastle, Young, and Mr. Speaker—38.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 13, 1858.

To the Assembly of California:

I have, this day, approved an act concerning the collection of poll-taxes, license taxes, and foreign miners' licenses, in the county of Sierra.

JOHN B. WELLER, Governor

The following messages were received from the Senate:

SENATE CHAMBER,
April 13, 1858.

MR. SPEAKER:—The Senate, on Saturday, the 10th instant, passed, with amendments, Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to the first day of July, A. D. 1856, and ask the concurrence of the Assembly.

JAS. T. EWING, Ass't Sec'y Senate.

Senate amendments to Assembly bill No. 37, above reported, concurred in.

SENATE CHAMBER,
April 13, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 385, an act concerning artesian wells in Santa Clara county;

Also, Assembly bill No. 406, an act concerning coroners in the counties of San Luis Obispo and Santa Barbara;

Also, Assembly bill No. 438, an act to amend an act entitled an act to prescribe the mode of drawing grand jurors and trial jurors in the city and county of San Francisco, approved April 2, 1857;

Assembly bill No. 386, an act to regulate the issue of county warrants, in the county of Shasta.

JAS. T. EWING, Assistant Sec. Senate.

SENATE CHAMBER,
April 13, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly concurrent resolution directing the enrolling clerk of Assembly to amend section sixth of Assembly bill No. 215;

Also, have, this day, passed Assembly bill No. 104, an act fixing the time at which representatives in Congress shall be elected.

EWING, Ass't Secretary.

Senate amendments to Assembly bill No. 252, further amended.

Amendments concurred in.

SENATE CHAMBER,
April 14, 1858.

MR. SPEAKER:—The Senate have, this day, passed Assembly joint resolution No. 10, in relation to the release of J. M. Ainsa, an American citizen held captive in Sonora, Mexico.

J. T. EWING, Assis't Sec'y Senate.

SENATE CHAMBER,
April 14, 1858.

MR. SPEAKER:—The Senate, on yesterday, amended and passed Assembly bill No 347, an act to audit certain claims, and ask the concurrence of the Assembly.

EWING, Assistant Sec. Senate.

Senate amendments to Assembly bill No. 347, above reported, concurred in.

SENATE CHAMBER,
April 14, 1858.

MR. SPEAKER:—The Senate, on the 12th inst., passed Senate bill No.

177, an act to appropriate money for the additional buildings and make other improvements at the state asylum for the insane.

J. T. EWING, Assistant Secretary Senate.

Senate bill No. 177, above reported, read first and second times, and referred to Committee on State Hospitals.

SENATE CHAMBER,
April 14, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 247, an act to allow Lindley Carson to sell real estate;

Also, Senate bill No. 321, an act to amend an act to change the time of holding court of sessions and county courts, in the county of Napa, approved February 14th, 1855;

Also, Senate bill No. 182, an act to authorize the construction of certain wharves;

Also, Senate bill No. 243, an act to repeal an act entitled an act to regulate the fire department of the city of San Francisco, approved April 30th, A. D. 1855, and to fix the salaries of certain officers of the fire department of the city and county of San Francisco;

Also, Senate bill No. 242, an act to amend an act entitled an act to regulate the fire department of the city and county of San Francisco, passed March 25th, 1857.

J. T. EWING, Assistant Secretary

Senate bill No. 242, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bills Nos. 247, 321, and 243, above reported, read first and second times, and passed.

Senate bill No. 182, above reported, read first and second times, and referred to Committee on Corporations.

SENATE CHAMBER,
April 13, 1858.

MR. SPEAKER:—The Senate have, this day, amended, and, as amended, passed, Assembly bill No 112, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state, and ask the concurrence of the Assembly.

J. T. EWING, Assistant Secretary Senate.

Senate amendments to Assembly bill No. 112, above reported, concurred in.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 15, 1858.

To the Assembly of California:

I have, this day, approved an act to regulate the issue of county warrants in the county of Shasta;

Also, an act concerning artesian wells, in Santa Clara county;

Also, an act to audit and allow the claim of Ferris Forman;

Also, an act relative to the board of supervisors of San Diego county;

Also, an act to authorize George W. Chedic to sell certain property of Georgia M. C. F. Chedic;

Also, an act to change the time of holding the courts of sessions, county courts, and probate courts, of the counties of Santa Barbara, and San Luis Obispo;

Also, an act fixing the time at which representatives in Congress shall be elected;

Also, an act to fix the compensation of the board of supervisors of San Joaquin county;

Also, an act to amend an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin;

Also, an act amendatory of and supplementary to an act entitled an act to regulate elections, passed March 20, 1850;

Also, an act supplementary to an act to regulate rodeos, passed April 30, 1851;

I also inform your honorable body that, on yesterday, I approved an act to amend an act entitled an act to prescribe the mode of drawing grand jurors and trial jurors in the city and county of San Francisco, passed April 2, 1857;

Also, an act concerning coroners in the counties of San Luis Obispo and Santa Barbara.

JOHN B. WELLER.

Assembly bill No. 437, an act for the relief of C. Binney, considered engrossed, read third time, and passed.

Senate bill No. 298, an act to audit and allow the claim of James D. Potter, was considered in Committee of the Whole, Mr. Ballou in the chair, and substitute adopted, read third time, and passed.

The following communications were received from the sergeant-at-arms:

To the Hon. the Assembly:

In accordance with resolution passed, authorizing the sergeant-at-arms to purchase stationery for the use and benefit of the Assembly, and report the amount purchased each week, report that I have purchased during the week ending April 12, 1858, the amount of $210 50, of J. Bithell, vouchers of which have been handed the Committee on Accounts and expenditures.

JAMES F. QUIN,
Sergeant-at-arms Assembly.

To the Hon. the Assembly:

GENTLEMEN:—I have, this day, been informed by the Comptroller of State, that state warrants for *per diem* as members of the Legislature will not be issued to any member after date 10th April, unless such member shall have filed in the Comptroller's office, a receipt in full from the State Librarian, for books obtained from the library since January 1, 1858.

JAS. F. QUIN, Sergeant-at-arms.

Assembly bill No, 439, an act relating to the water-front of the city of San Francisco, was considered in Committee of the Whole.

Mr. Sherwin in the chair.

Amendments adopted, further amended, considered engrossed, read third time, and passed.

REPORTS.

Mr. Young, chairman of the Committee on Enrollment, made the following reports:

MR. SPEAKER:—The Committee on Enrollment have examined, and

found correctly enrolled, Assembly bill No. 140, an act to legalize and amend the county records in the counties of this state;

Also, Assembly bill No. 291, an act to establish the industrial school department of the city and county of San Francisco;

Also, Assembly bill No. 405, an act supplementary to an act to incorporate the city of Santa Barbara, passed April 9th, 1850;

Also, Assembly joint resolutions No. 10, relative to the release of J. M. Ainsa, an American citizen, held captive in Sonora, Mexico, sent to Governor on Thursday, April 15th, at fifteen minutes past eleven o'clock, A. M.

GEO. A. YOUNG, Chairman.

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 104, an act fixing the times at which representatives in Congress shall be elected;

Also, Assembly bill No. 160, an act supplemental to an act to regulate rodeos, passed April 30th, 1851;

Also, Assembly bill No. 210, an act to amend an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin;

Also, Assembly bill No. 215, an act amendatory of and supplementary to an act entitled an act to reincorporate the city of San José, approved March 27th, 1858;

Also, Assembly bill No. 243, an act amendatory of and supplementary to an act entitled an act to regulate elections, passed March 20th, 1850;

Also, Assembly bill No 250, an act to change the time of holding the courts of sessions, county courts, and probate courts, of the counties of Santa Barbara and San Luis Obispo;

Also, Assembly bill No. 257, an act to authorize Geo. W. Chedic to sell certain property of Georgia M. C. F. Chedic;

Also, Assembly bill No. 268, an act relative to the board of supervisors of San Diego county;

Also, Assembly bill No. 345, an act to audit and allow the claim of Ferris Forman;

Also, Assembly bill No. 385, an act concerning artesian wells in Santa Clara County;

Also, Assembly bill No. 386, an act to regulate the issue of county warrants in the county of Shasta;

Also, Assembly bill No. 387, an act to fix the compensation of the board of supervisors of San Joaquin county;

Also, Assembly bill No. 406, an act concerning coroners in the counties of San Luis Obispo and Santa Barbara;

Also, Assembly bill No. 438, an act to amend an act entitled an act to prescribe the mode of drawing grand jurors and trial jurors in the city and county of San Francisco, approved April 2d, 1857;

Also, Assembly concurrent resolution directing the enrolling clerk of Assembly to amend section six of Assembly bill No. 215;

Sent to the Governor on Wednesday, April 14th, at half past one o'clock, P. M.

GEO. A. YOUNG, Chairman.

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

Resolved, That the Enrolling Committee be authorized to employ as

many clerks as they may deem necessary to assist the enrolling clerk for the remainder of the session.

Mr. Stakes made the following report:

MR. SPEAKER:—The Judiciary Committee have had under consideration Assembly bill No. 429, an act to amend sections 563 and 566 of the act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

Also, Assembly bill No. 445, an act to perpetuate the evidence of title under executions;

Report the two bills back, and recommend their passage.

Your committee have also had under advisement Senate bill No. 313, an act to authorize the guardian of Espidion Noe and Vicent Noe to sell and dispose of their real estate and chattels real, and report the same back, amended, and recommend its passage, as amended.

A. G. STAKES, Chairman.

Mr. Safford, chairman of the Committee on Claims, made the following report:

MR. SPEAKER:—The Committee on Claims have had under consideration Assembly bill No. 459, an act to authorize the issuance of a duplicate for a certain lost Comptroller's warrant;

Also, Assembly bill No. 460, an act to authorize the issuance of a duplicate for a certain lost Comptroller's warrant; and have directed me to report them back to the House, and recommend their passage.

A. P. K. SAFFORD, Chairman.

Assembly bills Nos. 459 and 460, above reported, were considered engrossed, read third time, and passed.

Mr. Pearis introduced a bill for an act to incorporate the town of Coloma.

Read first and second times, considered engrossed, read a third time, and passed.

Senate bill No. 313, an act to authorize the guardian of Espidion Noe, José Jesus Noe, and Vicent Noe, to sell and dispose of their real estate and chattels real, amendments adopted, read a third time, and passed.

Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855, recommitted to Committee on Corporations.

The motion to reconsider the vote by which the House, on March 9, 1858, adopted proposed amendments to the constitution, was indefinitely postponed.

THIRD READING OF BILLS.

Assembly bill No. 409, an act to audit certain claims;

Also, Senate bill No. 253, an act to audit certain claims;

Also, Senate bill No. 207, an act to audit certain claims;

Also, Senate bill No. 252, an act to audit the claim of John Dall;

Also, Senate bill No. 254, an act to audit the claim of H. and W. P. Gibbons; and,

Also, Senate bill No. 284, an act to fix the salary of the district attorney of the county of Tehama;

Were read third time, and passed.

Assembly bill No. 371, an act to amend an act entitled an act amendatory of and supplementary to an act entitled an act to provide for the protection of foreigners, and to define their liabilities and privileges, approved March 30, 1853—approved April 7, 1857, was indefinitely postponed.

Senate bill No. 228, an act to audit the claim of Samuel Warren, read third time, and passed.

Assembly bill No. 411, an act to audit certain claims, amended, considered engrossed, read third time, and passed.

Assembly bill No. 223, an act for the relief of Luther Laird & Co., was considered in Committee of the Whole, (Mr. Edwards in the chair,) considered engrossed, read third time, and passed

Mr. De Long moved to postpone the special order for the day for half an hour, upon which Messrs. Cherry, Street, and Palmer, demanded the ayes and noes, and the House postponed, by the following vote:

AYES—Messrs. Aud, Ballou, Banks, Briggs, Buel, Burbank, Clarke, Davis, De Long, Ely, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hamlin, Harris, Hill of Sierra, Hitchens, Holman, Markley, Marshall, McCoy, Moore, O'Brien, Parker, Shepard, Sheridan, Simons, Spilman, Stakes, Stocker, Stratton, Tatman, Thomas, and Warfield—37.

NOES—Messrs. Caldwell, Cherry, Havens, Heath, Holladay, Howell, Lee, Lewis, Loofbourrow, Minis, Ormsby, Palmer, Safford, Sherwin, Street, Tipton, Warmcastle, Young, and Mr. Speaker—19.

Assembly bill No. 400, an act to authorize Geo. H. Ensign and others owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco—

Amendments of majority of committee adopted.

The House refused to adopt the amendments proposed by the minority.

Mr. Buel moved the previous question, which was sustained, and the bill ordered engrossed.

Mr. Palmer gave notice of reconsideration.

On motion of Mr. Ferguson, the vote by which the House, on yesterday, indefinitely postponed Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines, was reconsidered.

Mr. Safford moved to lay the bill on the table, upon which, Messrs. De Long, Safford, and Stratton, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Cherry, Ely, Gordon, Groom, Hobart, Holladay, Kabler, Markley, Minis, O'Brien, Palmer, Safford, Sherwin, Simons, Smith of Nevada, Spilman, and Stratton—17.

NOES—Messrs. Anderson, Ballou, Briggs, Buel, Burbank, Caldwell, Clarke, Davis, De Long, Edwards, Ferguson, Galbraith, Hamlin, Hancock, Harris, Havens, Heath, Hill of Nevada, Hitchens, Holman, Howell, Hirst, Lee, Lewis, Loofbourrow, Marshall, McCoy, Neblett, Ormsby, Osgood, Pearis, Pico, Sheridan, Smith of San Bernardino, Stakes, Stocker, Stout, Street, Tatman, Tipton, Ward, Warfield, and Young—43.

On indefinite postponement, Mr. Safford moved the previous question, which was sustained, and the house refused.

On the passage of the bill, Messrs Crane, O'Brien, and Anderson, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Anderson, Ballou, Banks, Briggs, Clarke, Crane, Curtis, Davis, Ferguson, Galbraith, Gray, Haldeman, Hamlin, Hancock, Harris, Heath, Hill of Nevada, Hitchens, Howell, Hirst, Lee, Lewis, Loofbourrow, McCoy, Neblett, Ormsby, Parker, Pearis, Pico, Sheridan, Smith of San Bernardino, Stakes, Stocker, Stout, Street, Tatman, Thomas, Ward, Warfield, Young, and Mr. Speaker—41.

NOES—Messrs. Buel, Caldwell, Ely, Gordon, Havens, Hill of Sierra, Hobart, Holladay, Kabler, Markley, Marshall, Minis, O'Brien, Safford, Shepard, Sherwin, Simons, and Smith of Nevada—18.

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

Resolved, That the Committee on Mileage be instructed to report the amount of mileage due each witness that was summoned in the case in which S. R Weed was concerned.

SPECIAL ORDERS.

Assembly bills Nos. 40 and 251; also, Assembly bill No. 423, and the veto message, postponed until to-morrow, at one o'clock, P. M.

REPORTS.

Mr. Havens, chairman of the Committee on Corporations, made the following report:

MR. SPEAKER:—The Committee on Corporations report back Senate bill No. 246, an act supplementary to and amendatory of an act entitled an act to provide for the incorporation of railroad companies, passed April 22, 1853, and to the several acts amendatory and supplementary thereto;

Also, Assembly bill No. 422, an act to extend the time of commencing the construction of the San Diego and Gila Southern Pacific and Atlantic Railroad;

And recommend their passage

Also, report back Assembly bill No. 441, an act for the protection of the harbor of the city of San Francisco, without any recommendation.

A majority of the committee also report back Assembly bill No. 91, an an act to authorize the formation of joint-stock associations for the purpose of establishing savings, deposit, and discount associations, with certain amendments, and recommend its passage, as amended

H. W. HAVENS, Chairman.

APRIL 15, 1858.

SPECIAL ORDER OF THE DAY.

Assembly bill No 440, an act to define the lines of Sutter county, to establish its boundaries, and to locate the county seat thereof—

Mr Curtis moved to lay the bill on the table, upon which, Messrs. Safford, Harris, and Stratton, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Burbank, Cherry, Curtis, Ely, Holladay, Holman, Kabler, Osgood, Palmer, Safford, Spilman, Stratton, and Mr. Speaker—17.

NOES—Messrs. Clarke, Crane, De Long, Edwards, Ferguson, Galbraith,

Gordon, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Hill of Sierra, Hitchens, Howell, Lee, Loofbourrow, Markley, Marshall, Moore, O'Brien, Ormsby, Parker, Pico, Shepard, Sheridan, Sherwin, Smith of Nevada, Stout, Tatman, Tuttle, and Young—34.

Mr. Hancock moved that the bill be referred to the Committee on Counties and County Boundaries, with instructions to report on Monday next.

Adopted.

Mr. Howell made the following report:

MR. SPEAKER:—The special committee, appointed to examine the claim of Joseph Nougues for work done, and damages sustained, on the contract for building the state capitol, have had the same under consideration, and, after having carefully examined all the evidence they could obtain, in relation to the matter, are of the unanimous opinion, that the sum of five thousand dollars will fully compensate Mr. Nougues for the labor done and material furnished, in the partial construction of the foundation of said capitol building, and for the damages sustained by him in consequence of the failure of the state to carry out the contract. They, therefore, report the accompanying bill, allowing the claim of Mr. Nougues for said sum, and recommend its passage.

C. S. HOWELL, Chairman.
THOS. O'BRIEN,
URIAH EDWARDS,
E. NEBLETT.

Assembly bill, above reported, was read first and second times, and ordered on file.

Mr. Holman introduced a bill for an act making appropriation for the support of the insane asylum for the state, for the remainder of the ninth fiscal year, commencing on the first day of February, A. D. 1858, and ending on the thirtieth day of June, inclusive, of the year.

Read first and second times, and referred to the Committee on Claims.

Mr. Hirst made the following report:

MR. SPEAKER:—The Engrossing Committee have examined, and found correctly engrossed, the following Assembly bills, viz.:

Assembly bill No. 318, an act amendatory of and supplementary to an act concerning estray animals, passed April 19, 1856;

Also, Assembly bill No. 427, an act concerning roads and highways in and for the counties of Tuolumne and Alameda;

Also, Assembly bill No. 464, an act to audit and allow the claims of certain persons, for services rendered and expenses incurred during the insurrection in the city and county of San Francisco, A. D. 1856.

HIRST, of the Committee.

On motion of Mr. Howell, at half past five o'clock, P. M., the House adjourned.

IN ASSEMBLY.

FRIDAY, April 16, 1858.

House met pursuant to adjournment.

The speaker in the chair.
Roll called.
All present, except those absent on leave.
Journals of yesterday read and approved.
Mr. Parker, chairman of the Committee on Elections, made the following report:

MR. SPEAKER:—Your Committee on Elections, to whom was referred Assembly bill No. 458, an act fixing the time at which the clerk of the Supreme Court shall be elected, have taken the same under consideration, and report it back, recommending its passage.

PARKER, Chairman.

Assembly bill No. 458, above reported, considered engrossed, read third time, and, on its passage, Messrs. Buel, Howell, and Hamlin, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Aud, Briggs, Cherry, Crane, Davis, De Long, Ely, Galbraith, Harris, Havens, Heath, Hill of Sierra, Holladay, Kabler, King, Lee, Lewis, Marshall, McCoy, Mitchell, Moore, Neblett, Palmer, Parker, Pico, Shepard, Sherwin, Simons, Smith of San Bernardino, Spilman, Stocker, Stratton, Street, Thomas, Warfield, Warmcastle, and Mr. Speaker—37.

NOES—Messrs. Anderson, Ballou, Banks, Buel, Burbank, Caldwell, Edwards, Ferguson, Gordon, Gray, Graham, Groom, Hamlin, Hill of Nevada, Hitchens, Hobart, Holman, Howell, Loofbourrow, Moses, O'Brien, Safford, Sheridan, Smith of Nevada, Stout, Tipton, Tuttle, and Ward—28.

Messrs. Stocker and Stratton gave notice of reconsideration of the vote just taken.

On motion of Mr. Hill of Nevada, Assembly bill No. 194, an act to amend an act entitled an act defining the time of commencing civil actions, passed April 22, 1850, was taken up from unfinished business, and placed on the general file

Mr. Thomas moved to reconsider the vote by which, on yesterday, the House passed Senate bill No. 61, an act regarding the importation and preparation of drugs and medicines.

Mr. De Long moved to indefinitely postpone the motion.

Mr Ormsby moved the previous question.

Lost

Mr. Buel moved to lay motion on the table.

Lost.

On the indefinite postponement, Mr. De Long moved the previous question.

Sustained

Messrs Parker, Thomas, and Minis, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Anderson, Clarke, Ferguson, Galbraith, Hamlin, Hancock, Harris, Heath, Hill of Nevada, Howell, King, Lewis, Moses, Neblett, Ormsby, Pearis, Pico, Sheridan, Smith of San Bernardino, Stakes, Stocker, Stout, Street, Tipton, Tuttle, and Warfield—26.

NOES—Messrs. Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Crane, Davis, De Long, Ely, Gordon, Havens, Hill of Sierra, Hobart, Holladay,

Hirst, Kabler, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, O'Brien, Palmer, Parker, Safford, Shepard, Sherwin, Simons, Smith of Nevada, Spilman, Stratton, Thomas, Ward, Warmcastle, Young, and Mr. Speaker—38.

The vote was reconsidered, and also the vote on the third reading.

Mr. Thomas moved to amend by striking out the last paragraph of section four.

Adopted.

Bill read third time.

On the passage of the bill, Mr. Buel moved the previous question, which was sustained.

Messrs Holladay, Ormsby, and O'Brien, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Ballou, Briggs, Clarke, Davis, De Long, Galbraith, Gray, Hamlin, Harris, Hill of Nevada, Howell, King, Lee, Lewis, Loofbourrow, Mitchell, Moses, Neblett, Ormsby, Parker, Pearis, Smith of San Bernardino, Stakes, Stocker, Stout, Tatman, Tipton, Tuttle, Warfield, Young, and Mr. Speaker—32.

NOES—Messrs. Buel, Burbank, Caldwell, Cherry, Crane, Edwards, Ely, Gordon, Graham, Havens, Hill of Sierra, Hobart, Holladay, Hirst, Kabler, Markley, Marshall, Minis, Moore, O'Brien, Palmer, Safford, Shepard, Sherwin, Simons, Smith of Nevada, Spilman, Stratton, Thomas, and Ward—30.

Mr. Ely, chairman of the Committee on Federal Relations, made the following report:

MR. SPEAKER:—The Committee on Federal Relations, to whom were referred Senate concurrent resolutions No. 41, directing the Secretary of State and the clerk of Monterey county to deliver to the United States Surveyor General for California, all Spanish and Mexican archives which they may have in their possession, report the same back, and recommend their passage

The same committee also report Assembly concurrent resolutions in relation to an appropriation by Congress for the payment of Indian war bonds; report the same back, and recommend their passage.

BEN. E. S. ELY, Chairman.

Senate concurrent resolution No. 41, above reported, amended and concurred in.

Assembly concurrent resolution, also above reported, adopted.

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

Resolved, That Assembly bill No. 347, entitled an act to audit certain claims, be corrected by the engrossing clerk, inserting after the words "October first," the words "one thousand eight hundred and fifty-three," and that the enrolling clerk be directed to make such correction.

Assembly bill No. 270, an act to regulate the interest of money, recommitted to the Engrossing Committee, with instructions to amend.

Mr. Shepard offered Assembly concurrent resolution, relative to correction of Assembly bill No. 37.

Adopted.

Assembly bill No. 464, an act to audit and allow the claims of certain persons, for services rendered, and expenses incurred, during the insurrection in the city and county of San Francisco, A. D. 1856, read third time.

Mr. Safford moved to recommit to Engrossing Committee, with instructions to amend as follows:

Provided, This act shall be first submitted to the people of the state for their ratification, at the next general election, to be holden on the first Wednesday of September, 1858, and the qualified electors of this state shall, at said election, on their ballots for members of the Legislature, vote for or against this act—those voting for the same shall write or have printed on their ballots, "for the act," and those voting against the same, "against the act"—and if it shall be found that a majority of the qualified electors of this state vote for the act, the next Legislature shall make provisions for paying all claims provided for in this act.

Mr. McCoy offered the following substitute for the amendment:

Insert, after the word "six," in the first section of the bill, as follows:

First—And certify the amount thus audited and allowed to the next Legislature of this state.

Second—Strike out the second section of the bill.

Upon the adoption of Mr. McCoy's substitute, Mr. Stakes moved the previous question, and Messrs. Sherwin, Ballou, and Tatman, demanded the ayes and noes, and the previous question was sustained, by the following vote:

AYES—Messrs. Anderson, Briggs, Buel, Caldwell, Clarke, Davis, De Long, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Harris, Havens, Hitchens, Hirst, Kabler, King, Lee, Lewis, Lootbourrow, Marshall, McCoy, Minis, Mitchell, Moore, O'Brien, Ormsby, Parker, Pearis, Smith of Nevada, Stakes, Stocker, Stratton, Tatman, Tipton, Tuttle, Ward, Warfield, and Young—41.

NOES—Messrs. Aud, Ballou, Burbank, Cherry, Edwards, Ely, Ferguson, Hill of Nevada, Hill of Sierra, Hobart, Holman, Moses, Palmer, Safford, Shepard, Sheridan, Sherwin, Simons, Stout, Street, Thomas, and Warmcastle—22.

The chair, Mr. Warfield, ruled that Mr. McCoy's substitute was in order, from which Mr. Lewis appealed, and Messrs. Ballou, Burbank, and Sherwin, demanded the ayes and noes, and the House refused to sustain the decision of the chair, by the following vote:

AYES—Messrs. Ballou, Banks, Burbank, Caldwell, Cherry, Edwards, Ely, Gray, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Hirst, Kabler, McCoy, Minis, Moore, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Stout, Street, Warmcastle, and Young—28.

NOES—Messrs. Anderson, Briggs, Buel, Clarke, Davis, De Long, Ferguson, Galbraith, Gordon, Groom, Haldeman, Harris, Havens, Holman, King, Lee, Lewis, Loofbourrow, Marshall, Mitchell, Moses, O'Brien, Ormsby, Parker, Pearis, Simons, Stakes, Stocker, Stratton, Tatman, Thomas, Tipton, Tuttle, and Ward—34.

On the adoption of Mr. Safford's amendment, Messrs Smith of Nevada, Hill of Sierra, and Sheridan, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs. Ballou, Banks, Burbank, Caldwell, Cherry, Edwards, Ely, Ferguson, Hill of Nevada, Hitchens, Hobart, Holladay, Kabler, Minis, Palmer, Safford, Sheridan, Sherwin, Smith of Nevada, Stout, Stratton, Warfield, and Young—23.

NOES—Messrs. Anderson, Aud, Briggs, Buel, Clarke, Davis, De Long, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hancock, Harris, Havens, Hill of Sierra, Holman, Howell, King, Lee, Lewis, Loofbourrow, Markley, Marshall, Mitchell, Moses, O'Brien, Ormsby, Parker, Pearis, Simons, Stakes, Stocker, Street, Tatman, Thomas, Tipton, Tuttle, Ward, Warmcastle, and Mr. Speaker—42.

On the passage of the bill, Messrs. Hill of Sierra, Hill of Nevada, and Sherwin, demanded the ayes and noes, and the same was passed, by the following vote:

AYES—Messrs. Aud, Ballou, Briggs, Buel, Clarke, Davis, De Long, Ferguson, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hancock, Harris, Hitchens, Holman, Howell, King, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Mitchell, Moses, O'Brien, Ormsby, Parker, Pearis, Simons, Spilman, Stakes, Stocker, Stratton, Tatman, Thomas, Tipton, Tuttle, Ward, Young, and Mr. Speaker—44.

NOES—Messrs. Anderson, Banks, Burbank, Caldwell, Cherry, Edwards, Ely, Havens, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Kabler, Minis, Moore, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Stout, Street, Warfield, and Warmcastle—25.

Messrs. McCoy, Ballou, and Ferguson, gave notice of reconsideration of the vote just taken.

REPORTS.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No 465, an act to provide for the payment of James D. Potter, and delivered the same to his Excellency the Governor, for his approval, at eleven o'clock, A. M., April 16, 1858.

GEORGE A. YOUNG, Chairman.

Mr. Havens, chairman of the Committee on Corporations, made the following report:

MR. SPEAKER:—The Committee on Corporations, pursuant to instruction, report back Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855, with a substitute for section one, and certain amendments to section three, and recommend the passage of the bill, with the amendments.

H. W. HAVENS, Chairman.

APRIL 16, 1858.

Mr. O'Brien, chairman of the Committee on Mileage, made the following report:

MR. SPEAKER:—The Committee on Mileage, having had under consideration the amount of mileage and fees due the witnesses in the Weed investigating case, beg leave to report as follows:

NAME OF WITNESS.	NO. OF MILES.	MILEAGE.	FEES.
T. J. L. Smiley, - - - -	240	$60 00 2 00	$2 00
Total amount, - - - - -		$62 00	
E. H. Washburn, - - - -	240	$60 00 2 00	$2 00
Total amount, - - - - -		$62 00	
R. Schoyer, - - - - -	240	$60 00 4 00	$4 00
Total amount, - - - - -		$64 00	

All of which is respectfully submitted.

THOS. O'BRIEN, Chairman.
WM. MINIS,
C. PALMER,
J. D. GALBRAITH,
JAMES HITCHENS.

Adopted.

SPECIAL ORDER.

Assembly bill No. 40, an act to legalize the acknowledgments of certain conveyances, and other instruments in writing, one of the special orders of the day, was taken up.

Mr. Havens moved to strike out, in the first section of the bill, the following words: "Between the parties thereto, and those holding under the grantees in the line of title."

The special order was suspended, to take up the following message from the Senate:

SENATE CHAMBER,
April 16, 1858.

MR SPEAKER:—The Senate have, this day, passed Senate bill No. 331, an act to authorize the board of supervisors, in and for Butte county, to issue the bonds of said county for an amount, not to exceed two hundred and thirty thousand dollars, to be expended in constructing a railroad and wagon roads in said county, and to provide for the payment of said bonds;

Also, concurred, in part, in Assembly amendments to Senate bill No. 286, an act for the government of the state prison convicts, and to pre-

vide for the location of a branch prison, and ask the Assembly to recede from the amendments not concurred in.

EWING, Ass't Sec. Senate.

Senate bill No. 286, above reported, was taken up, and the House refused to recede from amendments to section ten of the bill, and appointed Messrs. De Long, Lee, and McCoy, a committee of free conference on the part of the House.

The further consideration of the message was suspended.

SPECIAL ORDER RESUMED.

The House refused to strike out, reconsidered, and again refused.

The further consideration of the bill, and all the other special orders for to-day, postponed until one o'clock, P. M., to-morrow.

On motion of Mr. Stakes, at five o'clock, P. M., the House adjourned.

IN ASSEMBLY.

SATURDAY, April 17, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

All were present, except those absent on leave, and Messrs. Cherry, Pico, and Osgood.

Mr. Osgood had indefinite leave of absence.

Journals of yesterday read and approved.

REPORTS.

Mr. Thomas, chairman of the Committee on State Hospitals, made the following report:

MR. SPEAKER:—The Committee on State Hospitals, to whom was referred Senate bill No. 167, an act to amend the act of April 9th, 1857, to authorize the Governor to remove insane persons from the state prison to the insane asylum;

Also, Senate bill No. 177, an act to appropriate money for the erection of additional buildings and make other improvements at the state insane asylum;

Report the same back, and recommend the passage of the first, without amendment, and the other, as amended.

THOMAS, Chairman.

Mr. Stakes, chairman of the Judiciary Committee, made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 117, an act to regulate the creation of homesteads, have had the same under consideration, and report the bill back, without recommendation, for the reason that there is a bill pending before the Assembly containing similar provisions;

Assembly bill No. 243, an act to extend the terms of office of the justices

of the peace in this state, is herewith reported back, with a substitute, and your committee recommend the adoption of the substitute.

The committee have also had under advisement Senate bill 216, an act to amend an act concerning courts of justice and judicial officers, passed May 19th, 1853, and report the same back, and recommend it be indefinitely postponed.

A G. STAKES, Chairman.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 270, an act to regulate the interest of money;

Also, Assembly No. 238, an act granting certain powers to the board of education of the city and county of San Francisco;

Also, Assembly bill No. 396, an act to audit certain claims;

Also, Assembly bill No. 306, an act to provide for the recovery of the possession of lands in certain cases, in this state, and for the protection of settlers.

H. A. MOSES, Chairman.

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

Resolved, By the Assembly, that the Senate be requested to return to the Assembly, Assembly bill No. 293, in order that clerical errors therein may be corrected.

The following messages were received from the Senate:

SENATE CHAMBER,
April 15, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 248, an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

Also, Senate bill No. 226, an act to establish the boundary line between Humboldt and Klamath counties;

Also, Assembly bill No. 147, an act to amend an act entitled an act for securing liens to mechanics and others;

Also, amended and passed Assembly bill No. 376, an act to authorize the board of supervisors of Shasta county to levy a special tax and ordate a redemption fund for the payment of county indebtedness, and ask the concurrence of the Assembly;

Also, amended and passed Assembly bill No. 301, an act amendatory of and supplementary to an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851, and ask the concurrence of the Assembly.

J. T. EWING, Ass't Secretary Senate.

Senate bill No. 248, above reported, read first and second times, and referred to the Judiciary Committee

Senate bill No. 226, also above reported, indefinitely postponed.

House concurred in Senate amendments to Assembly bill No. 301, also above reported.

Senate amendments to Assembly bill No. 376, also above reported, referred to Shasta delegation.

SENATE CHAMBER,
April 15, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No 324, an act supplementary to and amendatory of an act of April 13, 1858, to incorporate the town of Petaluma.

EWING, Assistant Sec. Senate.

Senate bill No. 324, above reported, read first and second times, and referred to the Sonoma delegation.

SENATE CHAMBER,
April 15, 1858.

MR. SPEAKER:—The Senate have, this day, adopted Assembly bill No. 468, substitute for Senate bill No. 298, an act for the payment of James D. Potter.

THOS. N. CAZNEAU, Sec. Senate.

SENATE CHAMBER,
April 16, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 303, an act to audit certain claims;

Also, Senate bill No. 330, an act amendatory of an act entitled an act to declare Feather River navigable, passed March 14, 1857;

Also, Senate bill No. 327, an act amendatory of and supplementary to an act entitled an act to incorporate the town of Oroville, approved March 14, 1857;

Also, substitute for Senate bill No. 295, an act to empower the board of supervisors and auditor of the city and county of San Francisco to allow, audit, and satisfy, certain claims therein mentioned;

Also, Senate bill No. 302, an act for the relief of Jno. C. Gordon;

Also, Senate bill No. 328, an act amendatory of the act entitled an act to incorporate Crescent City, passed April 13, 1854, and to repeal section two of the act, approved April 21, 1857, amendatory of said act of April 13, 1854;

Also, Senate bill No. 289, an act concerning the seventh judicial district, and the judge thereof;

Also, Senate bill No. 244, an act for the relief of David Scannell, late sheriff of the county of San Francisco;

Also, Senate bill No. 171, an act providing compensation for physicians and surgeons, in certain cases;

Also, Senate bill No. 305, an act concerning telegraphic operations;

And Senate bill No. 259, an act to legalize the acknowledgments heretofore taken by any deputy clerk of the late superior court of the city of San Francisco.

Senate bills Nos. 303, 330, 327, 328, and 289, above reported, were read first and second times, rules suspended, read third time, and passed.

Senate bill No. 295, also above reported, was read first and second times, and referred to the San Francisco delegation.

Senate bill No. 302, above reported, read first and second times, considered in Committee of the Whole, Mr. Hill of Sierra, in the chair, read third time and passed;

Senate bill No. 244, above reported, read first and second times, and referred to the Committee on Claims.

Senate bill No. 171, also above reported, was read first and second times, and referred to Committee on Hospitals.

Senate bill No. 305, also above reported, was read first and second times, and referred to the Committee on Internal Improvements.

Senate bill No. 259, also above reported, was read first and second times, and referred to the Judiciary Committee.

SENATE CHAMBER,
April 16, 1858.

MR. SPEAKER:—The Senate have, this day, concurred in Assembly concurrent resolution relative to correction of Assembly bill No. 37.

J. T. EWING, Assistant Secretary Senate.

SENATE CHAMBER,
April 17, 1858.

MR SPEAKER:—The Senate, on yesterday, amended and passed Assembly bill No. 436, an act to audit the claim of G. Elliott, and Cook and Cofran, and ask the concurrence of the Assembly.

THOS. N. CAZNEAU, Sec. of the Senate.

Senate amendments to Assembly bill No. 436, concurred in.

SENATE CHAMBER,
April 15, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate substitute for Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges.

J. T. EWING, Asst. Secretary Senate.

Senate bill No. 143, above reported, read first and second times.

Mr. Young moved a call of the House.

Agreed to.

The roll was called.

The following members were absent: Messrs. Anderson, Banks, Cherry, Crane, Curtis, Hamlin, Holladay, Hirst, Lee, Marshall, Moses, Neblett, O'Brien, Pearis, Pico, and Walker.

The sergeant-at-arms was dispatched for the absentees.

Further proceedings under the call were dispensed with.

Mr. Holladay moved to commit the bill to select committee, with instructions to amend, by adding the following proviso to the end of section four:

First—Provided, that the odd sections, alternate to the even sections herein granted, shall be reserved from sale until one year from the completion of said road.

Second—And provided, further, that no patent shall issue to the said company from this state, until the Surveyor General shall, after actual and careful examination, certify to the Governor that the swamp and overflowed lands herein granted have been fully and effectually reclaimed.

Mr. Stakes offered the following substitute for the first proviso offered by Mr. Havens:

Add to the last section the following proviso: *Provided*, that the odd

sections belonging to the state, reclaimed by said company, are hereby withdrawn from market.

Mr. Ballou moved the previous question.

Sustained.

Messrs. Ely, De Long, and Havens, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Davis, Ferguson, Havens, Hill of Nevada, Holladay, Holman, Howell, McCoy, Minis, O'Brien, Palmer, Parker, Safford, Shepard, Sheridan, Stout, and Stratton—17.

NOES—Messrs. Aud, Ballou, Briggs, Buel, Burbank, Caldwell, Clarke, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Graham, Groom, Hancock, Harris, Heath, Hill of Sierra, Hitchens, Hobart, King, Lewis, Marshall, Ormsby, Pearis, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stakes, Stocker, Street, Tatman, Thomas, Tipton, Tuttle, Warfield, Warmcastle, Young, and Mr. Speaker—42.

On the adoption of Mr. Stakes' substitute for the first proviso offered by Mr. Havens, Mr. Ely moved the previous question.

Sustained.

The House refused to adopt.

On the adoption of Mr. Havens' first proviso, Messrs. Havens, Minis, and Davis, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Caldwell, Davis, Edwards, Ferguson, Haldeman, Havens, Heath, Hill of Nevada, Holladay, Holman, Howell, Kabler, McCoy, Minis, Mitchell, Neblett, O'Brien, Ormsby, Palmer, Parker, Pearis, Safford, Shepard, Sheridan, Smith of San Bernardino, Stout, Stratton, Tuttle, Warmcastle, and Young—30.

NOES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Clarke, De Long, Ely, Galbraith, Gray, Graham, Groom, Harris, Hill of Sierra, Hitchens, King, Lewis, Marshall, Sherwin, Simons, Smith of Nevada, Spilman, Stakes, Stocker, Street, Tatman, Thomas, Tipton, Warfield, and Mr. Speaker—31.

On the adoption of Mr. Havens' second proviso, Messrs. Parker, Havens, and Minis, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Caldwell, Davis, Edwards, Ferguson, Haldeman, Havens, Heath, Hill of Nevada, Holladay, Holman, Howell, Kabler, McCoy, Minis, Mitchell, Moore, Neblett, O'Brien, Ormsby, Palmer, Parker, Safford, Shepard, Sheridan, Smith of San Bernardino, Stakes, Stout, Stratton, Tuttle, Warmcastle, and Young—31.

NOES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Clarke, De Long, Ely, Galbraith, Gray, Graham, Groom, Harris, Hill of Sierra, Hitchens, Hobart, King, Lewis, Marshall, Pearis, Sherwin, Simons, Smith of Nevada, Spilman, Stocker, Street, Tatman, Thomas, Tipton, Warfield, and Mr. Speaker—32.

The chair, Mr. Safford, ruled that the previous question did not extend to the third reading of the bill, from which Mr. Ely appealed.

On the question, "Shall the ruling of the chair stand as the decision of

the House?" Messrs Aud, De Long, and Ely, demanded the ayes and noes, and the question was lost, by the following vote:

AYES—Messrs. Ballou, Caldwell, Davis, Haldeman, Hamlin, Hill of Nevada, Holman, Howell, Kabler, Loofbourrow, Mitchell, O'Brien, Parker, Sheridan, Stakes, Stout, Stratton, Tipton, and Tuttle—19.

NOES—Messrs. Anderson, Aud, Briggs. Buel, Burbank, Clarke, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Graham. Groom, Hancock, Harris, Havens, Hill of Sierra, Hitchens, King, Lewis, Marshall, McCoy, Neblett, Ormsby, Palmer, Pearis, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Street, Tatman, Thomas, Ward, Warfield, Warmcastle, and Young—40.

At three o'clock, P. M., Mr. Howell moved that the House adjourn. Lost.

REPORTS.

Mr. Young, chairman of the Committee on Enrollment, made the following reports:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 37, an act to provide for the funding and payment of the outstanding unfunded claims against the city and county of San Francisco, as they existed prior to the 1st day of July, A. D. 1856;

Also, Assembly bill No. 347, an act to audit certain claims;

Also, Assembly bill No. 112, an act to provide for the sale and reclamation of swamp and overflowed lands in this state;

Also, concurrent resolution, directing the enrolling clerk of the Assembly to amend the amendment to section three of Assembly bill No. 37, and presented the same to his Excellency the Governor, for his approval at twelve o'clock M., Saturday, April 17th, 1858.

GEO. A. YOUNG, Chairman.

SPECIAL ORDER.

Assembly bill No. 40, an act to legalize the acknowledgments of certain conveyances, and other instruments in writing.

On the adoption of the second amendment, Mr. Ferguson moved the previous question, which was sustained, and Messrs. Lewis, Hancock, and Stakes, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Anderson, Aud, Caldwell, Clarke, Crane, Davis, Ferguson, Groom, Hancock, Harris, Havens, Heath, Holladay, Holman, King, Lewis, Loofbourrow, McCoy, Mitchell, Neblett, Parker, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stratton, Tatman, Thomas, Tuttle, Ward, Warmcastle, Young, and Mr. Speaker—33.

NOES—Messrs. Ballou, Buel, Burbank, De Long, Edwards, Ely, Galbraith, Gray, Graham, Hamlin, Hill of Sierra, Hitchens, Hobart, Howell, Kabler, Marshall, Minis, O'Brien, Ormsby, Palmer, Pearis, Safford, Shepard, Sheridan, Sherwin, Stout, Street, and Tipton—28.

On the adoption of the third amendment, Messrs. Stakes, Crane, and

Havens, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Anderson, Aud, Caldwell, Clarke, Crane, Davis, Groom, Haldeman, Hancock, Havens, Heath, Hill of Nevada. Hill of Sierra, Hitchens, Holman, King, Lewis, Loofbourrow, McCoy, Mitchell, Moore, Neblett, Parker, Pearis, Smith of San Bernardino, Stakes, Stocker. Stratton, Tatman, Tuttle, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—35.

NOES—Messrs. Ballou, Buel, Burbank, Edwards, Ely, Ferguson, Galbraith, Gray, Graham, Hamlin, Harris, Hobart, Holladay, Howell, Kabler, Marshall, Minis, O'Brien, Ormsby, Palmer, Safford, Shepard, Sheridan, Sherwin, Stout, Street, and Tipton—27.

The bill was read third time, and, on the passage, Messrs. Stakes, Shepard, and Holman, demanded the ayes and noes, and the bill passed, by ths following vote:

AYES—Messrs. Anderson, Aud, Caldwell, Clarke, Crane, Davis, Ferguson, Galbraith, Graham, Groom, Haldeman, Hancock, Harris, Havens, Heath, Holman, King, Lewis, Loofbourrow, McCoy, Mitchell, Moore, Neblett, Parker, Pearis, Sherwin, Simons, Smith of San Bernardino, Spilman, Stakes, Stocker, Stratton, Tatman, Thomas, Tipton, Tuttle, Warfield, Warmcastle, Young, and Mr. Speaker—40.

NOES—Messrs. Ballou, Buel, Burbank, De Long, Edwards, Ely, Gordon, Gray, Hamlin, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Howell, Kabler, Marshall, Minis, O'Brien, Ormsby, Palmer, Safford, Shepard, Sheridan, Smith of Nevada, Stout, and Street—26.

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

MR. SPEAKER:—The Committee of Ways and Means, to whom was referred Senate bill No 166, entitled an act making appropriation for the support of the civil government of the state for the tenth fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-eight, and ending on the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine, report the same back, with certain amendments, and recommend its passage.

The same committee, having had under consideration Senate bill No. 170, entitled an act amendatory of and supplementary to an act entitled an act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five, report the same back, and recommend its passage.

The same committee have had under consideration Assembly bill No. 126, entitled an act amendatory of an act to provide revenue for the support of the government of this state, passed April twenty-ninth, one thousand eight hundred and fifty-seven;

Also, Assembly bill No. 430, entitled an act to license auctioneers in this state, and to define their duties and liabilities;

Also, Assembly bill No. 455, entitled an act to amend an act entitled an act to provide revenue for the support of the government, passed May fifteenth, one thousand eight hundred and fifty-four;

And report the same back, without recommendation.

All of which is respectfully submitted.

H. LEE,
Chairman of Committee of Ways and Means.

Mr. Stakes, chairman of the Judiciary Committee, made the following report:

MR. SPEAKER:—The Committee on the Judiciary, to whom was referred Senate bill No. 101, an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, have had the same under consideration, report the bill back, with certain amendments, and recommend its passage, as amended.

The committee have also had under consideration the petitition for relief of Solomon Heydenfeldt, Oscar L. Shafter, and James McMillan Shafter, and report the same back, with a bill, and recommend the passage of the bill.

A. G. STAKES, Chairman.

SACRAMENTO, April 17, 1858.

Assembly bill, above reported, read first and second times, and ordered on file.

Mr. Stakes offered the following resolution:

Resolved, That from and after this day, (Saturday, the 17th instant,) this Assembly will meet and adjourn as follows: Meet at ten o'clock, A. M., and adjourn at four o'clock, P. M.; meet again at half-past seven o'clock, P. M., and sit during the pleasure of the House.

Mr. Smith of Nevada moved to lay on the table.

Lost.

Resolution adopted.

Mr. De Long offered the following resolution, which was adopted.

Resolved, That the Engrossing Committee of this House be, and they are hereby, instructed to report back to the Assembly, forthwith, Assembly bill No. 400, an act to authorize George H. Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the city and county of San Francisco.

On motion of Mr. Sherwin, the consideration of all the remaining special orders of this day was postponed until Tuesday next, the 20th of April, 1858, at one o'clock, P. M.

On motion of Mr. Howell, at four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

MONDAY, April 19, 1858.

House met pursuant to adjournment.

Speaker in the chair.

The roll was called.

All were present, except those absent on leave, and Messrs. Banks, Lee, and Pico.

The journals of Saturday were read and approved.

GENERAL FILE.

Assembly bill No. 461, an act to re-locate the county seat of Solano

county by the qualified voters of said county, considered engrossed, read third time, and passed.

REPORTS.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 439, an act relating to the water-front of the city of San Francisco;

Also, Assembly bill No. 400, an act to authorize Geo. H. Ensign and others, owners of the Spring Valley Water-Works to lay down water-pipes in the public streets of the city and county of San Francisco.

H. A. MOSES, Chairman.

Mr. Palmer, of the San Francisco delegation, made the following report:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Senate bill No. 295, an act to empower the board of supervisors and auditor of the city and county of San Francisco to allow and audit certain claims therein mentioned, report it back, with amendments, and recommend its passage, as amended.

PALMER, for the Delegation.

Amendments to Senate bill No. 295, above reported, adopted, bill read third time, and passed.

Mr. Thomas, chairman of the Committee on State Hospitals, made the following report:

MR. SPEAKER:—The Committee on State Hospitals, to whom was referred Senate bill No 171, an act providing compensation for physicians and surgeons, in certain cases, return the same to the House, without amendment, and recommend its passage.

THOMAS, Chairman.

Mr. Havens, chairman of the Committee on Corporations, made the following report:

MR. SPEAKER:—The Committee on Corporations report back Senate bill No. 182, an act to authorize the construction of certain wharves, without any recommendation.

H. W. HAVENS, Chairman.

Mr. Street verbally reported Assembly bill No. 376, an act to authorize the board of supervisors of Shasta county to levy a special tax and create a redemption fund for the payment of county indebtedness, and recommend the adoption of the Senate amendments thereto.

Amendments concurred in.

Mr. Crane, chairman of the Committee on Counties and County Boundaries, made the following report:

MR. SPEAKER.—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 440, an act to define the lines of

Sutter county, and to locate the county seat thereof, with two substitutes for the bill;

And Assembly bill No. 357, an act amendatory of and supplementary to an act entitled an act amendatory of an act dividing the state into counties, and establishing the seats of justice therein, passed April 25th, 1851, approved March 26th, 1856, together with petitions of citizens of Tuolumne county relative to the organization of a new county;

Respectfully report the same back to the House, without any recommendation.

CRANE, Chairman.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 15, 1858.

To the Assembly of California:

I return, herewith, to your honorable body, with my approval, the following bills:

An ac to establish the industrial school department of the city and county of San Francisco;

An act to legalize and amend the county records in the counties of this state;

An act supplementary to an act to incorporate the city of Santa Barbara, passed April 9, 1850.

JOHN B. WELLER.

Assembly bill No. 396, an act to audit certain claims, read third time, and passed.

Assembly bill No. 400, an act to authorize George H. Ensign, and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco, read third time.

On its passage, Messrs. Cherry, Palmer, and Clarke, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs Anderson, Aud, Ballou, Briggs, Buel, Burbank, Caldwell, Clarke, Crane, Davis, De Long, Ely, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hamlin, Harris, Havens, Heath, Hill of Nevada, Hitchens, Holladay, Holman, Loofbourrow, Markley, Marshal, Minis, Mitchell, Moore, Neblett, O'Brien, Ormsby, Parker, Shepard, Sheridan, Simons, Smith of San Bernardino, Spilman, Stout, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warncastle, Young, and Mr. Speaker—51.

NOES—Messrs. Cherry, Hill of Sierra, Lewis, Palmer, Safford, Sherwin, and Stratton—7.

Mr. De Long moved that the rules be suspended to reconsider the vote by which the bill passed.

Agreed to

Mr Shepard moved to indefinitely postpone the motion to reconsider.

Agreed to

Assembly bill No. 270, an act to regulate the interest of money, read third time.

On its passage, Messrs Clarke, Minis, and Safford, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Aud, Ballou, Briggs, Burbank, Davis, De Long. Edwards, Ely. Galbraith, Harris, Havens, Heath, Hill of Sierra, Hitchens, Markley, Minis, Ormsby, Sheridan, Spilman, Stout, Tatman, Warfield, Warmcastle, and Mr. Speaker—24.

NOES—Messrs. Anderson, Buel, Caldwell, Cherry, Clarke, Gordon. Gray, Graham, Groom, Haldeman, Hamlin, Hill of Nevada, Hobart, Holladay, Holman, Kabler, King, Lewis, Looofbourrow, Marshall, McCoy, Mitchell, Moore, Moses, Neblett, O'Brien, Palmer, Safford, Shepard, Sheridan, Smith of Nevada, Smith of San Bernardino, Stocker, Stratton, Street, Thomas, Tipton, Walker, and Young—39.

Mr. Sherwin gave notice of reconsideration of the vote just taken.

Senate bill No. 119, an act to provide for the more thorough distribution of the laws, was taken from the table, and placed on general file.

Assembly bill No. 306, an act to provide for the recovery of the possession of lands, in certain cases, in this state, and for the protection of settlers, was read third time.

On the passage of the bill, Messrs. Burbank, Hamlin, and McCoy, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Ballou, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Haldeman, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Kabler, King, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, O'Brien, Ormsby, Parker, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Spilman, Stout, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Warmcastle, Young, and Mr. Speaker—51.

NOES—Messrs. Anderson, Crane, Graham, Groom, Hancock, Havens, Heath, Mitchell, Moore, Smith of San Bernardino, Stratton, Ward, and Warfield—13.

Messrs. Shepard, Street, and Tatman, gave notice of reconsideration of vote just taken.

Senate bill No. 293, an act for the relief of Hugh O'Donnell, and Senate bill No. 92, an act concerning county treasurers, were read third time and passed.

Senate bill No. 170, an act amendatory of and supplementary to an act entitled an act to regulate fees of office, approved April 10, 1855, recommitted to select committee, (Mr. Ely,) with special instructions to report immediately.

The committee reported the following amendment: add after section two

Provided, That this act shall not apply to the county of Yuba, the city and county of San Francisco, the city and county of Sacramento, the counties of Sonoma, Butte, Mariposa, Merced, Calaveras, Stanislaus, Tulare, Fresno, Buena Vista, Amador, San Bernardino, and Los Angeles.

Report and amendments adopted, bill read third time, and passed.

Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges—bill read third time.

Mr. Safford moved that the bill should go to the file.

Ruled out of order by the chair.

Mr Ferguson appealed.
The chair was sustained.
Mr. Holladay moved to recommit, with the following instructions:
Add to section four:

And, provided, also, and as a further condition, precedent, that the said lands to be selected according to the next preceding proviso, shall, at the expense of the said company, and within six months from and after the passage of this act, be surveyed, sectionized, numbered, and marked by monuments, according to the surveys of the United States, and the said surveys shall be approved by the Surveyor General of this state, and recorded in the office of the register.

Section five—The alternate sections, and fractions of sections belonging to the state, and reclaimed by said company, as in this act provided, are hereby reserved from settlement and sale, until otherwise provided for by the Legislature; and the survey and segregation of such lands shall be done under the direction and supervision of the Surveyor General, or a deputy appointed by said officer.

Motion ruled out of order by the chair.
Mr. Davis appealed.
Mr McCoy moved a call of the House.
Upon which, Messrs. Parker, Hamlin, and McCoy, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Caldwell, Cherry, Davis, Ferguson, Haldeman, Hamlin, Havens, Heath, Holladay, Howell, King, McCoy, Minis, Neblett, Palmer, Parker, Safford, Sheridan, Stakes, Stout, Stratton, Tuttle, Walker, and Young—24.

NOES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Clarke, Curtis, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Groom, Harris, Hill of Sierra, Hitchens, Hobart, Holman, Lewis, Loofbourrow, Marshall, Ormsby, Sherwin, Simons, Spilman, Stocker, Tatman, Thomas, Tipton, Ward, Warfield, Warmcastle, and Mr. Speaker—35.

On the appeal, Messrs. Safford, Howell, and Ferguson, demanded the ayes and noes, and the decision of the chair was sustained, by the following vote:

AYES—Messrs. Anderson, Aud, Briggs, Buel, Burbank, Clarke, Curtis, De Long, Edwards, Ely, Galbraith, Groom, Harris, Hill of Sierra, Hitchens, Hobart, Lewis, Marshall, Neblett, Ormsby, Sherwin, Simons, Smith of Nevada, Spilman, Stocker, Street, Tatman, Thomas, Tipton, Walker, Ward, Warfield, Warmcastle, and Mr. Speaker—34.

NOES—Messrs. Caldwell, Cherry, Davis, Ferguson, Haldeman, Hamlin, Havens, Hill of Nevada, Holladay, Holman, Howell, King, Loofbourrow, McCoy, Minis, O'Brien, Palmer, Parker, Safford, Shepard, Sheridan, Stakes, Stout, Stratton, Tuttle, and Young—26.

Mr. Ely moved the previous question.
Mr. Parker moved a call of the House.
Lost.
The previous question was sustained.
On the passage of the bill, Messrs. Sherwin, Parker, and Holladay, de-

manded the ayes and noes, and the bi l was passed, by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Clarke, Crane, De Long, Edwards, Ely, Galbraith, Gray, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Holman, King, Loofbourrow, Marshall, Mitchell, Ormsby, Parker, Sherwin, Simons, Smith of Nevada, Spilman, Stakes, Stocker, Street Tatman, Thomas, Tipton, Walker, Ward, Warfield, Young, and Mr. Speaker—42.

NOES—Messrs. Caldwell, Davis, Ferguson, Haldeman, Hamlin, Hill of Nevada, Holladay, Howell, McCoy, Minis, Moses, Neblett, O'Brien, Safford, Shepard, Sheridan, Smith of San Bernardino, Stout, Stratton, Tuttle, and Warmcastle—21.

Messrs. Parker, Young, Holladay, De Long, and Davis, gave notice of reconsideration of vote just taken.

Messrs. Holladay and Tuttle moved to amend title.

Lost.

Mr. Lewis introduced a bill for an act to amend an act entitled an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856.

Read first and second times, considered engrossed, read third time, and passed.

Assembly bill No. 283, an act to amend section one of an act entitled an act to provide revenue for the support of the government of this state, from a tax to be levied and collected from foreign and inland bills and other matters, approved April 29, 1857; amended, considered engrossed, read third time, and passed.

The following messages were received from the Senate:

SENATE CHAMBER,
April 16, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have concurred in Assembly amendment to Senate bill No. 11, an act to provide for the location and disposal of the balance of the five hundred thousand acres of land, donated to this state for school purposes, and the seventy-two sections donated to this state for the use of a seminary of learning, with the exception of those made to section twelve of the bill, which the Senate has amended, and ask the concurrence of the Assembly therein.

J. T. EWING, Ass't Secretary Senate.

Senate amendments to Assembly bill No. 11, above reported, concurred in.

SENATE CHAMBER,
April 16, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on the twelfth instant, passed Assembly concurrent resolution relative to the boundary line between the state of California and territory of Utah;

Also, on the thirteenth instant, passed Assembly bill No. 299, an act to authorize the board of supervisors of the county of San Diego to levy a special tax for road purposes;

Also, Assembly bill No. 410, an act for the relief of certain persons;

Also, on the fourteenth instant, passed Assembly concurrent resolution relative to a weekly mail, by ocean steamers, from San Francisco to San

Diego, *via* Monterey, San Luis Obispo, Santa Barbara, and San Pedro, and overland from San Diego, by the nearest and best route, to New Orleans;

Also, Assembly bill No. 362, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856;

Also, on yesterday, the fifteenth instant, passed Assembly bill No. 108, an act amendatory of an act dividing the state into counties, and establishing the seats of justice therein, passed April 25, 1851, and to repeal an act concerning the same, passed May 15, 1857;

Also, Assembly bill No. 295, an act to amend an act entitled an act concerning crimes and punishments, passed April 16, A. D 1850;

Also, Assembly bill No. 309, an act to authorize the State Treasurer to issue to the heirs of Charles H. Ross, deceased, two duplicate school-land warrants in lieu of certain warrants destroyed;

Also, Assembly bill No. 187, an act for the relief of Daniel J. Thomas;

Also, Assembly bill No. 312, an act entitled an act to provide for the payment of the debts of the counties of San Luis Obispo and Santa Barbara, approved March 31, 1857;

Also, Assembly bill No. 305, an act to authorize the funding of the unfunded debt of the city of San José, and to provide for the payment of the same;

Also, Assembly bill No. 303, an act to suppress injurious publications;

Also, Assembly bill No. 310, an act to fix the amount of the official bonds of the county officers in and for the counties of San Diego and San Bernardino;

Also, Assembly bill No 322, an act amendatory of an act entitled an act fixing the salaries of the county judge and of the district attorney of the county of Tulare, approved April 16, 1856;

Also, Assembly bill No. 457, an act fixing the salary of the district attorney of Solano county;

Also, Assembly bill No. 284, an act concerning the county records of the county of Sutter;

Also, Assembly bill No. 368, an act to fix the compensation of the district attorney of the county of Sierra;

Also, Assembly bill No. 344, an act for the relief of W. G. Poindexter.

J. T. EWING, Assistant Secretary.

Senate amendments to Assembly bill No. 108, above reported, concurred in.

The following protest was offered by Mr. Edwards:

The delegation from Sonoma county do earnestly protest against the passage of Assembly bill No. 108, or any other bill that has for its object to change the present boundary line between Marin and Sonoma counties, for the following reasons:

That it will do a great injustice to those that will be directly affected by such proposed change, and in opposition to their unanimous wishes, and will change a line established by law in 1855, by the consent of the representatives of both of said counties, which line was, by act of the Legislature of 1856, surveyed the same year, at the expense of the state, and marked with suitable monuments, that such boundary could be easily traced.

URIAH EDWARDS,
J. S. ORMSBY

The following messages were received from the Senate:

SENATE CHAMBER,
April 17, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, appointed Messrs Goodwin, Burton, and Dickinson, a committee of conference, on the part of the Senate, to act with the House committee, on the disagreeing vote of the two Houses on Senate bill No. 286, an act for the government of the state prison convicts, and to provide for the location of a branch prison.

THOS. N. CAZNEAU, Secretary of Senate.

MR. SPEAKER:—The Senate have, this day, adopted the report of the committee on conference, on the disagreeing vote of the two Houses on Senate bill No. 286, an act for the government of the state prison convicts, and to provide for the location of a branch state prison;

Also, on yesterday, passed Senate bill No. 316, an act to audit and allow the claim of Reuben S. Clark.

THOS. N. CAZNEAU, Secretary Senate

APRIL 17, 1858.

Senate bill No. 316, above reported, read first and second times, and ordered on file.

SENATE CHAMBER,
April 17, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 13, an act to authorize the treasurer of the city and county of San Francisco to execute certain deeds, and cancel certain claims;

Also, Senate bill No. 332, an act to provide for the sale of certain property of the state of California, within the water-line front of the city and county of San Francisco.

THOS. N. CAZNEAU, Secretary Senate.

Senate bills Nos. 13 and 332 were read first and second times, and ordered on file.

REPORTS.

Mr. Safford, chairman of the Committee on Claims, made the following report:

MR. SPEAKER:—Your Committee on Claims have had under consideration Assembly bills No. 470 and No. 453, an act making appropriations for the support of the insane asylum of the state of California, for the remainder of the ninth fiscal year, commencing on the first day of February, A. D. 1858, and ending on the thirtieth day of June, A. D. 1858, inclusive, and report the same back to the House, and recommend they be referred to the Committee on Ways and Means;

Also, the claims of various parties for goods, wares, and merchandise furnished the insane asylum, in the year 1856, and report the same back, with accompanying bill, and recommend its passage;

Also, Assembly bill No 452, an act to audit the claim of J J. Lecount, and report the same back, with an amendment, by striking out, in section one, "four hundred and ninety-one," and insert "four hundred and sixty dollars," and recommend its passage, as amended;

Also, the claim of H. C. Kibbe, for rent of room, and fuel, and lights,

for the board of war commissioners, from November 13, 1857, to April 12, 1858, and recommend that he have leave to withdraw the same.

A. P. K. SAFFORD, Chairman.

Assembly bills No. 470 and No. 453, were referred, as per report.

Assembly bill above reported, was read first and second times, and ordered on file.

Mr. Moore made the following report:

MR. SPEAKER:—The special committtee, consisting of the San Francisco delegation, to whom was referred Assembly bill No. 447, entitled an act to authorize certain persons to construct a wharf at the foot of Francisco street, in the city and county of San Francisco, would respectfully report that they have had the same under consideration, and beg leave to report the same back, with amendments, and without recommendation.

MOORE, for Delegation.

Mr Graham offered the following resolution, which was adopted:

Resolved, That the sergeant-at-arms be, and is hereby, allowed the sum of twenty-five dollars for postage, to be allowed out of the House contingent fund.

Senate bill No. 331, an act to authorize the board of supervisors for Butte county, to issue the bonds of said county for an amount not to exceed two hundred and thirty thousand dollars, to be expended in constructing a railroad and wagon-roads in said county, and to provide for the payment of said bonds; read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 304, an act authorizing and regulating the collection and settlement of poll-tax; committee amendments concurred in.

Mr. Briggs offered the following amendment:

Section one—Strike out "three" wherever it occurs, and insert "two;" strike out "four" wherever it occurs, and insert "three."

Upon the adoption of the amendment, Messrs. Loofbourrow, Buel, and Street, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Aud, Briggs, Buel, Burbank, Clarke, De Long, Edwards, Ely, Ferguson, Galbraith, Graham, Groom, Haldeman, Hamlin, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Kabler, Loofbourrow, Markley, Marshall, O'Brien, Shepard, Sheridan, Smith of Nevada, Stout, Stratton, Tatman, Thomas, Tipton, Tuttle, and Young—35.

NOES—Messrs. Ballou, Caldwell, Cherry, Davis, Gordon, Hancock, Hobart, Holladay, Holman, King, McCoy, Minis, Moore, Neblett, Ormsby, Safford, Smith of San Bernardino, Stakes, Stocker, Walker, Warfield, and Warmcastle—23.

Mr Safford moved to indefinitely postpone the bill, upon which, Messrs. Clarke, Tipton, and Sheridan, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. De Long, Harris, Safford, Stocker, Thomas, and Warmcastle—6.

NOES—Messrs. Anderson, Aud, Bailou, Briggs, Buel, Burbank, Caldwell, Clarke, Curtis, Davis, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Groom, Haldeman, Hamlin, Hancock, Havens, Heath, Hill of Nevada, Hill of Sierra, Holladay, Holman, Kabler, Loofbourrow, Markley, Marshall, McCoy, Mitchell, Moore, Moses, O'Brien, Ormsby, Shepard, Sheridan, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stout, Stratton, Tatman, Tipton, Walker, Warfield, and Young—50

And the bill was read third time, and passed.

Mr. Loofbourrow moved to take from the table the motion to reconsider the vote by which Assembly bill No 307, an act to amend an act "entitled an act to regulate proceedings in civil cases," was ordered to engrossment on the twelfth instant.

Agreed to.

Mr. Loofbourrow moved to indefinitely postpone the motion to reconsider the vote.

Mr. De Long moved the previous question.

Sustained.

The motion to indefinitely postpone prevailed.

Senate bill No. 171, an act providing compensation for physicians and surgeons, in certain cases—

On motion of Mr. Aud, the bill was recommitted to Hospital Committee, with instructions to report this evening.

At four o'clock, P. M., the House took a recess until half-past seven o'clock, P. M

HALF-PAST SEVEN O'CLOCK, P. M.

The House re-assembled.

A quorum present.

Mr. Thomas made the following report:

MR. SPEAKER:—The Committee on State Hospitals, to whom was referred Senate bill No. 171, an act providing compensation for physicians and surgeons, in certain cases, return the same to the House, with amendments, and recommend its passage, as amended.

THOMAS, Chairman.

Mr. Feguson moved a call of the House.

Lost.

Mr. De Long moved to print two hundred and fifty copies of the state prison report.

Lost.

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

"*Resolved*, That the evening sessions of this House be devoted to the consideration of bills upon the general file exclusively, and that no motion to change the order of business for such evening sessions, shall be entertained by the chair"

Assembly bill No. 327, an act to provide for the protection of foreigners, and to define their liabilities and privileges, committee amendments adopted.

On motion of Mr. Safford, the enacting clause was stricken out.

Mr. Young gave notice of reconsideration.

Senate bill No 142, 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, read third time, and passed.

Senate bill No. 128, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857, read third time, and passed.

Assembly bill No. 363, an act to amend the one hundred and twelfth section of an act entitled an act to provide revenue for the support of the government of this state, passed May 15, 1854, considered engrossed, read third time, and passed.

Senate bill No. 270, an act defining the legal distances from each county seat to the capitol, lunatic asylum, and state prison, amended, read third time, and passed.

Assembly bill No. 171, an act to provide for the collection of licenses of billiard-tables, billiard and drinking-saloons, restaurants, and eating-houses, considered engrossed, read third time, and passed.

Assembly bill No. 220, an act supplementary to an act to provide revenue for the support of the government of this state, passed April 29, 1857—

On the indefinite postponement of the bill, Messrs Harris, Hamlin, and Warfield, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

Ayes—Messrs Anderson, Aud, Briggs, Buel, Burbank, Cherry, De Long, Ely, Ferguson, Gordon, Gray, Graham, Havens, Heath, Hill of Sierra, Howell, Mitchell, Moore, Neblett, Palmer, Parker, Safford, Shepard, Sheridan, Spilman, Stratton, Street, Thomas, Tuttle, Walker, Warmcastle, and Mr. Speaker—32.

Noes—Messrs Ballou, Edwards, Galbraith, Haldeman, Hamlin, Harris, Hill of Nevada, Hitchens, Hobart, Holman, Loofbourrow, Markley, Marshall, McCoy, Minis, Moses, O'Brien, Ormsby, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stocker, Stout, Tipton, Warfield, and Young—27.

Mr. Mitchell gave notice of reconsideration of the vote just taken.

Senate bill No 256, an act to fix the salary of the district attorney of the county of Santa Clara, indefinitely postponed.

Mr. Neblett moved that the House adjourn.

Lost.

Assembly bill No. 326, an act to exempt the homestead from forced sale in certain cases, amendments of committee adopted; returned to the file, to be considered with Senate bill No. 117.

Assembly bill No. 435, an act to audit certain claims, considered engrossed, read third time, and passed.

Assembly bill No 414, an act for the relief of certain persons, amended, considered engrossed, read third time, and passed.

Senate bill No. 314, an act to audit certain claims, read third time and passed.

The claim of J. C. Doherty was rejected.

Mr. De Long moved to adjourn.

Lost.

The claim of Frank Soule was rejected.

Mr. Mitchell moved to adjourn.

Lost.

Assembly bill No. 419, an act to amend an act entitled "an act concerning the office of Secretary of State," passed May, 15, 1854, ordered engrossed.

The claim of Thomas F. Lewis was recommitted to the Committee on Claims.

Mr. Mitchell moved that the House adjourn.

Upon which, Messrs. Ely, De Long, and Mitchell, demanded the ayes and noes, and the House refused to adjourn, by the following vote:

AYES—Messrs. Aud, De Long, Ely, Gordon, Gray, Graham, Hancock, Hill of Nevada, Hitchens, Hobart, Holman, Howell, Kabler, Loofbourrow, McCoy, Mitchell, Moses, Neblett, Parker, Shepard, Smith of Nevada, Spilman, Thomas, Tipton, Walker, and Warmeastle—26

NOES—Messrs. Anderson, Ballou, Briggs, Buel, Burbank, Cherry, Edwards, Ferguson, Galbraith, Groom, Haldeman, Hamlin, Harris, Havens, Heath, Hill of Sierra, Marshall, Minis, O'Brien, Ormsby, Palmer, Safford, Sheridan, Sherwin, Simons, Smith of San Bernardino, Stratton, Street, Tuttle, Warfield, and Young—31.

Assembly bill No. 420, an act fixing the compensation of the county superintendent of common schools of the county of San Joaquin, indefinitely postponed.

Mr. Safford moved that the House adjourn.

Lost.

Assembly bill No. 408, an act to create state and county boards of instruction, and to define the powers and duties thereof, ordered engrossed.

Mr. Loofbourrow moved to adjourn.

Upon which, Messrs De Long, Mitchell, and Smith of Nevada, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Anderson, Ballou, Briggs, Buel, Edwards, Gordon, Gray, Graham, Hamlin, Havens, Hill of Nevada, Holman, Howell, Loofbourrow, McCoy, Moore, Moses, O'Brien, Palmer, Safford, Shepard, Street, Thomas, Warmeastle, and Mr. Speaker—25.

NOES—Messrs. Aud, Burbank, Cherry, De Long, Ely, Ferguson, Galbraith, Groom, Haldeman, Harris, Heath, Hill of Sierra, Hitchens, Hobart, Kabler, Marshall, Mitchell, Neblett, Ormsby, Parker, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stratton, Tipton, Tuttle, Walker, and Warfield—31.

Senate bill No. 283, an act authorizing F. F. Marx, B. Nordheimer, and others, to construct a wharf at Trinidad, in Klamath county, committee amendments concurred in, read third time, and passed.

Mr. Cherry moved to adjourn.

Lost.

Senate bill No. 211, an act to repeal the sixth section of an act concerning the receipts and expenditures of the state, approved February 7, 1857, read third time and passed.

Mr. Ferguson moved to adjourn.

Lost.

Assembly bill No. 325, an act amendatory of an act entitled an act to provide revenue for the support of the government of this state, passed May 15, 1854;

And also, Assembly bill No. 132, an act to amend an act to provide reve-

nue for the support of the government of this state, approved April 29, 1857;

Were indefinitely postponed.

Assembly bill No. 122, an act to extend the time of commencing the construction of the San Diego and Gila, Southern Pacific and Atlantic Railroad, considered engrossed, read third time, and passed.

On motion of Mr. McCoy, at half past ten o'clock, P. M., the House adjourned.

IN ASSEMBLY.

TUESDAY, April 20, 1858.

House met pursuant to adjournment.

The speaker in the chair.

Roll called.

All were present, except those absent on leave, and Messrs. Pearis, Spilman, Street, and Ward.

Mr Street had leave of absence for one day, Mr. Ward for two days, and Mr. Spilman indefinite leave.

The journal of yesterday was read and approved.

The following message was received from the Senate:

SENATE CHAMBER,
April 16, 1858

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have passed the following Assembly bills:

No. 418, an act to amend an act entitled an act to create the county of Alameda, to establish the seat of justice therein, to define its boundaries, and to provide for its organization;

Also, No. 271, an act to provide for the funding of the indebtedness of the county of Yuba, approved March 26, 1857;

Also, No. 131, an act to abolish public executions;

Also, No. 372, an act reducing the amount of bonds to be given by the county officers in and for the counties of Klamath, Del Norte, and Humboldt;

Also, No. 467, an act concerning roads and highways in certain counties therein named;

Also, No. 469, an act to incorporate the town of Coloma;

Also, No 311, an act authorizing the board of supervisors of Los Angeles county, to contract a loan for the purpose of erecting a court-house, and completing the jail;

Also, concurred in Assembly amendments to Senate amendments to Senate bill No. 252, an act to confer further powers upon the board of supervisors of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned;

Also, amended and passed Assembly bill No. 263, an act to authorize the guardian of Dionisio Rodriguez, Isabella Rodriguez, and Dolores Rodriguez, to sell certain of their real estate at private sale, and ask the concurrence of the Assembly;

Also, have passed the following Senate bills:

Senate bill No. 306, an act amendatory of and supplementary to an act approved March 12, 1858, entitled an act to further extend the act concerning corporations, passed April 22, A. D. 1850;

Senate bill No. 235, an act organizing the university of the state of California, under the name of the Regents of the University of the state of California;

Senate bill No 312, an act for the prevention of the taking trout fish during certain months of the year in the counties of Alameda and Santa Clara;

Senate bill No. 333, substitute for bill No. 189, an act to amend an act entitled an act to regulate fees in office in the county of Yuba, approved April 28, 1857;

Senate bill No. 275, an act to provide for issuing arms and accoutrements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them;

The Senate have indefinitely postponed Assembly bill No. 293, an act to amend the act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851.

THOS. N. CAZNEAU, Secretary of Senate.

The House refused to concur in Senate amendments to Assembly bill No. 263, above reported.

Senate bills Nos. 306, 333, and 275, above reported, were read first and second times, rules suspended, read third time, and passed

Senate bill No. 312, above reported, read first and second times, and ordered on file.

Senate bill No 235, above reported, read first and second times, and referred to the Committee on Education, with instructions to report tomorrow, at twelve o'clock, M.

REPORTS

Mr. Curtis made the following report:

MR SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 440, an act to establish the boundary lines and locate the county seat of Sutter county, have had the same under consideration, and a portion of said committee beg leave to submit the following report:

The substitute providing for the submission of the question of the location of the county seat of Sutter county to a vote of the people, your committee make no recommendation concerning, but in relation to the substitute establishing the boundary line between Placer and Sutter counties, the undersigned committee would say that they recommend its indefinite postponement, for the following reasons:

First—The bill proposes to detach some two hundred and eighty-eight square miles from the county of Placer, against the united voice of the delegation of the said county, and annex to Sutter county, and without any apparent or corresponding benefits to be derived from the change to the people living in that section of the county.

Further—However much the undersigned may desire the establishment and survey of the boundary line between the two counties, as now defined by statute, they cannot consent to such an act of injustice to the county of Placer, without a general concurrence of those affected by the change.

D. B. CURTIS,
J. H. SHERWIN,
B. R. SPILMAN.

Mr. Warmcastle, chairman of the Committee on Internal Improvements, made the following report:

MR. SPEAKER:—The Committee on Internal Improvements, to whom was referred Senate bill No. 305, for an act concerning telegraphic operators, have had the same under consideration, and report it back, with the recommendation that it pass.

WARMCASTLE, Chairman.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 307, an act to amend an act entitled an act to regulate proceedings in civil cases;

Also, Assembly bill No 40, an act concerning certain conveyances, and other instruments in writing;

Also, Assembly bill No. 477, an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856.

H. A. MOSES, Chairman.

Mr. De Long moved to reconsider the vote by which the House, on yesterday, passed Senate bill No. 143, an act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this state, certain rights and privileges.

Mr. Ely moved the previous question, which was sustained, and Messrs. Ely, Hamlin, and De Long, demanded the ayes and noes, and the House refused to reconsider, by the following vote:

AYES—Messrs. Banks, Caldwell, Cherry, Curtis, Davis, Ferguson, Hamlin, Howell, Hirst, Kabler, McCoy, Minis, Moses, Neblett, O'Brien, Palmer, Parker, Safford, Stout, and Mr. Speaker—20.

NOES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Clarke, De Long, Edwards, Ely, Galbraith, Gordon, Gray, Groom, Hancock, Harris, Havens, Hill of Sierra, Hobart, Holman, King, Lee, Loofbourrow, Markley, Marshall, Ormsby, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stocker, Tatman, Thomas, Tipton, Walker, Warmcastle, and Young—37.

Mr. Young moved to reconsider the vote by which the House, on yesterday, struck out the enacting clause of Assembly bill No 327, an act to provide for the protection of foreigners, and to define their liabilities and privileges.

Upon which, Messrs. Tipton, Stratton, and Neblett, demanded the ayes and noes, and the House reconsidered, by the following vote:

AYES—Messrs. Anderson, Briggs, Burbank, Caldwell, Clarke, Davis, De Long, Galbraith, Groom, Hamlin, Harris, Havens, Hill of Nevada, Hitchens, Hobart, Holman, Howell, King, Lee, Loofbourrow, Markley, McCoy, Minis, Palmer, Sherwin, Smith of Nevada, Smith of San Bernardino, Tatman, Thomas, Tuttle, Walker, Warmcastle, Young, and Mr. Speaker—34.

NOES—Messrs. Aud, Ballou, Buel, Cherry, Curtis, Edwards, Ely, Gor-

don, Holladay, Kabler, Marshall, Mitchell, Neblett, O'Brien, Safford, Stocker, Stout, Stratton, and Tipton—19.

And the bill was ordered engrossed.

GENERAL FILE.

Senate bill No. 233, *an act to grant the right of way to certain persons* therein named, for a railway track within the corporate limits of the city and county of San Francisco, and to run cars thereon, committee amendments adopted.

Mr. Holladay offered the following amendment to section two, which was adopted,

Provided, further, that as soon as Broadway street is cut through and graded, between Kearny and Montgomery streets, the line of said track may be changed by the owners, so as to run from the junction of Broadway and Dupont streets, on Broadway to Sansome streets, until it joins the track again, at the junction of Sansome and Jackson streets.

Mr. Palmer offered the following amendment:

Add, at end of section four, proviso: "*Provided*, that no rail track shall be laid in, or cars run on, any of the streets named in this act, without the consent of a majority of the board of supervisors of said city and county."

Mr. Gray moved a call of the House.

Lost.

Upon its adoption, Messrs. Gray, Aud, and Palmer, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Anderson, Aud, Banks, Burbank, Cherry, Ely, Gray, Graham, Havens, Heath, Hobart, Holman, Hirst, Markley, Minis, Moore, Neblett, Palmer, Safford, Sheridan, Sherwin, Simons, Smith of Nevada, Stout, Walker, and Warfield—26.

NOES—Messrs. Ballou, Briggs, Clarke, Crane, Davis, De Long, Galbraith, Gordon, Groom, Haldeman, Hamlin, Hancock, Harris, Hill of Sierra, Hitchens, Holladay, Howell, King, Lewis, Loofbourrow, Marshall, Mitchell, O'Brien, Ormsby, Parker, Pico, Shepard, Smith of San Bernardino, Stakes, Stocker, Stratton, Tatman, Tuttle, Warmcastle, and Mr. Speaker—35.

Mr. Holladay offered the following additional section, which was adopted:

Section six—This grant is made subject to the express terms and condition that said road shall be built, used, and conducted, subject to the jurisdiction of the local authorities, for the regulation and repair of the streets, the laying down and repair of all sewers, gas-pipes, and water-pipes.

Mr. Stratton moved the previous question.

Lost.

Mr. Shepard moved to indefinitely postpone the bill.

Messrs. Gray, Shepard, and Burbank, demanded the ayes and noes, and the House refused to indefinitely postpone, by the following vote:

AYES—Messrs. Aud, Anderson, Banks, Burbank, Caldwell, Cherry, Clarke, Curtis, Gray, Graham, Haldeman, Hamlin, Havens, Heath, Hill of Sierra, Hobart, Kabler, Markley, Minis, Moore, Moses, Palmer, Safford, Shepard, Sherwin, Simons, Smith of Nevada, Thomas, and Walker—29.

NOES—Messrs. Briggs, Crane, Davis, De Long, Ferguson, Galbraith, Gordon, Groom, Hancock, Harris, Hitchens, Holladay, Holman, Howell, King, Lewis, Loofbourrow, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Pico, Sheridan, Stakes, Stocker, Stout, Stratton, Tatman, Tipton, Tuttle, Warfield, Warmcastle, and Mr. Speaker—35.

Bill read third time, and Mr. Graham, moved the previous question, which was sustained, and on the passage of the bill, Messrs. Shepard, Moore, and Hamlin, demanded the ayes and noes, and it was passed, by the following vote:

AYES—Messrs. Ballou, Briggs, Buel, Crane, Davis, De Long, Edwards, Ferguson, Galbraith, Gordon, Groom, Hancock, Harris, Hitchens, Holladay, Holman, Howell, King, Lewis, Loofbourrow, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Palmer, Parker, Pico, Sheridan, Stakes, Stocker, Stratton, Tatman, Tipton, Tuttle, Warfield, and Mr. Speaker—37.

NOES—Messrs. Anderson, Aud, Banks, Burbank, Caldwell, Cherry, Clarke, Gray, Graham, Hamlin, Havens, Heath, Hill of Sierra, Hobart, Hirst, Kabler, Markley, Minis, Moore, Moses, Neblett, Safford, Shepard, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stout, Thomas, and Walker—30.

Messrs. Palmer and De Long gave notice of reconsideration of vote just taken.

Mr. Stakes, chairman of the Judiciary Committee, made the following report:

MR. SPEAKER:—The Committee on the Judiciary, to whom were referred Senate bills Nos. 28, 91, and 152;

Also, Assembly bills Nos. 14, 67, 96, 109, 167, 302 and 392, proposing amendments to the act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, and the several acts amendatory of and supplementary thereto;

Have had the same under consideration, report them back to the Assembly, with a substitute for all of said bills, and recommend the passage of the substitute;

Also, Senate bill No. 248, an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1st, 1861;

Also, Senate bill No. 259, an act to legalize the acknowledgments heretofore taken by any deputy clerk of the late superior court of the city of San Francisco;

Report the two bills back, and recommend their passage;

Also, Assembly bill No. 275, an act to amend section two hundred and fourteen of the civil practice act, and report the same back, without recommendation.

APRIL 20, 1858. A. G. STAKES, Chairman.

Assembly bill, above reported as substitute, was placed on top of file.

Mr Stakes introduced a bill for an act to amend the act entitled an act relating to the court of sessions and board of supervisors of San Joaquin county, approved March 17, 1856, read first and second times, and placed on file.

On motion of Mr. Sherwin, all the special orders for this day were postponed until to-morrow, at one o'clock, P M

Senate bill No 166, an act making appropriations for the support of the civil government of the state for the tenth fiscal year, commencing on the first day of July, A. D. 1858, and ending on the thirtieth day of June, A D. 1859, was considered in committee of the whole, Mr. McCoy in the chair.

The committee rose, reported progress, and had leave to sit again at half-past seven o'clock this evening

At four o'clock, P M., the House took a recess until half-past seven o'clock, this evening.

HALF-PAST SEVEN O'CLOCK, P. M.

The House re-assembled, a quorum being present.

Mr. Lewis moved that the House adjourn, upon which, Messrs Lewis, Stratton, and O'Brien, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Anderson, Ballou, Clarke, De Long, Galbraith, Gordon, Gray, Graham, Haldeman, Loofbourrow, Moses, Simons, Stocker, and Mr. Speaker—14.

NOES—Messrs Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Crane, Curtis, Davis, Edwards, Ely, Groom Hancock, Harris, Havens, Hill of Sierra, Hitchens, Lewis, Markley, Marshall, McCoy, Minis Moore O'Brien, Ormsby, Palmer, Safford, Shepard, Sherwin, Smith of Nevada, Smith of San Bernardino, Stratton, Thomas, Tipton, Tuttle, and Warmeastle—36.

The House, in Committee of the Whole, Mr. McCoy in the chair, resumed the consideration of Senate bill No 166.

Bill amended, rules suspended, read third time, and on its passage, Messrs. Crane, Aud, and Holman, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Ballou, Briggs, Buel, Burbank, Caldwell, Cherry, Crane, Curtis, Davis, Ely, Gordon, Haldeman, Hancock, Harris, Havens, Heath, Hill of Sierra, Holman, Lee, Marshall, McCoy, Minis, Mitchell, O'Brien, Ormsby, Palmer, Parker, Safford, Shepard, Sherwin, Smith of Nevada, Smith of San Bernardino, Stocker, Stratton, Thomas, Tipton, Tuttle, Warmeastle, Young, and Mr. Speaker—41.

NOES—Messrs Aud, Banks, De Long, Ferguson, Gray, Hobart, and Loofbourrow—7.

Mr Crane gave notice to reconsider vote just taken.

Mr. Ballou had leave to withdraw the claim of B F. Marshall.

Mr. Shepard, to withdraw the claim of D. S. Lord & Co.

On motion of Mr. Davis, at half-past nine o'clock, P. M., the House adjourned.

IN ASSEMBLY.

WEDNESDAY, April 21, 1858.

House met pursuant to adjournment

The speaker in the chair.

Roll called.

All were present, except those absent on leave, and Messrs. Osgood and Spilman, who had indefinite leave.

Journal of yesterday read and approved.

THIRD READING OF BILLS.

Assembly bill No. 307, an act to amend an act entitled an act to regulate proceedings in civil cases, was read third time.

On its passage, Mr. Buel moved the previous question.

Sustained.

Messrs Howell, Stout, and Sheridan, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Ballou, Banks, Briggs, Buel, Burbank, Cherry, Curtis, De Long, Ely, Galbraith, Gordon, Gray, Haldeman, Hamlin, Hancock, Harris, Hill of Nevada, Hitchens, Hobart, Holman, Howell, Kabler, King, Lewis, Loofbourow, Markley, Marshall, McCoy, Minis, Moses, Neblett, O'Brien, Ormsby Parker, Safford, Sherwin, Simons, Smith of Nevada, Stakes, Stocker, Stout, Tatman, Thomas, and Mr. Speaker—45.

NOES—Messrs. Anderson, Caldwell, Crane, Davis, Graham, Groom, Havens, Hill of Sierra, Mitchell, Moore, Shepard, Smith of San Bernardino, Stratton, Walker, Warfield, and Young—16.

Messrs. Stakes and Hancock gave notice of a reconsideration of the vote just taken.

Assembly bill No. 416, an act to grant the right to construct and maintain a bridge across Feather River, substitute for Assembly bill No. 378, substitute adopted and ordered engrossed.

Mr. Safford, from Committee on Claims, verbally reported a substitute for Senate bill No. 244, an act for the relief of David Scannell, late sheriff of the county of San Francisco, and recommended its passage.

REPORTS.

Mr. Crane, chairman of Committee on Counties and County Boundaries, made the following report:

MR SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 237, entitled an act to define more definitely the northern and western boundaries of the county of Butte, have had the same under consideration, and beg leave to report the same back, with amendments.

CRANE, Chairman.

Mr. Ballou made the following report:

MR. SPEAKER:—The special committee composed of the Plumas delegation, to whom was referred Assembly bill No. 227, an act authorizing the

board of supervisors of Plumas county to levy a special tax for the erection of county buildings, have had the same under consideration.

The undersigned, a portion of your committee, herewith report the same back, with an amendment, recommending the adoption of the same, and passage of the bill.

Your committee would take this occasion to state that there are considerations of public policy of the greatest magnitude involved in this bill, which a just appreciation of the value of the time of this House will prevent the undersigned from elaborating, and he only regrets that there are not three members from the said county of Plumas, so that a majority report might be presented, as the undersigned fears that the deserved popularity of that portion of the delegation opposed to the bill will naturally prejudice the passage of the same, and more especially so unless constitutional objections are ignored.

Hopefully, etc., S. A. BALLOU.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 187, an act for the relief of Daniel J. Thomas;

Also, Assembly bill No. 284, an act concerning the county records of the county of Sutter;

Also, Assembly bill No. 295, an act to amend an act entitled an act concerning crimes and punishments, passed May 16, A. D. 1850;

Also, Assembly bill No 299, an act to authorize the board of supervisors of the county of San Diego, to levy a special tax for road purposes;

Also, Assembly bill No. 303, an act to suppress injurious publications;

Also, Assembly bill No. 309, an act to authorize the State Treasurer to issue to the heirs of Chas. H. Ross, deceased, two duplicate school-land warrants, in lieu of certain warrants destroyed;

Also, Assembly bill No. 310, an act to fix the amount of the official bonds of the county officers in and for the counties of San Diego and San Bernardino;

Also, Assembly bill No. 312, an act entitled an act to provide for the payment of the debts of the counties of San Luis Obispo and Santa Barbara, approved March 31, 1857;

Also, Assembly bill No. 322, an act amendatory of an act entitled an act fixing the salaries of the county judge and of the district attorney of the county of Tulare, approved April 16, 1856;

Also, Assembly bill No. 344, an act for the relief of W. G. Poindexter;

Also, Assembly bill No. 362, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, A. D. 1856;

Also, Assembly bill No. 368, an act to fix the compensation of the district attorney of the county of Sierra;

Also, Assembly bill No. 410, an act for the relief of certain persons;

Also, Assembly bill No. 436, an act to audit the claim of Elliott, Cook, and Cofran;

Also, Assembly bill No. 457, an act fixing the salary of the district attorney of Solano county;

Also, Assembly bill No. 147, an act to amend an act entitled an act for securing liens to mechanics and others, passed April 19, 1856;

Also, Assembly concurrent resolution relative to weekly mail by ocean steamers from San Francisco to San Diego *via* Monterey, San Luis Obispo, Santa Barbara, and San Pedro, and overland from San Diego, by the nearest and best route, to New Orleans;

Also, Assembly concurrent resolution relative to boundary line between the state of California and territory of Utah;

Also, Assembly bill No. 281, an act to pay Thomas Tennent, for storage of the standard of weights and measures belonging to this state;

Also, Assembly bill No. 301, an act amendatory of and supplementary to, an act entitled an act to regulate proceedings in criminal cases, passed May 1, 1851;

Also, Assembly bill No. 305, an act to authorize the funding of the unfunded debt of the city of San José, and to provide for the payment of the same;

Also, Assembly bill No. 311, an act authorizing the board of supervisors of Los Angeles county to contract a loan for the purpose of erecting a court-house and completing the jail;

Also, Assembly bill No. 359, an act to prohibit the collection of accounts for liquors sold at retail;

Also, Assembly bill No. 372, an act reducing the amount of bonds to be given by the county officers in and for the counties of Klamath, Del Norte, and Humboldt;

Also, Assembly bill No. 418, an act to amend an act to create the county of Alameda, to establish the seat of justice therein, to define its boundaries, and to provide for its organization;

Also, Assembly bill No. 467, an act concerning roads and highways in certain counties therein named;

Also, Assembly bill No. 469, an act to incorporate the town of Coloma;

And delivered the above bill, to his Excellency the Governor, for his approval, at half past two o'clock, P. M., April 20th, 1858.

GEO. A. YOUNG, Chairman.

Assembly bill No. 478, an act amendatory of and supplementary to the act entitled an act to regulate proceedings in civil cases in the courts of justice of this state, passed April 29, 1851, and the several acts amendatory of and supplementary thereto, substitute for Senate bills Nos. 28, 91, and 152, and Assembly bills Nos. 14, 67, 96, 109, 167, 302, and 392, on third reading, was considered in Committee of the Whole, Mr. Buel in the chair, and reported back, with a recommendation that the bill pass.

On motion of Mr Warmcastle, all the special orders were placed at the top of the general file.

Mr. Safford, chairman of the Committee on Education, made the following report:

MR. SPEAKER:—The Committee on Education, to whom was referred Senate bill No. 235, entitled an act organizing the university of the state of California, under the name of the Regents of the University of the State of California, have had the same under consideration, and respectfully report:

That in consequence of the pressure of business at this late period of the session, and the very limited time allowed to your committee, under the instructions of the House, for the consideration of this bill, they have been unable to give it so thorough examination as its great importance deserves.

After as careful a consideration of its merits as circumstances would permit, they have arrived at the following conclusions:

First—We know of no such institution in this state as a "state university," which under the act of Congress would be entitled to receive the university fund

Second—We regard the plan proposed in the bill, to unite, under one management, all the incorporated colleges, at present established, or to be established hereafter in this state, organized on different principles, situated in different localities, and governed by independent faculties, and to constitute such a heterogenous combination for a state university—which your committee believe to be unprecedented—impolitic, impracticable, and not the institution contemplated by the act of Congress.

Third—We have no knowledge whether any of the colleges now incorporated, or to be incorporated hereafter in this state, would consent to form a part of the proposed university, and any enforcement by legislative enactment against their will and consent, would be a tyrannical usurpation of power, at war with the genius and spirit of republican institutions.

Fourth—The cumbersome machinery, by which it is proposed to set this state university scheme in motion, consisting of thirteen regents, with the various salaried officers to be appointed by them, including a chancellor, vice chancellor, treasurer, secretary, etc., and the enormous expenses which would necessarily be incurred in the periodical visitation to the various incorporated colleges throughout the state; this alone, forms a very serious objection to the bill, inasmuch as a very large portion, if not all, the university fund, would be absorbed by this regency, without any corresponding benefits, and little or nothing would be left for distribution among the incorporated colleges constituting the university

Fifth—Your committee fear that the proposed scheme, if carried out, might engender sectarian strife, and unseemly jealousies among the various colleges united under this mongrel incorporation, and destroy all laudable competition, establish an odious system of centralization, antagonistic to the spirit of our free institutions, and prejudicial to the interests of education. If the passage of the bill was intended to aid the incorporated colleges now established in this state, a more practicable and satisfactory as well as a less expensive plan would be to get a law passed empowering the state board of education to divide the university fund among them *pro rata*, in proportion to the number of students, in each institution, if such a disposal, could be made in accordance with the act of Congress.

For these, and other reasons, which might be added did time permit, your committee recommend that the bill be indefinitely postponed.

A. P. K. SAFFORD,
Chairman Committee on Education.

The following report was then taken up:

MR. SPEAKER:—The committee of free conference have agreed upon the following, as a substitute for section ten of Senate bill No. 286, an act for the government of the state prison:

Section ten—The board of directors, as established by this act, shall each be allowed and receive the sum of seventy-five dollars per month, as a compensation for their expenses as such directors. *Resolved, further,* That the Lieutenant Governor shall receive, in addition to expenses as

aforesaid, the sum of ten dollars per day, for each day actually employed in the discharge of the duties imposed by the provisions of this act.

J. O. GOODWIN,
W. B. DICKINSON, } Senate.
E. F. BURTON.

C. E. DE LONG,
H. LEE, } House.
W. W. McCOY,

On the adoption of the report, Messrs. Hamlin, Hill of Sierra, and Crane, demanded the ayes and noes, and the same was adopted, by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Buel, Burbank, Cherry, Clarke, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Haldeman, Hancock, Heath, Holman, Howell, Hirst, Kabler, King, Lee, Lewis, Loofbourrow, McCoy, Mitchell, Moore, Neblett, Ormsby, Palmer, Pearis, Safford, Shepard, Simons, Smith of San Bernardino, Stocker, Street, Tipton, Tuttle, and Mr. Speaker—44.

NOES—Messrs. Caldwell, Crane, Gray, Groom, Hamlin, Harris, Havens, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Markley, Moses, O'Brien, Parker, Sheridan, Sherwin, Smith of Nevada, Stout, Stratton, Tatman, Thomas, Walker, Warfield, Warmcastle, and Young—27.

Mr. De Long moved to reconsider the vote by which the House, on yesterday, passed Senate bill No. 233, an act to grant the right of way to certain persons therein named, for a railway track within the corporate limits of the city and county of San Francisco, and to run cars thereon.

Mr. Buel moved the previous question, which was sustained, and Messrs. Gray, Cherry, and Palmer, demanded the ayes and noes, and the House refused to reconsider, by the following vote:

AYES—Messrs. Anderson, Aud, Banks, Burbank, Caldwell, Cherry, Gray, Haldeman, Hamlin, Hill of Nevada, Hill of Sierra, Hobart, Kabler, Markley, Moore, Moses, Neblett, Palmer, Shepard, and Simons—20.

NOES—Messrs. Ballou, Briggs, Buel, Clarke, Crane, Curtis, Davis, De Long, Edwards, Ferguson, Galbraith, Gordon, Groom, Hancock, Harris, Havens, Heath, Holladay, Holman, Howell, Hirst, Lee, Lewis, Loofbourrow, Marshall, McCoy, Minis, Mitchell, O'Brien, Ormsby, Parker, Pearis, Pico, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stocker, Stratton, Tatman, Thomas, Tipton, Tuttle, Walker, Warfield, Young, and Mr. Speaker—47.

Mr. Buel introduced a bill for an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856.

Read first and second times, and considered engrossed.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 400, an act to authorize George H. Ensign, and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco;

Also, Assembly bill No. 108, an act amendatory of an act dividing the

state into counties, and establishing the seats of justice therein, passed April 25, 1851, and to repeal an act concerning the same, passed May 15, 1854;

Also, Assembly bill No. 271, an act to provide for the funding the indebtedness of the county of Yuba, approved March 26, 1857;

Also, Assembly bill No. 333, an act to authorize the construction of a bridge across Pajaro River;

Also, Assembly bill No. 356, an act to regulate fees in office in the city and county of San Francisco;

Also, Assembly bill No. 376, an act to authorize the board of supervisors of Shasta county to levy a special tax and create a redemption fund for the payment of county indebtedness;

Also, Assembly bill No. 388, an act to audit the claim of Jonathan Nickols;

Also, Assembly bill No 409, an act to audit certain claims;

Also, Assembly bill No. 411, an act to audit certain claims;

Also, Assembly bill No. 278, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer;

Also, Assembly concurrent resolution relative to removal of Indians;

Also, Assembly concurrent resolution relative to the passage of a law by Congress, making appropriation for the payment of bonds authorized to be issued for the payment of Indian hostilities;

And delivered said bills and resolutions to his Excellency the Governor, for his approval, at two o'clock Wednesday, April 21, 1858.

GEO. A. YOUNG, Chairman.

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

MR. SPEAKER:—The Committee on Ways and Means, having had under consideration during the entire portion of the present session various amendments to the existing revenue laws of this state, and other matters pertaining to the same, as the result of their labors beg leave to report the following acts amendatory of and supplementary to said laws, and recommend the passage of the same by the Assembly, at as early a day as practicable.

H. LEE, Chairman.

Assembly bill, above reported, read first and second times, and ordered to be placed on the top of the file for to-morrow.

MR. SPEAKER:—The Committee of Ways and Means, to whom was referred Assembly bill, No. 453, entitled an act to pay certain indebtedness of the state insane asylum;

Also, Assembly bill No. 470, entitled an act making appropriation for the support of the insane asylum of the state for the remainder of the ninth fiscal year, commencing on the first day of February, A. D. 1858, and ending on the thirteenth day of June, inclusive, of the same year;

Also, an act entitled an act for the relief of H. M. Fanning;

Having attentively reviewed and considered the provisions of each, report the same back, and recommend their passage.

Your committee also recommend the passage of Assembly bill No. —, an act entitled an act for the relief of H. M. Fanning.

H. LEE, Chairman.

Assembly bill, above reported, read first and second times, and ordered on the top of the file for to-morrow morning.

At four o'clock, P. M., the House took a recess until half-past seven o'clock, P. M.

HALF-PAST SEVEN O'CLOCK, P. M.

House re-assembled, a quorum being present.

The House resumed the consideration of Assembly bill No. 478.

On adopting the amendment to section twenty-eight, Mr. Ballou moved the previous question.

Lost.

Messrs. Sheridan, Ballou, and Young, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Ballou, Briggs, Burbank, Clarke, Crane, Edwards, Gray, Graham, Groom, Havens, Hill of Nevada, Holladay, Holman, Howell, Loofbourrow, Palmer, Sheridan, Sherwin, Smith of Nevada, Warfield, and Young—21.

NOES—Messrs Anderson, Aud, Banks, Buel, Caldwell, Cherry, Curtis, De Long, Ely, Galbraith, Gordon, Haldeman, Hamlin, Heath, Hitchens, Hobart, Hirst, Kabler, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Safford, Simons, Smith of San Bernardino, Stocker, Stratton, Tatman, Thomas, Tipton, Tuttle, Ward, Warmcastle, and Mr Speaker—36.

Other amendments made in Committee of the Whole concurred in, bill considered engrossed, read third time, and passed.

The House considered the message of the Governor, returning, without his approval, Assembly bill No. 9, an act to repeal an act entitled an act to amend an act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May 12, 1853, approved April 28, 1857, and, on the question, "Shall this bill pass, notwithstanding the objection of the Governor?" it was passed, by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Burbank, Caldwell, Cherry, Clarke, Crane, Curtis, Galbraith, Gordon, Gray, Graham, Haldeman, Hamlin, Havens, Heath, Hill of Sierra, Hitchens, Howell, Kabler, Marshall, McCoy, Moses, Neblett, O'Brien, Ormsby, Palmer, Sheridan, Sherwin, Smith of San Bernardino, Stratton, Tatman, Thomas, Tipton, Tuttle, Ward, and Warfield—41.

NOES—Messrs. De Long, Edwards, Ely, Harris, Hill of Nevada, Loofbourrow, Mitchell, Parker, Safford, Simons, Smith of Nevada, Warmcastle, Young, and Mr. Speaker—14.

Assembly bill No. 423, an act to provide for the permanent location of the seat of goverment of the state of California at the city of Oakland—

Mr. De Long moved to lay on the table.

Messrs. Smith of Nevada, De Long, and Ballou, demanded the ayes and noes, and the bill was laid on the table, by the following vote:

AYES—Messrs. Anderson, Aud, Banks, Briggs, Buel, Caldwell, Cherry, Clarke, Curtis, De Long, Edwards, Ely, Ferguson, Galbraith, Gray, Haldeman, Hamlin, Harris, Havens, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Howell, Lewis, Loofbourrow, Marshall, Mitchell, Moses, Neblett, O'Brien, Ormsby, Palmer, Parker, Sheridan, Sherwin, Simons, Smith of

Nevada, Stratton, Tipton, Tuttle, Warmcastle, Young, and Mr. Speaker—44.

NOES—Messrs. Ballou, Burbank, Crane, Gordon, Graham, Groom, Hancock, Heath, Hirst, Kabler, McCoy, Safford, Tatman, Thomas, and Warfield—15.

Assembly bill No. 431, an act supplemental to an act entitled an act to fund the debt of Sutter county, and provide for the payment thereof, passed May 17, 1853, considered engrossed, read third time, and passed.

Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855, amended, rules suspended, read third time, and passed.

Messrs. De Long and Ferguson gave notice of reconsideration of the vote just taken.

Assembly bill No. 399, an act to grant to certain parties the right to construct a turnpike road over certain lands in this state, in the counties of San Francisco and San Mateo, substitute for Senate bill No. 124 and Assembly bill No. 285—

Mr. Buel moved the previous question.

Sustained.

The House refused to adopt the substitute.

The original bill, Senate bill No. 124, an act granting the right of way over certain lands of this state, in the counties of San Francisco and San Mateo, was read third time, and passed.

On motion of Mr. De Long, at twenty minutes past ten o'clock, P. M., the House adjourned.

IN ASSEMBLY.

THURSDAY, April 22, 1858.

House met pursuant to adjournment.

The speaker in the chair.

The roll was called.

All were present, except those absent on leave.

Journals of yesterday read and approved

Mr. De Long moved to reconsider the vote by which the House, on yesterday, passed Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1855.

Upon which, Mr. Neblett moved the previous question, which was sustained, and the House refused to reconsider.

REPORTS.

Mr. Thomas, chairman of the Committee on State Hospitals, made the following report:

MR SPEAKER:—The Committee on State Hospitals, to whom was referred Assembly bill No. 383, an act concerning physicians and apothecaries, return the same to the House, with amendments, and recommend its passage, as amended.

THOMAS, Chairman.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 419, an act to amend an act entitled an act concerning the office of Secretary of State, passed May 15, 1854;

Also, Assembly bill No. 304, an act authorizing and regulating the collection and settlement of poll-tax;

Also, Assembly bill No. 416, an act to grant the right to construct and maintain a bridge across Feather river;

Also, Assembly bill No. 327, an act to provide for the protection of foreigners, and to define their liabilities and privileges.

H. A. MOSES, Chairman.

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

Resolved, By the Assembly, that the enrolling clerk of the Assembly be, and he is hereby, instructed to amend Assembly bill No. 252, an act to confer further powers upon the board of supervisors, and auditor, and treasurer, of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned, by striking out the word "and" in the seventh line of the amendment to subdivison number two of said act.

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

Resolved, By the Assembly, the Senate concurring, that the board of examiners are hereby authorized to adopt all necessary and proper measures for ascertaining and collecting all moneys due the state from the auctioneers of San Francisco, Sacramento, Stockton, Marysville, and other cities in this state, and for this purpose the said board of examiners are hereby empowered to send for persons and papers, and to employ, if they deem it necessary, counsel to assist the Attorney General in the prosecution of any suits which may be instituted for the collection of such auction dues.

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

Resolved, That the amount due for the printing of the San Francisco funding bill by the State Printer, at the individual expense of a member of this House, Mr. Gray, in the early part of this session, be included among the expenses for printing of the Assembly.

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

Resolved, That the sergeant-at-arms of the Assembly be, and is hereby authorized, to close his postage account with the members of this House at four o'clock, P. M., on Saturday, April 24, so as to enable the Committee on Accounts and Expenditures to audit said accounts.

Mr. Moses presented the claim of Christopher Branstrom.

Referred to the Committee on Claims.

THIRD READING.

Assembly bill No. 327, an act to provide for the protection of foreigners, and to define their liabilities and privileges;

And, Assembly bill No. 419, an act to amend an act entitled an act concerning the office of Secretary of State, passed May 15, 1854;

Were read third time, and passed

Assembly bill No. 416, an act to grant the right to construct and maintain a bridge across Feather River, was read third time, and on its passage, Mr. Shepard moved the previous question, which was sustained, and the bill passed.

Messrs. De Long, Sherwin, and Parker, gave notice of reconsideration of the vote just taken.

GENERAL FILE.

Assembly bill No. 482, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857;

Also, Assembly bill No. 483, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved May 15, 1855;

Were considered in Committee of the Whole, Mr. Safford in the chair.

Committee rose for the purpose of considering Senate messages.

Mr. Tatman moved a call of the House.

Lost.

The following messages were received from the Senate:

SENATE CHAMBER,
April 22, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate have, this day, refused to concur in the Assembly amendments to Senate bill No. 166, an act making appropriations for the support of the civil government of the state for the tenth fiscal year, commencing on the first day of July, A. D. 1858, and ending on the thirtieth day of June, A. D. 1859, and respectfully ask the Assembly to recede from their amendments;

Also, have passed Assembly bill No. 300, an act to authorize the judges of the Supreme Court to employ a secretary.

THOS. N. CAZNEAU, Sec. Senate.

The House receded from Assembly amendments, one and two, and refused to recede from amendments three, four, five, and six, to Senate bill No. 166, above reported, and appointed Messrs. Lee, Crane, and Holman, a committee of conference on the part of the House.

SENATE CHAMBER,
April 21, 1858.

MR. SPEAKER:—The Senate, on yesterday, amended and passed Assembly bill No. 427, an act concerning roads and highways in and for the counties of Tuolumne and Alameda, and ask the concurrence of the Assembly.

THOS. N. CAZNEAU, Secretary of Senate.

House concurred in Senate amendments to Assembly bill No. 427, above reported.

SENATE CHAMBER,
April 22, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 345, an act to amend an act to provide for the incorporation of railroad companies, passed April 22, 1853, and an act amendatory thereof, passed April 14, 1856;

Also, Senate bill No. 231, an act amendatory of and supplemental to an act entitled an act concerning jurors, approved May 3, 1852, amended January 28, 1854;

Also, substitute for Senate bill No. 277, an act to authorize and empower executors, administrators, and guardians, to sell the real estate of which they are the legal representatives, at private sale;

Also, Senate bill No. 190, an act to authorize the Secretary of State to procure a new seal of state, and to appropriate money for the payment thereof;

Also, Senate bill No. 346, an act to amend an act entitled an act to regulate fees in office in Yuba county, approved April 28, 1857.

EWING, Assistant Sec. Senate.

Senate bill No. 346, above reported, read first and second times, rules suspended, read third time, and passed.

GENERAL FILE CONTINUED.

Senate bill No. 332, an act to provide for the sale of certain property of the state of California within the water-line front of the city and county of San Francisco, read third time, and passed.

Senate bill No. 13, an act to authorize the treasurer of the city and county of San Francisco to execute certain deeds and cancel certain claims—

Mr. Palmer moved to amend section six, by striking out "one thousand eight hundred and fifty-eight," and inserting "one thousand eight hundred and *fifty-nine*."

Adopted.

Bill read third time.

Mr. Palmer moved the previous question.

Sustained.

Messrs. Gray, Shepard, and Harris, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Ballou, Banks, Buel, Burbank, Cherry, Clarke, Crane, Davis, De Long, Edwards, Ferguson, Galbraith, Gordon, Graham, Groom, Hancock, Harris, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Kabler, King, Lewis, Loofbourrow, Marshall, McCoy, Mitchell, Moore, Neblett, Ormsby, Palmer, Pico, Shepard, Sherwin, Stakes, Stocker, Stout, Street, and Thomas—43.

NOES—Messrs. Aud, Ely, Gray, Markley, Minis, O'Brien, Safford, Sheridan, Ward, Warfield, and Warmcastle—11.

Mr. McCoy gave notice that on to-morrow he would move to reconsider the vote just taken.

Mr. Shepard moved to suspend the rules, to reconsider now.

Mr. Palmer moved to indefinitely postpone the motion.

Mr. McCoy appealed from the decision of the chair in ruling the motion in order, and the House sustained the decision of the chair.

On the motion to indefinitely postpone the motion to reconsider, Messrs Gray, Crane, and Young, demanded the ayes and noes, and the motion was carried, by the following vote:

AYES—Messrs. Anderson, Ballou, Banks, Briggs, Buel, Burbank, Cherry, Clarke, Curtis, Davis, De Long, Edwards, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hamlin, Hancock, Heath, Hill of Sierra, Hobart, Holladay, Howell, Hurst, Kabler, King, Lee, Loofbourrow, Moore, Ormsby, Palmer, Pearis, Pico, Shepard, Sherwin, Smith of San Bernardino, Stakes, Stocker, Stout, Tiptor, and Tuttle—43.

NOES—Messrs. Aud, Caldwell, Crane, Gray, Harris, Havens, Hill of Nevada, Holman, Lewis, Markley, Marshall, McCoy, Minis, O'Brien, Parker, Safford, Sheridan, Smith of Nevada, Stratton, Street, Tatman, Thomas, Walker, Ward, Warfield, Warmcastle, and Young—27.

Mr. De Long gave notice of reconsideration of vote just taken.

Ruled out of order.

Mr. De Long appealed, and the decision of the chair was sustained.

The following messages were received from the Senate:

SENATE CHAMBER,
April 20, 1858.

MR. SPEAKER:—The Senate, have this day, passed Assembly bill No. 400, an act to authorize George H Ensign, and others, owners of the Spring Valley Water-Works to lay down water-pipes in the public streets of the city and county of San Francisco.

EWING, Ass't Secretary.

SENATE CHAMBER,
April 20, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate have, this day, passed Senate bill No. 335, an act to audit and allow the claim of G. D. Bliss & Co.

THOS. N. CAZNEAU, Secretary Senate.

Senate bill No. 335, above reported, was read first and second times, amended, rules suspended, read third time, and passed.

Mr. Aud, on leave, introduced a bill for an act to audit the claim of Adam Schuppert.

Read first and second times, considered engrossed, read third time, and passed.

SENATE CHAMBER,
April 21, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate have, this day, amended and passed Assembly bill No. 290, an act for the relief of the county of Santa Barbara, and respectfully ask the concurrence of the Assembly.

T. N. CAZNEAU, Sec. of Senate.

The House concurred in Senate amendments to Assembly bill No. 290, above reported.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate, yesterday, passed Assembly No. 437, an act for the relief of C. Binney.

J. T. EWING, Assis't Sec'y Senate.

APRIL 21, 1858.

REPORTS.

Mr. Young, chairman of the Committee on Enrollment, made the following reports:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 252, an act to confer further powers upon the board of supervisors of the city and county of San Francisco, and to authorize them to perform certain acts therein named;

Also, Assembly bill No. 316, an act concerning the offices of county clerk, sheriff, and county recorder, of the city and county of San Francisco;

Also, Assembly bill No. 437, an act for the relief of C. Binney;

And delivered the above bills to his Excellency the Governor, for his approval, at a quarter past eleven o'clock, Thursday, April 22, 1855.

GEO. A. YOUNG, Chairman.

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 481, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856;

And delivered the same to his Excellency the Governor, for his approval, at three o'clock, P. M., April 22, 1858.

GEO. A. YOUNG, Chairman.

The House, in Committee of the Whole, Mr. Safford in the chair, resumed the consideration of the revenue bills Nos. 482 and 483, reported the same back, and were discharged.

Mr Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 300, an act to authorize the judges of the Supreme Court to employ a secretary, and delivered the same to his Excellency the Governor, for his approval, at half-past three o'clock, Thursday, April 22, 1858.

GEO. A. YOUNG, Chairman.

MR. SPEAKER:—The special committee, consisting of the San Francisco delegation, to whom was referred Assembly bill No. 451, entitled an act to authorize certain persons to construct a wharf at the foot of Greenwich street, in the city and county of San Francisco, would respectfully report that they have had the same under consideration, and beg leave to report the same back, with amendments, without recommendation.

MOORE, for delegation.

At four o'clock, P. M., the House took a recess until half-past seven o'clock, this evening.

HALF PAST SEVEN O'CLOCK, P. M.

The House re-assembled, a quorum being present.

Assembly bill No. 483, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved May 5, 1855—

Mr. De Long moved to lay the bill on the table, upon which, Messrs. De Long, Crane, and Caldwell, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Anderson, Buel, Curtis, De Long, Edwards, Galbraith, Gordon, Gray, Graham, Groom, Hitchens, O'Brien, Simons, Stratton, Tipton, Warfield, and Mr. Speaker—18.

NOES—Messrs. Aud, Ballou, Burbank, Caldwell, Cherry, Clarke, Crane, Ely, Heath, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Kabler, Lewis, Markley, McCoy, Minis, Mitchell, Moses, Neblett, Ormsby, Palmer, Parker, Safford, Sherwin, Smith of Nevada, Street, Tuttle, Walker, Warmcastle, and Young—33.

Mr. De Long offered the following proviso:

"The provisions of this act, so far as it relates to the fees of district attorneys, shall apply only to the counties of San Francisco, El Dorado, Sacramento, Plumas, Tuolumne, Alameda, and Shasta."

Mr. Smith of Nevada moved the previous question, which was sustained, and the amendments adopted, bill considered engrossed, read third time, and passed.

Assembly bill No. 482, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857—

Mr. De Long moved to lay the bill on the table, upon which, Messrs. Clarke, Crane, and Warmcastle, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Anderson, Aud, Briggs, Buel, Burbank, Curtis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Harris, Hitchens, Kabler, Moses, Neblett, Palmer, Safford, Sheridan, Smith of Nevada, Stocker, Stratton, Tatman, Tipton, Walker, Ward, Warfield, and Mr. Speaker—30.

NOES—Messrs. Ballou, Banks, Caldwell, Cherry, Clarke, Crane, Davis, Gray, Groom, Hamlin, Heath, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, King, Lewis, McCoy, Minis, Moore, O'Brien, Ormsby, Parker, Shepard, Sherwin, Stout, Street, Thomas, Tuttle, Warmcastle, and Young—32.

Mr. Curtis moved the previous question, which was sustained, and the bill ordered engrossed.

Assembly bill No. 447, an act to authorize certain persons to construct a wharf at the foot of Francisco street, in the city and county of San Francisco; amendments concurred in, considered engrossed, read third time, and, on its passage, Messrs. Banks, Gray, and Minis, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Cherry, De Long, Galbraith, Groom, Hancock, McCoy, Neblett, Ormsby, Palmer, Stocker, Tatman, Tipton, and Walker—13.

NOES—Messrs. Anderson, Aud, Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Clarke, Curtis, Edwards, Ely, Ferguson, Gordon, Gray, Graham,

Hamlin, Harris, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holman, Kabler, Loofbourrow, Minis, Mitchell, O'Brien, Parker, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stout, Stratton, Street, Thomas, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—47.

Assembly bill No. 484, an act for the relief of H. M. Fanning, considered engrossed, read third time, and passed.

Senate bill No. 177, an act to appropriate money for the erection of additional buildings and make other improvements at the state asylum for the insane, placed on the top of the file.

On motion of Mr. Buel, at fifteen minutes past ten o'clock, P. M., the House, adjourned.

IN ASSEMBLY.

FRIDAY, April 23, 1858.

House met pursuant to adjournment.

The speaker in the chair.

The roll was called, and all were present, except those absent on leave.

The journal of yesterday was read and approved.

Mr. Ballou offered the following resolution, which was adopted.

Resolved, That the account of the Alta Express Company, for the sum of $77 50, for expressing documents and papers for members of the House, be audited by the Committee on Public Expenditures and Accounts, and paid out of the contingent fund of the House.

On motion of Mr. Davis, two hundred and forty copies of Senate bills Nos. 11 and 139, and Assembly bill No. 112, were ordered printed, jointly, in pamphlet form, for the use of the Surveyor General's office.

The following resolution was offered by Mr. Smith of Nevada, and adopted:

Resolved, That no busines but receiving messages from the Executive, from the Senate, and reports from the Enrolling Committee, be transacted in this House, after six o'clock P. M., on Saturday, April 24th.

The following messages were received from the Senate:

SENATE CHAMBER,
April 19, 1858.

MR. SPEAKER:—The Senate, on Saturday, the 17th instant, passed Assembly bill No. 359, an act to prohibit the collection of accounts for liquors sold at retail:

Also, Assembly bill No. 281, an act to pay Thomas Tennent, for storage of the standard of weights and measures belonging to this state;

Also, Assembly bill No. 333, an act to authorize the construction of a bridge across the Pajaro River;

Also, Assembly bill No. 278, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer;

Also, concurred in Assembly concurrent resolution relative to the pas-

sage of a law by Congress, making appropriation for the payment of bonds authorized to be issued for the payment of Indian hostilities.

JAS. T. EWING, Assistant Sec. Senate.

SENATE CHAMBER,
April 19, 1858.

MR. SPEAKER:—The Senate have, this day, concurred in Assembly amendments to Senate bill No. 212, an act for the incorporation of water companies.

JAS. T. EWING, Ass't Sec'y Senate.

SENATE CHAMBER,
April 20, 1858.

MR. SPEAKER:—The Senate, on the 19th inst., concurred in Assembly concurrent resolution relative to removal of Indians;

Also, passed Assembly bill No. 411, an act to audit certain claims;

Also, passed Assembly bill No. 409, an act to audit certain claims;

Also, Assembly bill No. 388, an act to audit the claim of Jonathan Nickols;

Also, Senate bill No. 318, an act extending the privileges of the homestead law to certain persons;

Also, Senate bill No. 299, an act prohibiting the owner or owners of goats from allowing them to run at large;

Also, Senate bill No. 388, as substitute for Assembly bill No. 34, an act to amend an act entitled an act concerning sheriffs, passed April 29th, 1851.

SENATE CHAMBER,
April 22, 1858.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 481, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856.

J. T. EWING, Assistant Secretary Senate.

SENATE CHAMBER,
April 21, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate have, this day, passed Senate bill No. 278, an act for the relief of Michael Fennell.

T. N. CAZNEAU, Sec'y of Senate.

Senate bill No. 278, above reported, read first and second times.

SENATE CHAMBER,
April 23, 1858.

MR. SPEAKER:—The Senate, on the 22d inst., passed Assembly bill No. 458, an act fixing the time at which the clerk of the Supreme Court shall be elected.

JAS. T. EWING, Assistant Secretary Senate.

Senate bill No. 121, an act to audit the claim of Wm. Wright, read first and second times, rules suspended, read a third time, and passed.

Mr. Loofbourrow moved to suspend the rules to make a report, upon

which, Messrs Pearis, Galbraith, and Buel, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Banks, Buel, Burbank, Cherry, Davis, Edwards, Ely, Galbraith, Gordon, Harris, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Marshall, McCoy, Minis, O'Brien, Ormsby, Palmer, Pearis, Sherwin, Stratton, Street, Thomas, Tipton, Ward, and Mr Speaker—32.

NOES—Messrs. Briggs, Caldwell, Curtis, Gray, Graham, Groom, Hamlin, Havens, Heath, Hill of Nevada, Howell, Hirst, King, Lee, Lewis, Loofbourrow, Markley, Mitchell, Moses, Parker, Safford, Shepard, Sheridan, Smith of Nevada, Stout, Tatman, Walker, and Warfield—28.

A two-thirds vote being necessary.

Senate bill No. 234, an act to audit the claim of W. H. Peterson, read third time, and passed.

Assembly bill No. 152, an act to provide for the payment of the expenses incurred in the survey of the boundary lines between the counties of Tuolumne and Stanislaus, in the year 1854, read third time, and passed.

Assembly bill No. 473, an act for the relief of Solomon Heydenfeldt, Oscar L Shafter, and James McMillam Shafter, considered in Committee of the Whole, Mr. Ballou in the chair, read a third time, and passed.

The House refused to reconsider the vote by which, on yesterday, was passed Assembly bill No. 416, an act to grant the right to construct and maintain a bridge across the Feather River.

Senate bill No. 316, an act to audit and allow the claim of Reuben S. Clark; and

Senate bill No. 229, an act to audit the claim of J. Tyson;

Were read third time, and passed.

Assembly bill No. 397, an act to audit the claim of J. F. McCauley—

Mr. Briggs offered to amend by striking out "eight thousand two hundred," and inserting "twenty-one thousand."

Mr. Holladay moved the previous question.

Sustained.

The bill was read third time.

On its passage, Messrs. Kabler, Stratton, and Safford, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Briggs, Groom, Lee, Lewis, Markley, Pearis, Simons, and Stocker—8.

NOES—Messrs. Anderson, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Clarke, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Gray, Graham, Haldeman, Hancock, Harris, Havens, Heath, Hill of Sierra, Hobart, Holladay, Holman, Howell, Kabler, Loofbourrow, Marshall, McCoy, Minis, Moore, O'Brien, Ormsby, Palmer, Parker, Pico, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Smith of San Bernardino, Stout, Stratton, Street, Thomas, Tipton, Tuttle, Walker, Ward, Warmcastle, and Mr. Speaker—55.

Mr. De Long gave notice of motion to reconsider vote just taken.

Mr. Warfield offered the following resolution, which was adopted.

Resolved, That no member from this moment shall be allowed to speak more than five minutes, nor oftener than once, upon any one subject.

Assembly bill No. 474, an act to audit and allow certain claims, considered engrossed, read third time, and passed.

Mr. Safford, chairman of Committee on Claims, made the following report:

MR. SPEAKER:—Your Committee on Claims to whom was referred the claim of L. B Curtis, J. Wenkleman, A. N. Peterson, and Christopher Braustrom, for services as witnesses in a case where the state was a party, in 1857, have directed me to report the same back, with the accompanying bill, and recommend its passage;

Also, the claim of J. C. Potter, for services rendered in attempting to arrest a murderer, in El Dorado county, in 1852, report the same back, and recommend it be rejected.

A. P. K. SAFFORD,
Chairman of the Committee on Claims.

Assembly bill above reported, was read first and second times, considered as in committee of the whole, read third time, and passed.

Mr. Safford had leave to withdraw the claim of J. C. Potter.

Assembly bill No. 450, an act making provision for the payment of Robert Augustus Thompson and Ferris Forman, as commissioners on the part of this state to the President of the United States.

Mr. Ferguson moved to lay the bill on the table.

Upon which, Messrs. Crane, Hitchens, and O'Brien, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ballou, Banks, Caldwell, Cherry, Curtis, Ferguson, Graham, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Howell, Kabler, Markley, Marshall, Minis, Moore, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, and Stout—25.

NOES—Messrs. Briggs, Clarke, Crane, Davis, De Long, Galbraith, Gordon, Groom, Haldeman, Hamlin, Harris, Havens, Heath, King, Lee, Lewis, Loofbourrow, O'Brien, Parker, Pearis, Simons, Smith of San Bernardino, Stakes, Stocker, Tatman, Thomas, Walker, Ward, Warfield, Young, and Mr. Speaker—31.

Mr. Lee offered the following amendment:

Strike out all after the enacting clause, and insert as follows:

Section one—The sum of three thousand dollars to Ferris Forman, as one of the commissioners appointed by the Governor to visit Washington in 1856, on business of the state, is hereby audited and allowed.

Section two—The further sum of three thousand dollars to R. Augustus Thompson, as one of the commissioners appointed by the Governor to visit Washington City, in eighteen hundred and fifty-six, on business of the state, is hereby audited and allowed.

Mr. Stakes moved the previous question, which was sustained.

On the adoption of the amendment, Messrs. Tatman, Hill and Smith of Nevada, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Briggs, Clarke, Crane, Davis, De Long, Edwards, Galbraith, Gordon, Graham, Haldeman, Hamlin, Hancock, Harris, Havens, Hill of Sierra, King, Lee, Lewis, Loofbourrow, McCoy, O'Brien, Parker,

Pearis, Pico, Simons, Smith of San Bernardino, Stakes, Stocker, Tatman, Thomas, Tipton, Walker, Ward, Young, and Mr. Speaker—35.

Noes—Messrs. Ballou, Banks, Burbank, Caldwell, Cherry, Curtis, Ferguson, Hill of Nevada, Hobart, Holladay, Howell, Kabler, Markley, Marshall, Minis, Moore, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Stout, Warfield, and Warmcastle—24.

Mr. Graham moved a call of the House, which was sustained, and the following members were absent, viz.:

Messrs. Anderson, Aud, Banks, Havens, Heath, Hirst, Moses, Neblett, Ormsby, Parker, Street, and Tuttle, and the sergeant-at-arms dispatched for the absentees.

Messrs Anderson, Street, and Heath appeared, were admitted, and were excused.

On motion of Mr. Curtis, further proceedings under the call were dispensed with.

On ordering the bill to be engrossed, Messrs Stakes, Sherwin, and Ballou, demanded the ayes and noes, and the bill was ordered engrossed, by the following vote:

Ayes—Messrs. Briggs, Clarke, Crane, Davis, De Long, Ely, Galbraith, Gordon, Groom, Haldeman, Hancock, Harris, Heath, King, Lee, Lewis, Loofbourrow, McCoy, Mitchell, O'Brien, Parker, Pearis, Pico, Simons, Smith of San Bernardino, Stakes, Stocker, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, and Mr. Speaker—35.

Noes—Messrs Anderson, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Curtis, Ferguson, Gray, Graham, Hamlin, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Kabler, Markley, Marshall, Minis, Moore, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Stout, Warfield, and Warmcastle—33.

Assembly bill No. 471, an act to audit and allow the claim of Joseph Nougues, read third time, and passed.

Senate bill No. 274, an act amendatory of and supplementary to an act to reorganize and establish the county of San Mateo, amendments adopted, read third time and passed.

The following messages were received from the Senate:

SENATE CHAMBER,
April 22, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, yesterday, passed Senate bill No. 217, an act to audit the clam of Baker and Swinerton.

THOS. N. CAZNEAU, Sec. Senate.

Senate bill No. 217, above reported, read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
April 19, 1858.

MR. SPEAKER:—The Senate, on Saturday, the 17th inst., passed Senate bill No. 221, an act for the relief of D. L. Mulford.

EWING, Assistant Sec. Senate.

Senate bill No. 221, above reported, read first and second times, considered as in Committee of the Whole, read third time, and passed.

SENATE CHAMBER,
April 21, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed substitute for Senate bill No. 282, an act authorizing the Governor, Controller, and Treasurer, to compromise certain judgments;

Also, concurred in Assembly amendments to Senate bill No. 170, an act amendatory of, and supplementary to, an act entitled an act to regulate fees in office, approved April 10, 1855;

Also, substitute for Senate bill No. 326, an act to protect the property of the citizens of this state against loss or injury by railroad cars;

Also, Senate bill No. 323, an act to amend an act entitled an act to create the county of Sierra, and establish the seat of justice therein, to define its boundaries, and provide for its organization, passed April 16th, 1852;

Also, Senate bill No. 310, an act entitled an act to grant the right to construct a bridge across the American River, at the mouth, to certain parties therein named;

Also, Senate bill No. 343, an act to authorize the executors or administrators of Joaquin Soto, deceased, to sell the real estate of said deceased at private sale;

Senate bill No. 342, an act supplementary 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;

Also, Senate bill No. 344, an act to repeal an act entitled an act to incorporate the town of San Luis Obispo, approved April 19, 1856;

Also, amended and passed Assembly bill No. 336, an act to prevent stallions from running at large in certain counties of this state, and ask the concurrence of the Assembly.

EWING, Ass't Sec. Senate.

SENATE CHAMBER,
April 23, 1858.

MR. SPEAKER:—The Senate, on the 20th instant, receded from their amendments to Assembly bill No. 263, an act to authorize the guardian of Dionisio Rodriguez, Isabella Rodriguez, and Dolores Rodriguez, to sell certain of their real estate at private sale;

Also, Assembly bill No. 380, an act to authorize the executors of the last will and testament of Imanuel C. Christian Russ, deceased, to sell real estate of the testator at private sale;

Also, on the 21st instant, passed Assembly joint resolution No. 9, instructing our senators and requesting our representatives, to have American consuls established at the ports of Guaymas, Mazatlan, Manzanillo, and La Paz;

Also, Assembly bill No. 461, an act to re-locate the county seat of Solano county, by the qualified voters of said county;

Also, Assembly bill No. 460, an act to authorize the issuance of a duplicate for a certain lost Comptroller's warrant;

Also, on the 22d, passed Assembly bill No. 106, an act for the better protection of settlers on public lands in this state, and to secure the rights of parties in certain cases;

Also, concurred in Assembly concurrent resolution relative to collection of delinquent dues from auctioneers throughout this state;

Also, Senate bill No 309, an act for the relief of Selah Russell;

Also, Senate bill No. 320, an act to amend an act entitled an act to regu-

late proceedings in civil cases in the courts of justice in this state, passed April 29, 1851;

Also, substitute for Senate bill No. 291, an act to confirm certain orders of the board of supervisors of the county of Monterey, approved February sixth, and August eighth and thirteenth, A. D. 1857.

Also, Senate bill No. 288, an act to grant to Henry De Grow, sheriff of Monterey county, leave of absence from the state.

J T. EWING, Assistant Secretary.

SENATE CHAMBER,
April 23, 1858

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 347, an act making additional appropriations heretofore made for the pay of officers and clerks of the Senate, for the ninth fiscal year.

Also, on yesterday, passed Senate bill No. 315, an act to audit and allow the claim of Hamilton Bowie.

J. T. EWING, Ass't Secretary Senate.

Senate bill No. 315, above reported, was read first and second times, rules suspended, read third time, and passed.

Senate bill No. 347, above reported, was read first and second times, considered in Committee of the Whole, read third time, and passed.

SENATE CHAMBER,
April 23, 1858.

MR. SPEAKER:—The Senate have, this day, passed substitute for Senate bill No. 334, an act for the relief of John C Hays, late sheriff of the county of San Francisco.

EWING, Assistant Secretary.

Senate bill No. 334, above reported, was read first and second times.

Senate bill No. 193, an act to audit the claim of Pacific Express Company, read third time, and passed.

Assembly bill No. 442, an act for the purpose of obtaining artesian water on the Colorado Desert, and to appropriate money therefor, was considered as in Committee of the Whole, read third time, and, on its passage, Messrs. Safford, Edwards, and Ballou, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Briggs, Buel, Burbank, Cherry, Crane, Davis, De Long, Ely, Gordon, Groom, Hamlin, Hancock, Heath, Hitchens, King, Lee, Lewis, McCoy, Minis, Mitchell, O'Brien, Ormsby, Palmer, Parker, Pico, Shepard, Sheridan, Simons, Smith of San Bernardino, Stakes, Stocker, Stout, Tatman, Walker, Ward, Young, and Mr. Speaker—38.

NOES—Messrs. Ballou, Caldwell, Clarke, Curtis, Edwards, Gray, Hill of Nevada, Hobart, Marshall, Safford, Sherwin, Smith of Nevada, Stratton, Thomas, and Warfield—15.

Senate bill No. 244, an act for the relief of David Scannell, late sheriff of the county of San Francisco, amended, read third time, and passed.

Mr. Hirst made the following report:

MR. SPEAKER:—The Engrossing Committee have examined, and found correctly engrossed, Assembly bill No. 450, an act making provisions for

the payment of Robert Augustus Thon pson and Ferris Forman, as commissioners on the part of this state to the President of the United States.

HIRST, of the Committee.

Assembly bill No. 450, above reported, was taken up.
Mr. Ballou objected.
The chair ruled the bill in order.
Mr. Ballou appealed.
Messrs. Ballou, Safford, and Hitchens, demanded the ayes and noes.
Mr. Safford moved a call of the House
Messrs. Ballou, Safford, and Sherwin, demanded the ayes and noes.
The House refused, by the following vote:

Ayes—Messrs Ballou, Banks, Burbank. Caldwell, Cherry, Gray, Heath, Hirst, Palmer, Safford, Sheridan, Smith of Nevada, Stocker, Stratton, Tipton, and Warfield—16.

Noes—Messrs Anderson, Briggs, Buel, Curtis, Davis, De Long, Ely, Ferguson, Gordon, Groom, Hamlin, Hancock, Harris, Havens, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, King, Lee, Lewis, Marshall, McCoy, Minis, Mitchell, Moses, O'Brien, Ormsby, Shepard, Sherwin, Simons, Smith of San Bernardino, Stakes, Stout, Tatman, Thomas, Tuttle, Ward, Warmeastle, Young, and Mr. Speaker—43.

Mr. Safford moved that the House adjourn.
Ruled out of order.
From which Mr Holladay appealed, and Messrs. Safford, Sherwin, and Ballou, demanded the ayes and noes, and the decision of the chair was sustained, by the following vote:

Ayes—Messrs. Anderson, Briggs, Buel, Caldwell, Crane, Curtis, Davis, De Long, Ely, Gordon, Gray, Graham, Groom, Haldeman, Hancock, Harris, Hill of Sierra, Holman, King, Lee. Lewis, Mitchell, Ormsby, Parker, Shepard, Simons, Smith of San Bernardino, Stakes, Stocker, Stout, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Warmeastle and Mr. Speaker—38.

Noes—Messrs. Aud, Ballou, Burbank, Cherry, Edwards, Havens, Heath, Hill of Nevada, Hitchens, Hobart, Holladay, Hirst, Loofbourrow, Markley, Marshall, Minis, Moses, O'Brien, Palmer, Safford, Sheridan, Sherwin, Smith of Nevada, Stratton, and Walker—25.

Mr. Davis moved the previous question.
Upon which, Messrs. Ballou, Safford, and Sherwin demanded the ayes and noes, and it was sustained, by the following vote:

Ayes—Messrs. Briggs, Buel, Clarke, Crane, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Hancock, Harris, Heath, Hill of Sierra, Holman, Lee, Lewis, McCoy, Minis, Mitchell, O'Brien, Ormsby, Parker, Simons, Smith of San Bernardino, Stakes, Stocker, Stout, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Young, and Mr Speaker—42.

Noes—Messrs. Anderson, Aud, Ballou, Banks, Burbank, Caldwell, Cherry, Hamlin, Havens, Hill of Nevada, Hitchens, Hobart, Holladay, Hirst, Markley, Marshall, Moore, Moses, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, and Warmeastle—25.

On the passage of the bill, Messrs. Stakes, Safford, and Ballou, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Briggs, Clarke, Crane, Davis, Galbraith, Gordon, Groom, Haldeman, Harris, Heath, McCoy, O'Brien, Parker, Simons, Smith of San Bernardino, Stocker, Tatman, Ward, and Mr. Speaker—19.

NOES—Messrs. Anderson, Aud, Ballou, Banks, Buel, Burbank, Caldwell, Cherry, Curtis, De Long, Edwards, Ely, Graham, Hamlin, Hancock, Havens, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Hirst, Lee, Lewis, Markley, Marshall, Minis, Mitchell, Moore, Moses, Ormsby, Palmer, Safford, Shepard, Sheridan, Sherwin, Smith of Nevada, Stakes, Stout, Tipton, Tuttle, Walker, Warfield, and Warmcastle—45.

Mr. Lee gave notice of reconsideration of vote just taken.

Mr. Curtis offered the following resolution:

Resolved, That so much of the resolution regulating the order of business for evening sessions as relates to the messages from the Senate and Governor, is hereby rescinded, and those matters may be considered in evening session at any time.

Upon its adoption, Messrs. Lewis, Crane, and Tatman, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Briggs, Caldwell, Clarke, Curtis, De Long, Graham, Groom, Hancock, Harris, Havens, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Kabler, King, Lewis, Markley, McCoy, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stocker, Stratton, Tipton, Warfield, Warmcastle, and Mr. Speaker—29.

NOES—Messrs Aud, Ballou, Banks, Buel, Burbank, Cherry, Crane, Davis, Edwards, Ely, Galbraith, Gordon, Haldeman, Hamlin, Heath, Holladay, Holman, Hirst, Marshall, Minis, Mitchell, Moore, Moses, O'Brien, Palmer, Parker, Safford, Shepard, Sheridan, Stakes, Stout, Tatman, Tuttle, Walker, and Ward—35.

At four o'clock P. M., the House took a recess until half-past seven o'clock this evening.

HALF-PAST SEVEN O'CLOCK, P. M.

The House re-assembled, a quorum being present, the speaker in the chair.

Senate bill No. 177, an act to appropriate money for the erection of additional buildings, and make other improvements at the state asylum for the insane, was considered in Committee of the Whole, Mr. De Long in the chair.

On concurring in committee amendments, Messrs. Stakes, Hitchens, and Parker, demanded the ayes and noes, and the amendments were adopted, by the following vote:

AYES—Messrs. Aud, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Curtis, Davis, Edwards, Galbraith, Gordon, Gray, Groom, Haldeman, Hamlin, Harris, Hill of Nevada, Hill of Sierra, Holladay, Holman, Markley, Marshall, McCoy, Minis, Mitchell, Moore, O'Brien, Ormsby, Palmer, Safford, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada,

Stocker, Stout, Stratton, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Warmcastle, and Young—48.

Noes—Messrs. Anderson, Ballou, De Long, Ferguson, Hitchens, Lee, Lewis, Loofbourrow, Moses, Neblett, Parker, and Stakes—12.

The bill was read a third time, and on its passage, the ayes and noes having been demanded, the bill passed, by the following vote:

Ayes—Messrs. Anderson, Aud, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Clarke, Crane, Davis, Ely, Ferguson, Galbraith, Gordon, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Holman, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, Moore, Moses, Neblett, O'Brien, Ormsby, Parker, Sherwin, Simons, Smith of Nevada, Stakes, Stocker, Stout, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—56.

Noes—Messrs. Ballou, Curtis, De Long, Safford, Shepard, Sheridan, Stratton, and Street—8.

Mr. Warfield moved to reconsider the vote just taken.

Mr. Briggs moved to indefinitely postpone the motion to reconsider.

Carried.

Senate bill No. 184, an act authorizing Andrew P. Jackson to excavate and render navigable, a certain slough in the north half of the south-west quarter of section number thirty-six, township five north, range two west, Mount Diablo base and meridian, in the county of Solano;

Also, Senate bill No. 185, an act authorizing Andrew P. Jackson to construct a wharf in Solano county;

Were read third time, and passed.

Senate bill No. 282, an act authorizing the Governor, Comptroller, and Treasurer, to compromise certain judgments, read first and second times.

Assembly bill No. 432, an act to divide the city and county of San Francisco into townships, and to provide for the election of justices of the peace, constables, and supervisors, substitute for Assembly bill No. 382, on its third reading—

Mr. Stakes moved the previous question.

Upon which, Messrs. Shepard, Burbank, and Banks, demanded the ayes and noes, and the previous question was sustained, by the following vote:

Ayes—Messrs. Aud, Briggs, Buel, Clarke, Curtis, De Long, Groom, Haldeman, Hancock, Harris, Heath, Hill of Sierra, Holman, Lewis, Loofbourrow, Markley, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Simons, Smith of Nevada, Stakes, Stocker, Stratton, Street, Tatman, Tipton, Tuttle, Ward, Warfield, Young, and Mr. Speaker—35.

Noes—Messrs. Ballou, Banks, Burbank, Caldwell, Cherry, Davis, Edwards, Ely, Gray, Hill of Nevada, Hitchens, Hobart, Holladay, Minis, Neblett, Palmer, Shepard, Sheridan, Sherwin, Stout, and Thomas—21.

On the adoption of the substitute, Messrs Shepard, Burbank, and Banks, demanded the ayes and noes.

Ayes—Messrs. Aud, Briggs, Buel, Clarke, Crane, Curtis, Davis, De Long, Ely, Ferguson, Gordon, Haldeman, Hamlin, Hancock, Harris, Heath, Hill of Sierra, Hitchens, Holman, Lewis, Markley, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Sheridan, Sherwin, Simons,

Smith of Nevada, Stakes, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Warmcastle, and Young—43.

NOES—Messrs. Ballou, Banks, Burbank, Caldwell, Cherry, Edwards, Gray, Hill of Nevada, Hobart, Holladay, Minis, Moore, Neblett, Palmer, Shepard, and Stout—16.

On ordering the bill to engrossment, Messrs. Cherry, Palmer, and Banks, demanded the ayes and noes, and the bill was ordered engrossed, by the following vote:

AYES—Messrs Aud, Briggs, Buel, Clarke, Crane, Curtis, Davis, De Long, Ely, Ferguson, Gordon, Groom, Haldeman, Hamlin, Hancock, Harris, Heath, Hill of Nevada, Hitchens, Holladay, Holman, Lewis, Markley, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—47.

NOES—Messrs. Ballou, Banks, Burbank, Caldwell, Cherry, Gray. Hill of Sierra, Hobart, Minis, Moore, Neblett, Palmer, Shepard, and Stout—14.

Mr. Lewis moved to reconsider the vote by which the bill was ordered to engrossment.

Mr. Mitchell moved the previous question.

Upon which, Messrs. Shepard, Banks, and Burbank, demanded the ayes and noes, and the previous question was sustained, by the following vote:

AYES—Messrs. Aud, Briggs, Clarke, Crane, Curtis, De Long, Ely, Ferguson, Galbraith, Gordon, Haldeman, Hamlin, Harris, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Holman, Lewis, Loofbourrow, Markley, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Sheridan, Simons, Smith of Nevada, Stakes, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Warmcastle, and Young—41.

NOES—Messrs. Ballou, Banks, Burbank, Cherry, Gray, Holladay, Moore, Neblett, Palmer, Shepard, and Stout—11.

On reconsidering the vote, Messrs Cherry, Shepard, and Banks, demanded the ayes and noes, and the House reconsidered, by the following vote:

AYES—Messrs. Briggs, Cherry, Clarke, Curtis, De Long, Ely, Gordon, Gray, Hancock, Hill of Sierra, Holman, Lewis, Loofbourrow, Marshall, Mitchell, O'Brien, Ormsby, Parker, Shepard, Simons, Smith of Nevada, Stakes, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Warmcastle and Young—33.

NOES—Messrs. Aud, Ballou, Banks, Burbank, Harris, Heath, Hill of Nevada, Hitchens, McCoy, Neblett, Palmer, Safford, and Stout—13.

Mr. Stakes moved to suspend the rules, to consider the bill engrossed.

Upon which, Mr. Parker moved the previous question, and Messrs Shepard, Burbank, and Banks, demanded the ayes and noes, and the previous question was sustained, by the following vote:

AYES—Messrs Aud, Briggs, Buel, Clarke, Crane, Curtis, De Long, Ely, Ferguson, Gordon, Groom, Haldeman, Hancock, Harris, Heath, Hill of

Nevada, Hill of Sierra, Hitchens, Holladay, Holman, Lewis, Loofbourrow, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Safford, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stratton, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—43.

NOES—Messrs. Ballou, Banks, Burbank, Cherry, Edwards, Gray, Hobart, Moore, Neblett, Palmer, Shepard, and Stout—12.

On suspending the rules, Messrs. Shepard, Cherry, and Banks, demanded the ayes and noes, and the rules were suspended, by the following vote:

AYES—Messrs. Aud, Briggs, Buel, Clarke, Crane, Curtis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Groom, Haldeman, Hancock, Harris, Heath, Hitchens, Holman, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Sheridan, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stout, Stratton, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Warmcastle, and Young—46.

NOES—Messrs. Ballou, Banks, Burbank, Cherry, Gray, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Minis, Moore, Neblett, Palmer, Shepard, and Sherwin—15.

Read third time.

On the passage of the bill, Messrs Shepard, Holladay, and Banks, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs Aud, Briggs, Buel, Burbank, Clarke, Crane, Curtis, De Long, Ely, Ferguson, Galbraith, Gordon, Groom, Haldeman, Hancock, Harris, Heath, Hill of Nevada, Hitchens, Holladay, Holman, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Palmer, Parker, Shepard, Sheridan, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Ward, Warfield, Warmcastle, Young, and Mr. Speaker—48

NOES—Messrs. Ballou, Banks, Cherry, Edwards, Gray, Hill of Sierra, Moore, Neblett, Simons, and Stout—10.

On the title, Messrs. Shepard, Holladay, and Cherry, demanded the ayes and noes, and the title of the bill stood, by the following vote:

AYES—Messrs. Aud, Ballou, Briggs, Buel, Clarke, Crane, Curtis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Groom, Haldeman, Hancock, Harris, Heath, Hill of Sierra, Hitchens, Hobart, Holman, Lee, Loofbourrow, Markley, Marshal, McCoy, Mitchell, O'Brien, Ormsby, Sheridan, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, and Young—47.

NOES—Messrs. Banks, Burbank, Cherry, Gray, Hill of Nevada, Palmer, Shepard, and Sherwin—8.

On suspending the rules to reconsider the vote just taken, Messrs. Shepard, Holladay, and Cherry, demanded the ayes and noes, and the rules were suspended, by the following vote:

AYES—Messrs. Aud, Briggs, Buel, Clarke, Crane, Curtis, De Long, Ed-

wards, Ely, Ferguson, Galbraith, Gordon, Groom, Haldeman, Hancock, Harris, Heath, Hitchens, Holman, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Shepard, Sheridan, Simons, Smith of San Bernardino, Stakes, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, and Young—46.

NOES—Messrs Ballou, Banks, Burbank, Cherry, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Moore, Neblett, Palmer, and Sherwin—12.

Mr. Stakes moved to reconsider the vote by which the bill passed.

Mr. O'Brien moved to indefinitely postpone the motion.

Upon which, Mr. Briggs moved the previous question, and Messrs. Shepard, Cherry, and Banks, demanded the ayes and noes, and the previous question was sustained, by the following vote:

AYES—Messrs. Aud, Ballou, Briggs, Clarke, Crane, Curtis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Groom, Haldeman, Hancock, Harris, Heath, Hill of Sierra, Hitchens, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Sheridan, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stratton, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, and Young—45.

NOES—Messrs. Banks, Burbank, Cherry, Gray, Holladay, Holman, Moore, Palmer, and Shepard—9.

On the indefinite postponement of the motion to reconsider, Messrs. Palmer, Holladay, and Cherry, demanded the ayes and noes, and the motion was indefinitely postponed:

AYES—Messrs. Aud, Briggs, Buel, Clarke, Crane, Curtis, De Long, Ely, Ferguson, Galbraith, Gordon, Groom, Haldeman, Harris, Heath, Hill of Nevada, Hitchens, Holman, Lee, Lewis, Looofbourrow, Markley, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Sheridan, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stratton, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, and Young—45.

NOES—Messrs. Ballou, Banks, Burbank, Cherry, Gray, Hill of Sierra, Moore, Neblett, Palmer, Shepard, and Sherwin—11.

Mr. McCoy offered the following resolution:

Resolved, That the resolution requiring this House to devote itself to the consideration of bills upon the general file exclusively, and that no motion to change the order of business be entertained by the chair, be and the same is hereby rescinded, for the purposes of taking up the Senate messages, etc.

And asked a suspension of the rules.

On the adoption of the resolution, Mr. Banks objected, and the chair ruled the resolution in order, from which Mr. Banks appealed.

Mr. Parker moved the previous question, upon which, Messrs. Stratton, Holladay, and Cherry, demanded the ayes and noes, and it was sustained, by the following vote:

AYES—Messrs. Aud, Briggs, Buel, Clarke, Crane, Curtis, De Long, Ferguson, Galbraith, Gordon, Gray, Groom, Haldeman, Hamlin, Hancock, Harris, Heath, Hill of Nevada, Hill of Sierra, Holladay, Holman, Lee, Lewis, Markley, Marshall, McCoy, Mitchell, O'Brien, Ormsby, Parker, Shepard, Sheridan, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Tatman, Thomas, Tipton, Walker, Ward, Warfield, Warmcastle, and Mr. Speaker—44.

NOES—Messrs. Ballou, Burbank, Cherry, Ely, Hitchens, and Stratton, —7.

On the question, "Shall the decision of the chair stand as the judgment of the House?" Messrs. Stratton, Banks, and Burbank, demanded the ayes and noes, and the chair was sustained, by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Burbank, Clarke, Crane, Galbraith, Gordon, Gray, Groom, Haldeman, Hancock, Harris, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Kabler, Lee, Lewis, Markley, Marshall, McCoy, Mitchell, Neblett, O'Brien, Parker, Sherwin, Simons, Smith of San Bernardino, Stakes, Stocker, Tatman, Thomas, Tuttle, Walker, Ward, Warfield, and Warmcastle—41.

NOES—Messrs. Banks, Cherry, Curtis, Edwards, Ely, Ferguson, Hobart, Holladay, Holman, Loofbourrow, Minis, Moore, Palmer, Safford, Shepard, Sheridan, Stratton, Street, and Tipton—19.

On the motion to suspend the rules, Messrs. Stratton, Edwards, and Cherry, demanded the ayes and noes, and the House refused, a two-thirds vote being required, by the following vote:

AYES—Messrs. Aud, Briggs, Buel, Clarke, Crane, De Long, Gordon, Gray, Graham, Groom, Haldeman, Hancock, Harris, Heath, Hill of Nevada, Lee, Lewis, Loofbourrow, Markley, Marshall, McCoy, Minis, Mitchell, O'Brien, Parker, Safford, Sherwin, Simons, Smith of San Bernardino, Stocker, Tatman, Tuttle, Walker, Ward, Warfield, Warmcastle, and Young—37.

NOES—Messrs. Anderson, Ballou, Banks, Burbank, Cherry, Curtis, Edwards, Ely, Ferguson, Galbraith, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Kabler, Moore, Neblett, Palmer, Shepard, Sheridan, Stakes, Stratton, Street, Thomas, and Tipton—26.

On motion of Mr. Curtis, at ten minutes past twelve o'clock, P. M., the House adjourned.

IN ASSEMBLY.

SATURDAY, April 24, 1858.

House met pursuant to adjournment.
The speaker in the chair.
Roll called.
All were present, except those absent on leave.
The journal of yesterday was read and approved.
Mr. Havens offered the following resolution:

Resolved, That from and after the passage of this resolution, all persons be excluded from the floor of this House, both inside and outside of

the bar, except members of the Senate and Assembly, and officers of either House, and state officers, and that the door-keeper and sergeant-at-arms be directed to see that this resolution is strictly enforced

On suspending the rules, for the purpose of considering the resolution, Messrs. Edwards, Hitchens, and Tipton, demanded the ayes and noes, and the rules were suspended, by the following vote:

AYES—Messrs. Anderson, Buel, Burbank, Cherry, Curtis, Davis, De Long, Edwards, Ely, Hancock, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, Kabler, Loofbourrow, Marshall, Minis, Neblett, O'Brien, Ormsby, Palmer, Pico, Safford, Sherwin, Smith of Nevada, Smith of San Bernardino, Stocker, Stout, Stratton, Street, Thomas, Tipton, Walker, Warfield, Warmcastle, and Young—44.

NOES—Messrs. Aud, Ballou, Banks, Briggs, Caldwell, Clarke, Galbraith, Gordon, Groom, Lee, Lewis, Markley, McCoy, Moses, Parker, Shepard, Sheridan, Simons, Stakes, Tatman, and Mr. Speaker—21.

Mr. McCoy moved to amend by striking out the words "both," and "outside"

Lost.

On the adoption of the resolution, Mr. O'Brien moved the previous question.

Sustained.

Messrs. Shepard, Groom, and Sheridan, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Anderson, Buel, Burbank, Cherry, Curtis, Davis, De Long, Edwards, Ely, Graham, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, Kabler, Loofbourrow, Marshall, Minis, Neblett, O'Brien, Ormsby, Safford, Sherwin, Smith of Nevada, Stocker, Stout, Stratton, Street, Thomas, Tipton, Walker, Warfield, Warmcastle, and Young—41.

NOES—Messrs. Aud, Ballou, Banks, Briggs, Clarke, Galbraith, Gordon, Groom, King, Lee, Lewis, Markley, McCoy, Moses, Palmer, Parker, Shepard, Sheridan, Simons, Stakes, Tatman, Tuttle, Ward, and Mr. Speaker—24.

Mr. Lee made the following report, which was adopted:

MR. SPEAKER:—The committee on conference, to whom was referred the disagreeing vote on Senate bill No. 166, an act making appropriations for the tenth fiscal year, have had the same under consideration, report the bill back, recommending the Senate to recede.

H. LEE,
G. C. HOLMAN,
G. W CRANE,
JOSIAH JOHNSON,
J. C BURCH,
A. R. MELONY.

Mr. Thomas offered the following resolution, which was lost:

Resolved, That A. W. Luckett, the watchman of the Assembly, be

allowed the same *per diem*, for services rendered this session, as is allowed by law to copying clerks.

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

Resolved, That the clerk and the assistant clerk of the Assembly, are hereby allowed thirty days each, at their present *per diem*, after the adjournment *sine die*, to journalize, mark, label, and arrange the papers belonging to the archives of the Assembly for the session of eighteen hundred and fifty-eight, to be paid out of the appropriation for pay of officers and clerks of the Assembly; and in case of any deficiency in said appropriation, then out of the appropriation for contingent expenses of the Assembly, and that said papers be deposited in the office of the Secretary of State.

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

Resolved, That H. C. Kibbe be allowed his *per diem* as copying clerk of the House from January 4th, to January 16th, inclusive.

Mr. Street offered the following resolution which was adopted:

Resolved, That the assistant engrossing clerk of this House be allowed compensation from after the first day of February, 1858.

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

Resolved, That the sergeant-at-arms be allowed five days after the adjournment of the Legislature to close up and settle his business and accounts, and to collect the furniture in the different committee rooms, and turn the same over to the Secretary of State, and that he receive the same *per diem* as allowed him during the session, to be paid out of the contingent fund of the Assembly.

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

Resolved, That the chief clerk be allowed one additional copying clerk from the 18th inst. to the 26th, (the day of adjournment sine die,) inclusive.

Mr. Ferguson offered the following resolution, which was referred to the Committee on Accounts and Expenditures:

Resolved, That S. Wittgenstein be allowed his *per diem* from the fourth of January to the eighteenth of January, 1858, inclusive.

Mr. Stakes offered the following resolution:

1. *Resolved*, By the Assembly, the Senate concurring, that the resolution heretofore adopted, to adjourn *sine die* on the 26th inst., be and the same is hereby rescinded.
2. *Resolved*, That the Legislature will adjourn *sine die* on the first day of May, proximo, at twelve o'clock, M.

To which Mr. Ferguson offered the following substitute:

Resolved, By the Assembly, the Senate concurring, that the Governor be requested to give information as to length of time necessary for him to examine the bills now in his possession, and that we take action on no bills after this instant, twelve o'clock, P. M., except those returned by his Excellency the Governor, to these bodies.

Pending the consideration of the resolution and substitute, the House took up the

GENERAL FILE.

Senate bill No. 282, an act authorizing the Governor, Comptroller, and Treasurer, to compromise certain judgments, read third time.

Mr. Shepard offered the following amendment:

Provided, That said commissioners shall not give such release unless they shall have first received a sum not less than fifty per cent. on the amount due.

Mr. Neblett moved the previous question.

Sustained.

The amendment was lost

On the passage of the bill, Messrs. Street, Palmer, and Sheridan, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Aud, Ballou, Briggs, Buel, Clarke, Davis, De Long, Galbraith, Gordon, Graham, Haldeman, Hancock, Harris, Havens, Heath, Hill of Sierra, Hobart, Holman, Hirst, King, Lee, Lewis, Loofbourrow, McCoy, Minis, Mitchell, Neblett, O'Brien, Ormsby, Pearis, Pico, Simons, Smith of San Bernardino, Stocker, Stratton, Tatman, Tipton, Tuttle, Walker, Ward, Warfield, Warmcastle, and Mr. Speaker—44.

NOES—Messrs. Banks, Burbank, Cherry, Curtis, Ferguson, Gray, Hamlin, Hill of Nevada, Holladay, Howell, Kabler, Moore, Moses, Palmer, Safford, Shepard, Sheridan, Sherwin, Stout, Street, and Thomas—21.

Mr. Davis moved to reconsider the vote just taken.

Mr. McCoy moved to indefinitely postpone the motion to reconsider.

Carried.

Senate bill No. 342, an act supplementary 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, referred to Committee on Corporations, to report at two o'clock, P. M., this day.

The House receded from their amendment to Senate bill No. 335, an act to audit and allow the claim of G. D. Bliss & Co.

Mr. Ballou verbally reported and recommended the adoption of the resolution allowing Samuel Wittgenstein pay as copying clerk.

Adopted.

Assembly bill No. 133, an act authorizing the commissioners of the funded debt of the county of Contra Costa to reissue certain bonds to Erastus Bartlett, read first and second times, considered engrossed, read third time, and passed.

Senate bill No. 278, an act for the relief of Michael Fennel, was read third time.

Mr. Curtis moved the previous question.

Sustained.

Messrs. Curtis, Edwards, and Safford, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Ballou, Briggs, Burbank, Crane, Curtis, De Long, Ferguson, Galbraith, Gordon, Gray, Groom, Haldeman, Hancock, Harris, Hitchens, Howell, King, Lewis, Marshall, Minis, Mitchell, O'Brien, Ormsby, Parker, Pearis, Pico, Simons, Stocker, Tatman, Thomas, Ward, Warfield, Young, and Mr. Speaker—34.

NOES—Messrs. Aud, Buel, Caldwell, Cherry, Davis, Edwards, Ely, Graham, Havens, Heath, Holladay, Holman, Hirst, Moore, Palmer, Safford, Sherwin, Stout, Stratton, Street, Tipton, and Warmcastle—22.

Mr. Curtis gave notice of reconsideration.

Mr. De Long moved to reconsider now.

Upon which, Mr. O'Brien moved the previous question.

Sustained.

On the suspension of the rules, Messrs. Curtis, Heath, and Stratton, demanded the ayes and noes, and the rules were suspended, by the following vote:

AYES—Messrs. Aud, Ballou, Briggs, Caldwell, Crane, De Long, Ferguson, Galbraith, Gordon, Gray, Groom, Haldeman, Hancock, Harris, Havens, Hitchens, Hobart, Howell, King, Lee, Lewis, Marshall, McCoy, Minis, Mitchell, O'Brien, Ormsby, Parker, Pearis, Pico, Sheridan, Simons, Smith of Nevada, Stakes, Stocker, Tatman, Thomas, Tuttle, Ward, Warfield, and Young—41.

NOES—Messrs. Banks, Curtis, Ely, Graham, Heath, Holladay, Hirst, Kabler, Palmer, Safford, Sherwin, Stout, Stratton, Street, Tipton, and Warmcastle—16.

Mr. Warfield moved to indefinitely postpone the motion to reconsider.

Upon which, Mr. De Long moved the previous question, which was sustained, and the motion indefinitely postponed.

Senate bill No. 334, an act for the relief of John C. Hays, late sheriff of the county of San Francisco, read third time, and passed.

Senate bill No. 322, an act to audit and allow the claim of E. F. Beale, for expenses incurred in the settlement of Indian difficulties in the year 1856;

And Senate bill No. 336, an act to authorize the sale of the real estate of the late W. E. P. Hartnell, deceased;

Were read first and second times, rules suspended, read third time, and passed.

The House concurred in Senate amendments to Assembly bill No. 391, an act to provide for the payment of the debt of Humboldt county, that existed upon the 31st day of December, A. D. 1857.

Assembly bill No. 453, an act to appropriate money to pay certain indebtedness of the state insane asylum, considered as in Committee of the Whole, read third time, and on its passage, Messrs. Curtis, Graham, and Hirst, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Aud, Buel, Burbank, Caldwell, Cherry, Davis, Gordon, Harris, Havens, Heath, Holman, King, Lee, Lewis, Marshall, McCoy, Mitchell, Neblett, O'Brien, Safford, Sherwin, Simons, Smith of Nevada, Tatman, Thomas, Tuttle, Warfield, and Young—28.

NOES—Messrs. Banks, Curtis, De Long, Edwards, Galbraith, Graham, Hamlin, Hill of Nevada, Hill of Sierra, Holladay, Howell, Hirst, Kabler, Loofbourrow, Moses, Pico, Stout, Stratton, Tipton, and Walker—20.

Senate bill No. 112, an act to provide for the sale of the sixteenth and thirty-sixth sections of land, donated to this state for school purposes, by act of Congress passed March 3, A. D. 1853.

House refused to concur in committee amendments, bill read third time, and passed.

Mr. Moses, chairman of the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 482, an act to amend an act entitled an act to provide revenue for the support of the government of this state, approved April 29, 1857.

H. A. MOSES, Chairman.

Assembly bill No. 482, above reported, read third time, and passed.

The House concurred in Senate amendments to Assembly bill No. 327, an act to provide for the protection of foreigners, and to define their liabilities and privileges.

Senate bill No. 349, an act to extend the time for making the assessment and collection of taxes in the county of Nevada, read first and second times, rules suspended, read third time, and passed.

Mr. Havens verbally reported Senate bill No 342, an act supplementary 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, read third time, and passed.

Assembly bill No. 264, an act supplementary to an act entitled an act to provide for the ascertainment of the indebtedness of Calaveras county prior to the organization of Amador county, and to provide for the payment of that portion due from Amador county to the county of Calaveras, approved April 27, 1855, and also supplementary to an act entitled an act concerning the revenue of county of Calaveras, approved March 31, 1857—

Mr. Safford moved to lay the bill on the table.

Upon which, Messrs. Briggs, Parker, and O'Brien, demanded the ayes and noes, and the House refused to lay the bill on the table, by the following vote:

AYES—Messrs. Ballou, Cherry, Curtis, Gray, Hill of Nevada, Holladay, Holman, Howell, Hirst, Kabler, Lee, Marshall, Neblett, O'Brien, Palmer, Parker, Safford, Shepard, Stratton, Tipton, and Tuttle—21.

NOES—Messrs. Anderson, Aud, Briggs, Buel, Caldwell, Davis, De Long, Galbraith, Heath, Hill of Sierra, King, Minis, Mitchell, Ormsby, Pico, Sherwin, Simons, Smith of Nevada, Stout, Street, Tatman, and Warfield —22.

Mr. Safford moved a call of the House, and the following members were absent, and the sergeant-at-arms dispatched for them, viz.:

Messrs. Clarke, Crane, Davis, Gray, Groom, Havens, Hirst, Markley, Mitchell, Stocker, Thomas, and Young.

Proceedings under the call were suspended, and, on motion of Mr. Briggs, the bill was laid upon the table.

Senate bill No. 345, an act to amend an act to provide for the incorporation of railroad companies, passed April 22, 1853, and an act amendatory thereof, passed April 14, 1856, read first and second times, and referred to Committee on Corporations.

Assembly bill No. 315, an act to establish the pay of officers and employees of the Senate and Assembly, and to repeal existing laws relating thereto, adopted as substitute for Assembly bill No. 60, on its third reading, considered engrossed, read a third time, and passed.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 20, 1858.

To the Assembly of California:

I have, this day, approved an act to audit certain claims.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 20, 1858.

To the Assembly of California:

I return herewith to your honorable body, with my approval, an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco, and against the county of San Francisco as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 21, 1858.

To the Assembly of California:

I have, this day, approved an act for the relief of certain persons;

Also, an act to amend an act entitled an act to create the county of Alameda, and to establish the seat of justice therein, to define its boundaries, and to provide for its organization;

Also, an act to incorporate the town of Coloma;

Also, an act reducing the amounts of bonds to be given by the county officers in and for the counties of Klamath, Del Norte, and Humboldt;

Also, an act to pay Thomas Tennent, for storage of the standard of weights and measures belonging to the state;

Also, an act to amend an act entitled an act concerning crimes and punishments, passed April 16, 1850;

Also, an act concerning the county records of the county of Sutter;

Also, an act to authorize the board of supervisors of the county of San Diego to levy a special tax for road purposes;

Also, an act to suppress injurious publications;

Also, an act to authorize the State Treasurer to issue to the heirs of Charles H. Ross, deceased, two duplicate school-land warrants in lieu of certain warrants destroyed;

Also, an act to fix the amounts of the official bonds of the county officers in and for the counties of San Diego and San Bernardino;

Also, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856;

Also, an act fixing the salary of the district attorney of Solano county;

Also, an act to fix the compensation of the district attorney of the county of Sierra;

Also, an act for the relief of Daniel J. Thomas;

Also, an act to provide for the sale and reclamation of the swamp and overflowed lands of this state;

Also, an act authorizing the board of supervisors of Los Angeles county to contract a loan for the purpose of erecting a court-house, and completing the same;

Also, an act to authorize the funding of the unfunded debt of the city of San José, and to provide for the payment of the same;

Also, an act to prohibit the collection of accounts for liquors sold at retail;

Also, an act to abolish public executions;

Also, an act to audit the claim of G. Elliott, and Cook and Cofran;

Also, an act amendatory of an act entitled an act fixing the salaries of the county judge and of the district attorney of the county of Tulare, approved April 16, 1856;

Also, an act amendatory of an act entitled an act to provide for the payment of the debts of the counties of San Luis Obispo and Santa Barbara, approved March 31, 1857;

I also inform your honorable body that, on yesterday, I approved an act to authorize the treasurer of the city and county of San Francisco to pay certain demands on the school fund

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 21, 1858.

To the Assembly of California:

I have, this day, approved an act to audit the claim of Jonathan Nickols;

Also, an act to audit and allow certain claims;

Also, an act to create a board of examiners, to define their powers and duties, and to impose certain duties upon the Comptroller and Treasurer;

Also, an act to authorize the board of supervisors of Shasta county to levy a special tax and create a redemption fund for the payment of county indebtedness.

JOHN B WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 21, 1858.

To the Assembly of California:

I respectfully call the attention of your honorable body to a bill entitled an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856, which inadvertently received my approval this morning.

A mistake which escaped my observation, ought to be corrected, as the bill in its present shape is a nullity. *It has no enacting clause.*

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 22, 1858.

To the Assembly of California:

I return, herewith, to your honorable body, with my approval, an act to amend an act entitled an act concerning the transportation of prisoners to the state prison, and to appropriate money for the same, approved April 21, 1856.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 22, 1858.

To the Assembly of California:

I have, this day, approved an act to regulate fees in office in the city and county of San Francisco;

Also, an act supplementary to an act to provide for funding the indebtedness of the county of Yuba, approved March 26, 1857;

Also, an act concerning roads and highways in certain counties therein named;

Also, an act to audit certain claims;

Also, an act to amend an act entitled an act for securing liens to mechanics and others, passed April 19, 1856,

Also, an act amendatory of and supplementary to an act entitled an act to regulate proceedings in criminal cases, passed May 18, 1851.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 23, 1858.

To the Assembly of California:

I have, this day, approved an act to confer further powers upon the board of supervisors, and auditor, and treasurer, of the city and county of San Francisco, and to authorize them to perform certain acts therein named;

Also, an act concerning the offices of county clerk, sheriff, and county recorder of the city and county of San Francisco;

Also, an act to authorize George H. Ensign and others, owners of the Spring Valley Water-Works, to lay down water-pipes in the public streets of the city and county of San Francisco:

Also, an act to authorize the judges of the Supreme Court to employ a secretary;

Also, an act for the relief of C. Binney.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 24, 1858.

To the Assembly of California:

I have, this day, approved an act fixing the time at which the clerk of the Supreme Court shall be elected;

Also, an act for the relief of W. G. Poindexter.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 24, 1858.

To the Assembly of California:

I herewith return to your honorable body, without my approval, an act to authorize the construction of a bridge across the Pajaro River. This bridge, in effect, creates a corporation. It authorizes certain persons therein named to construct a bridge across the Pajaro River, and to collect tolls. It authorizes them to fix the rate of traveling, driving, etc, and confers on them powers to sue and recover judgments for infractions of the rules and regulations which they may seem proper to establish.

If this bridge be necessary for the public convenience, as the river is not a navigable one, under the laws of the state, I can see no reason why the board of supervisors cannot authorize its construction.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 24, 1858.

To the Assembly of California:

I have, this day, approved the following bills, viz.:

An act to authorize the guardian of Dionisio Rodriguez, Isabella Rodrigues, and Dolores Rodrigues, to sell certain of their real estate at private sale;

An act for the relief of the county of Santa Barbara;

An act to audit certain claims;

An act for the relief of certain persons;

An act supplemental to an act to fund the debt of Sutter county, and provide for the payment thereof, approved May 17, 1853;

An act to authorize the executors of the last will and testament of Imanuel C. Christian Russ, deceased, to sell real estate of the testator at private sale;

An act to authorize the issuance of a duplicate for a certain lost Comptroller's warrant;

An act to audit certain claims; and,

An act to re-locate the county seat of Solano county, by the qualified voters of said county.

JNO. B. WELLER.

The following message was received from the Senate:

MR. SPEAKER:—The Senate, on the seventeenth instant, passed Assembly bill No. 316, an act concerning the offices of county clerk, sheriff, and county recorder of the city and county of San Francisco;

Also, Assembly bill No. 356, an act to regulate fees in office in the city and county of San Francisco;

Also, on the seventeenth instant, passed Senate bill No. 121, an act to audit the claim of William Wright;

Also, Senate bill No. 336, an act to authorize the sale of the real estate of W. E. P. Hartnell, deceased;

Also, amended and passed Assembly bill No. 360, an act to amend an act concerning crimes and punishments, passed April 16, 1850;

And respectfully ask the concurrence of the Assembly.

EWING, Ass't Secretary Senate.

SENATE CHAMBER,
April 23, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, passed Assembly bill No. 431, an act supplemental to an act entitled an act to fund the debt of Sutter county, and provide for the payment thereof, passed May 17, 1853

THOS. N. CAZNEAU, Secretary of Senate.

SENATE CHAMBER,
April 23, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have passed Assembly bill No. 196, an act to grant the right to open the channel of Cache Creek, from Clear Lake to the mouth of the Cañon, in Sacramento Valley;

Also, Assembly bill No. 396, an act to audit certain claims;

Also, Assembly bill No. 414, an act for the relief of certain persons;

Also, Assembly bill No. 435, an act to audit certain claims;

Also, Senate bill No. 322, an act to audit the claim, for services and expenses, of Edward F. Beale;

Also, joint resolutions authorizing and empowering the Secretary of State to furnish members of the Legislature with copies of Senate and Assembly Journals, Appendixes, Laws, and debates in convention, for the use of county libraries;

And have concurred in Assembly amendments to Senate bill No. 274, substitute for Assembly bill No. 148;

And have amended and passed Assembly bill No. 327, an act to provide for the protection of foreigners, and to define their liabilities and privileges.

THOS. N. CAZNEAU, Secretary of Senate.

SENATE CHAMBER,
April 23, 1858.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly concurrent resolutions relative to printing and distributing certain laws in Spanish;

Also, Senate bill No. 339, an act to pay the Treasurer of State for extra services;

J. T. EWING, Ass't Secretary Senate.

SENATE CHAMBER,
April 23, 1858.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 9, an act to repeal in part an act entitled 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," approved April 28, 1857, by the requisite constitutional majority, notwithstanding the objections of the Governor.

J. T. EWING, Assistant Secretary Senate.

SENATE CHAMBER,
April 23, 1858.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, refused to concur in Assembly amendments to Senate bill No. 335, an act to audit and allow the claim of G. D Bliss & Co., and respectfully ask the Assembly to recede.

J T. EWING, Ass't Secretary Senate

SENATE CHAMBER,
April 23, 1858

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 349, an act to extend the time for making the assessment and collection of taxes in the county of Nevada.

J. T EWING, Assistant Secretary Senate

SENATE CHAMBER,
April 24, 1858.

MR. SPEAKER:—The Senate have, this day, concurred in Assembly amendments to Senate bill No. 151, an act amendatory of an act entitled an act concerning public ferries and toll-bridges, passed April 28, 1858.

JAS. T. EWING, Ass't Sec'y Senate.

SENATE CHAMBER,
April 24, 1858.

MR. SPEAKER:—The Senate have, this day, passed, with amendments, Assembly bill No. 137, an act to extend the terms of office of the boards of supervisors of certain counties of this state, and ask the concurrence of the Assembly;

Also, amended and passed Assembly bill No. 274, an act concerning goods, wares, and merchandise contained in packages, and usually sold by weight, and ask the concurrence of the Assembly;

Also, passed Assembly bill No. 477, an act to amend an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856;

Also, Assembly bill No. 238, an act granting certain powers to the board of education of the city and county of San Francisco;

Also, Assembly bill No. 171, an act to provide for the collection of licenses of billiard-tables, billiard and drinking-saloons, restaurants, and eating-houses;

Also, have amended and passed Assembly bill No. 329, an act amendatory of and supplementary to an act entitled an act amendatory of and supplementary to an act to establish, support, and regulate common schools, and to repeal former acts concerning the same, approved May 3, 1855—passed March 28, 1857;

Also, Senate bill No. 340, an act authorizing the Secretary of State to insure the State Library.

JAS. T. EWING, Assistant Secretary Senate.

SENATE CHAMBER,
April 24, 1858

MR. SPEAKER.—The Senate have, this day, adopted the report of the committee of free conference on Senate bill No. 166, an act making appropriations for the support of the civil government of the state for the tenth fiscal year, commencing on the first day of July, A. D. 1858, and ending on the thirtieth day of June, A. D. 1859.

EWING, Assistant Sec. Senate.

SENATE CHAMBER,
April 24, 1858.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 302, an act to audit and allow the claim of E. F. Beale & Co., for expenses incurred in the settlement of Indian difficulties in the year 1856.

EWING, Ass't Secretary.

SENATE CHAMBER,
April 24, 1858.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate have, this day, amended and passed Assembly bill No. 203, an act to ascertain the indebtedness of Nevada county to the county of Yuba, and to provide for the payment of the same, and respectfully ask the concurrence of the Assembly.

EWING, Ass't Secretary.

SENATE CHAMBER.
April 24, 1858.

MR SPEAKER:—The Senate, on yesterday, passed Assembly bill No.

402, an act to prevent the further immigration of Chinese and Mongolians to this state.

EWING, Ass't Secretary.

Assembly bill No. 486, an act to authorize the settlement of the accounts of James M Estell and John F. McCauley, arising out of state prison matters, adopted as substitute for Senate bill No. 260, on its third reading—

On suspending the rules to further consider the bill, Messrs. Stratton, Sheridan, and Hamlin, demanded the ayes and noes.

The chair decided that the seventh standing rule of the House could be suspended.

Mr. Ballou appealed, and the decision of the chair was sustained.

The rule was suspended, by the following vote:

AYES—Messrs. Anderson, Aud, Briggs, Buel, Caldwell, Clarke, Crane, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Groom, Haldeman, Harris, Havens, Heath, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, King, Lee, Lewis, Loofbourrow, McCoy, Minis, Mitchell, Moses, Neblett, O'Brien, Ormsby, Palmer, Parker, Pearis, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stout, Street, Tatman, Thomas, Tipton, Walker, Ward, and Warmcastle—53.

NOES—Messrs. Ballou, Banks, Burbank, Curtis, Hamlin, Hirst, Kabler, Safford, Shepard, Sheridan, and Stratton—11

Mr. Ballou moved to amend by striking out "seventy-five thousand dollars," and inserting "fifty thousand dollars," which was ruled in order by the chair.

Mr. Crane appealed, and the decision of the chair was not sustained.

The bill was then read a third time, and, on its passage, Messrs. Ballou, Stratton, and Hamlin, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs Anderson, Aud, Briggs, Buel, Caldwell, Cherry, Crane, Davis, De Long, Edwards, Ely, Galbraith, Gordon, Graham, Groom, Haldeman, Hancock, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, King, Lee, Lewis, Loofbourrow, McCoy, Minis, Mitchell, Moore, Moses, Neblett, O'Brien, Ormsby, Palmer, Parker, Pearis, Shepard, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Stout, Street, Tatman, Tipton, Walker, and Ward—54.

NOES—Messrs. Ballou, Banks, Burbank, Curtis, Ferguson, Gray, Hamlin, Hirst, Kabler, Safford, Sheridan, Stratton, and Thomas—13

On motion of Mr. De Long, so much of the resolution as relates to the time of the day of adjournment of the House at four o'clock, P M., and also relating to the order of business, was rescinded.

Mr. Havens, chairman of the Committee on Corporations, made the following report:

MR. SPEAKER:—The Committee on Corporations report and recommend the immediate passage of Senate bill No. 345, without amendment.

H W. HAVENS, Chairman.

Senate bill No. 345, an act to amend an act to provide for the incorporation of railroad companies, passed April 22, 1853, and an act amendatory thereof, passed April 14, 1856, read third time.

On its passage, Messrs. Aud, Gray, and Stakes, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Anderson, Aud, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Crane, Davis, De Long, Ferguson, Gordon, Groom, Haldeman, Hamlin, Harris, Havens, Heath, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Lee, Lewis, Loofbourrow, McCoy, Mitchell, Moore, O'Brien, Palmer, Parker, Pearis, Shepard, Sheridan, Sherwin, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Street, Tatman, Thomas, Tuttle, Warfield, Warmcastle, and Young—50.

NOES—Messrs. Curtis, Edwards, Gray, Hill of Nevada, Hirst, Kabler, Neblett, Safford, Stratton, Tipton, and Walker—11.

The House concurred in Senate amendments to Assembly bill No. 329, an act amendatory of and supplementary to an act entitled an act amendatory of and supplementary to an act to establish, support, and regulate common schools, and to repeal former acts concerning the same, approved May 3, 1855, passed March 28, 1857.

Senate bill No. 344, an act to repeal an act entitled an act to incorporate the town of San Luis Obispo, approved April 19, 1856, read first and second times, rules suspended, read third time, and passed.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 106, an act for the better protection of settlers on public land in this state, and to secure the rights of parties in certain cases;

Also, Assembly bill No. 263, an act to authorize the guardian of Dionisio Rodriguez, Isabella Rodriguez, and Dolores Rodriguez to sell certain of their real estate at private sale;

Also, Assembly bill No. 290, an act for the relief of the county of Santa Barbara;

Also, Assembly bill No 380, an act to authorize the executors of the last will and testament of Imanuel C Christian Russ, deceased, to sell real estate of the testator at private sale;

Also, Assembly bill No. 396, an act to audit certain claims;

Also, Assembly bill No. 414, an act for the relief of certain persons;

Also, Assembly bill No. 427, an act concerning roads and highways in and for the counties of Tuolumne and Alameda;

Also, Assembly bill No 431, an act supplemental to an act entitled an act to fund the debt of Sutter county, and provide for the payment thereof, passed May 17, 1853;

Also, Assembly bill No 435, an act to audit certain claims;

Also, Assembly bill No. 460, an act to authorize the issuance of a duplicate for a certain lost Comptroller's warrant;

Also, Assembly bill No 461, an act to re-locate the county seat of Solano county by the qualified voters of said county;

Also, Assembly concurrent resolution relative to collecting delinquent dues from auctioneers throughout this state;

Also, Assembly joint resolution, instructing our senators, and request-

ing our representatives, to have American consuls established at the ports of Guaymas, Mazatlan, Manzanillo, and La Paz;

Also, Assembly bill No. 196, an act to grant the right to open the channel of Cache Creek, from Clear Lake to the mouth of the cañon, in Sacramento Valley;

And delivered the foregoing bills and resolutions to his Excellency the Governor, for his approval, at half-past eleven o'clock, A. M., April 24, A. D. 1858.

GEO. A. YOUNG.

Senate bill No. 139, an act creating a state land office for the state of California, read first and second times, considered in Committee of the Whole, read third time, and passed.

Mr. Curtis offered the following resolution, which was referred to the Committee on Accounts and Expenditures:

Senate bill No 246, an act supplementary to and amendatory of an act entitled an act to provide for the incorporation of railroad companies, passed April 22, 1853, and to the several acts amendatory and supplementary thereto; read third time, and passed.

Senate bill No. 310, an act entitled an act to grant the right to construct a bridge across the American River, at its mouth, to certain parties therein named; read first and second times, rules suspended, read third time, and passed.

The House concurred in Senate amendments to Assembly bill No. 137, an act to extend the terms of office of the boards of supervisors of the counties of this state.

Mr. Ballou introduced a bill for an act making appropriations for deficiencies in appropriations heretofore made for the ninth fiscal year, for the payment of officers, clerks, and employees of the Assembly

Read first and second times, considered as in Committee of the Whole, read third time, and passed.

The following message was received from the Senate:

SENATE CHAMBER,
April 24, 1858.

MR. SPEAKER:—The Senate have, this day, amended and passed Assembly bill No. 416, an act to grant the right to construct and maintain a bridge across Feather River, and ask the concurrence of the Assembly.

EWING, Ass't Sec'y

Assembly bill No. 416, above reported, was taken up, and on concurring in Senate amendments, Messrs Pearis, Stratton, and Hill of Sierra, demanded the ayes and noes, and the House concurred, by the following vote:

AYES—Messrs. Ballou, Banks, Briggs, Buel, Burbank, Caldwell, Cherry, Crane, Curtis, De Long, Edwards, Ferguson, Gordon, Gray, Graham, Haldeman, Hamlin, Hancock, Havens, Hill of Nevada, Hitchens, Hobart, Holladay, Holman, Howell, Lee, Lewis, Loofbourrow, Marshall, McCoy, Mitchell, Moore, Moses, Neblett, O'Brien, Ormsby, Palmer, Parker, Satford, Shepard, Sheridan, Simons, Smith of Nevada, Smith of San Bernardino, Stakes, Stocker, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, Warmcastle, and Young—54.

NOES—Messrs. Aud, Ely, Heath, Hill of Sierra, Kabler, Pearis, Sherwin, and Stratton—8.

Mr. Safford moved that the House adjourn.
Lost.

REPORTS.

Mr. Young, chairman of the Committee on Enrollment, made the following reports:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 458, an act fixing the time at which the clerk of the Supreme Court shall be elected, and have sent the same to his Excellency the Governor, for his approval, at three o'clock, P. M., April 23, 1858.

GEO. A. YOUNG, Chairman.

The sergeant-at-arms made the following report:

To the Hon. the Assembly:
In accordance with resolution passed the House, requiring the sergeant-at-arms to furnish stationery for the members of the Assembly, and report the amount purchased each week, report that for week ending April 21, I have purchased from J. Bithell, stationery to the amount of $115, for which vouchers have been handed the Committee on Accounts and Expenditures.

JAS. F. QUIN, Sergeant-at-Arms,

To the Hon. the Assembly:
In accordance with the provisions of an act to appropriate money for postage and express purposes during the present session of the Legislature, approved January 11, 1858, beg leave to report that the postage and express accounts of the members of the Assembly, and clerk, have been closed, and that the residue in the postage and express fund is $21 06, which amount has been paid over to the Treasurer of State, as required by law.

JAS. F. QUIN, Sergeant-at-Arms.

Senate bill No 144, an act appropriating money for the support of the state prison, read first and second times, amended, rules suspended, read third time, and passed.
On motion of Mr. Safford, at half-past five o'clock, the House adjourned.

IN ASSEMBLY.

MONDAY, April 26, 1858.

House met pursuant to adjournment.
Speaker in the chair
Roll called, and all present except those absent on leave.
Journals of Saturday read and approved.
Mr. Lee offered the following resolution, which was adopted:

Resolved, That all members of this House, who have been absent during

the present session without leave, are hereby excused, and this resolution shall have the same effect as if the said members had obtained leave of absence in the usual way; and that the clerk immediately inform the Comptroller of the passage of this resolution.

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

Resolved, By the Assembly, the Senate concurring, that the board of state prison directors be, and they are hereby, instructed to allow John F. McCauley the use of a sufficient number of state prison convicts, not to exceed one hundred in number, to convey from said prison such property, consisting of bricks, etc. as he may have there and desire to remove, and which said director shall see proper to allow him to remove; he, the said McCauley, being responsible for their safe-keeping and delivery. The said convicts to be used in conformity with and under the direction of the prison authorities.

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

Resolved, That the clerk of this House, and his assistant, and the sergeant-at-arms, be allowed one porter, during the time allowed to them to settle up their business, not exceeding fifteen days, and that Charles D. Cushing is hereby appointed for that purpose, at the same per diem as he now receives.

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

Resolved, That all deficiencies in the pay of officers, clerks, and attachés, of the Assembly, be, and the same are hereby, ordered paid out of the contingent fund of the Assembly

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

Resolved, That *per diem* be allowed John L. Bell, from February 20 to February 27, and from March 27 to April 3, 1858, fourteen days, as copying clerk, and John L. Bell, S. M Daggett, G. W. Terrell, and W. G. Wood, from January 4 to January 18, inclusive, and J. L. Allen, for fourteen days, as assistant enrolling clerk.

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

Resolved, That Messrs. Savage and Hawkins, journal clerks of the Assembly, be, and are hereby, allowed thirty days each, to write up and complete the journals of the Assembly, and that they be paid for the same their usual *per diem* allowance out of the contingent fund of the Assembly, when the journals are completed.

Mr. Holladay offered the following resolution:

Resolved, That so much of the resolution directing the Comptroller not to issue his warrants to pay the lessee of the state prison his monthly payments for keeping, guarding, and clothing the state prison convicts, be, and is hereby, rescinded, so as to allow the auditing and paying the sum of twenty thousand nine hundred and eighty-six dollars, ($20,986,) being

the amount due the said lessee for keeping the said state prison and convicts from the 26th of December, 1857, to the 1st of March, 1858, inclusive.

Upon which, Messrs. Hamlin, Kabler, and Curtis, demanded the ayes and noes, and the same was adopted, by the following vote:

AYES—Messrs. Anderson, Ballou, Briggs, Buel, Cherry, Crane, Davis, De Long, Edwards, Ely, Ferguson, Galbraith, Gordon, Graham, Groom, Haldeman, Harris, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Holman, King, Lee, Lewis, Loofbourrow, McCoy, Mitchell, Moses, Parker, Pearis, Shepard, Sherwin, Simons, Stakes, Stocker, Street, Tatman, Thomas, Tipton, Tuttle, Walker, Ward, and Warfield—44.

NOES—Messrs. Aud, Banks, Caldwell, Curtis, Gray, Hamlin, Havens, Hobart, Hirst, Kabler, Minis, Moore, O'Brien, Palmer, Safford, Sheridan, Smith of Nevada, Spilman, Stout, Stratton, and Warmcastle—21.

Mr. Young, chairman of the Committee on Enrollment, made the following report:

MR SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 171, an act to provide for the collection of licenses of billiard-tables, billiard and drinking-saloons, restaurants, and eating-houses;

Also, Assembly bill No. 327, an act to provide for the protection of foreigners, and to define their liabilities and privileges;

Also, Assembly bill No. 391, an act to provide for the payment of the debt of Humboldt county that existed on the 31st day of December, 1857;

Also, Assembly bill No. 402, an act to prevent the further immigration of Chinese and Mongolians to this state;

Also, Assembly bill No. 477, an act to amend an act entitled an act concerning the office of public administrator in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856;

Also, Assembly bill No 238, an act granting certain powers to the board of education of the city and county of San Francisco;

Also, Assembly bill No. 152, an act to provide for the payment of the expenses incurred in the survey of the boundary lines between the counties of Tuolumne and Stanislaus, in the year 1854;

Also, Assembly bill No 416, an act to grant the right to construct and maintain a bridge across the Feather River;

Also, Assembly bill No. 137, an act to extend the terms of office of the board of supervisors, in certain counties in this state;

Also, Assembly bill No. 432, an act to divide the city and county of San Francisco into townships, and to provide for the election of justices of the peace, constables, and supervisors;

Also, Assembly bill No. 486, an act to authorize the settlement of the accounts of James M. Estell and John F. McCauley, arising out of state prison matters;

Also, Assembly bill No. 485, an act for the relief of certain persons;

Also, Assembly bill No. 315, an act to establish the pay of officers and employees of the Senate and Assembly, and to repeal existing laws relating thereto;

Also, Assembly bill No. 329, an act amendatory of and supplementary to an act entitled an act amendatory of and supplementary to "an act to

establish, support, and regulate common schools, and to repeal former acts concerning the same, approved May 3d, 1855," passed March 20th, 1857;

Also, Assembly bill No. 283, an act to amend section one of an act to provide revenue for the support of the government of this state from a tax to be levied and collected from foreign and inland bills, and other matters, approved April 29, 1857;

Also, Assembly bill No. 413, an act providing for the registration of marriages, births, divorces, and deaths, in California.

Also, Assembly concurrent resolution relative to printing and distributing of certain laws in Spanish.

GEORGE A. YOUNG, Chairman.

Mr. Holman offered the following resolution, which was laid on the table:

Resolved, That A. W. Luckett be allowed three dollars *per diem* for his services rendered in the Assembly, to be paid out of the contingent fund of the Assembly.

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

Resolved, That W. G. Wood, copying clerk, be and he is hereby allowed, the same *per diem* as the assistant clerk of the Assembly, from and after the date of his appointment:

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 24, 1858.

To the Assembly of California:

I return, herewith, to your honorable body, without my approval, an act amendatory of an act dividing the state into counties, and establishing the seats of justice therein, passed April 25, 1851, and to repeal an act concerning the same, passed May 15, 1854.

The boundaries of Marin county were first defined by the act of April 25, 1851. Some changes were made by the act of May 15, 1854, and again by the act of April 27, 1855.

By reference to the Journal of the Assembly for the year 1856, I find that on the 8th February, the delegation from Sonoma and Marin counties agreed on a bill directing the Surveyor General to run and mark the boundary in conformity with the act of the 15th May, 1854, and this became a law on the 23d of February, of the same year.

The line was run and is now the established boundary between the two counties.

The act now before me transfers a portion of that territory which is now in Sonoma to Marin county, and with it a considerable number of citizens.

The people residing upon this territory have unanimously remonstrated against the change, and I am satisfied that the public interest requires that the boundary should remain where it is. It is the natural one, and in my opinion best adapted to the interests and convenience of the people.

Such being my opinion, the bill is respectfully returned for reconsideration.

JOHN B. WELLER.

On the question, "Shall the bill pass, notwithstanding the veto of the Governor?" it was lost, by the following vote:

AYES—Messrs. Briggs, Crane, Sherwin, Stocker, Stratton, Tatman, Tuttle, Walker, Ward, and Young—10.

NOES—Messrs. Anderson, Aud, Ballou, Banks, Buel, Caldwell, Cherry, Curtis, Davis, De Long, Edwards, Ely, Ferguson, Gordon, Gray, Graham, Groom, Haldeman, Hamlin, Hancock, Harris, Havens, Hill of Nevada, Hill of Sierra, Hobart, Holladay, Holman, Howell, Hirst, Kabler, Lewis, Loofbourrow, McCoy, Minis, Mitchell, Moore, Neblett, O'Brien, Palmer, Parker, Pico, Safford, Shepard, Simons, Spilman, Stout, Street, Thomas, Tipton, Warfield, and Warmcastle.—51.

On the question "Shall the bill to authorize the construction of a bridge across the Pajaro River, pass, notwithstanding the objections of the Governor, reported by him on yesterday?" it was lost, by the following vote:

AYES—Messrs. Groom, Hamlin, Heath, Hobart, Mitchell, Moses, Pico, Sherwin, Stocker, Stratton, Tatman, Thomas, Tuttle, and Warfield—14.

NOES—Messrs. Aud, Ballou, Banks, Briggs, Buel, Caldwell, Cherry, Crane, Curtis, Davis, Galbraith, Gray, Graham, Harris, Havens, Hill of Nevada, Hill of Sierra, Hitchens, Holladay, Howell, Hirst, Kabler, Lewis, Minis, Moore, O'Brien, Palmer, Parker, Pearis, Safford, Shepard, Simons, Smith of Nevada, Smith of San Bernardino, Spilman, Stout, Tipton, and Warmcastle—38.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 26, 1858.

To the Assembly of California:

I return, herewith, to your honorable body, without my approval, an act to divide the city and county of San Francisco into townships, and to provide for the election of justices of the peace, constables and supervisors.

This bill is one exclusively local in its character, It affects no one outside of the city and county of San Francisco.

The delegation in both branches of the Legislature, from that county, have unanimously protested against its passage. They claim that the act will have an injurious effect upon the interests of the people.

I have nothing to do with the political opinions of these gentlemen. As the chosen representatives of the people, they are entitled to respect, and their views in regard to a question purely local, ought not to be disregarded. I shold lose my own self respect, if I stopped to inquire into the politics of men who are to be benefited by the passage of laws. In this regard, I have neither friends nor foes. In the exercise of the appointing power, I always prefer those who belong to the same political organization that I do, but in legislation, no consideration of this character can be allowed to influence my actions.

JOHN B. WELLER.

On the question, "Shall the bill pass, notwithstanding the objections of the Governor?" it was lost, by the following vote:

AYES—Messrs. Briggs, Crane, De Long, Graham, Groom, Haldeman, Harris, Havens, Heath, King, Lewis, Loofbourrow, Marshall, O'Brien,

Ormsby, Parker, Pico, Smith of Nevada, Stakes, Stocker, Stratton, Tatman, Tipton, Tuttle, Ward, Warfield, and Young—27.

NOES—Messrs. Anderson, Aud, Ballou, Banks, Buel, Caldwell, Cherry, Curtis, Davis, Edwards, Galbraith, Gordon, Gray, Hill of Nevada, Hill of Sierra, Hitchens, Hobart, Holladay, Holman, Howell, Hirst, Kabler, Lee, McCoy, Minis, Mitchell, Moore, Neblett, Palmer, Pearis, Safford, Shepard, Sheridan, Sherwin, Smith of San Bernardino, Spilman, Stout, Thomas, Walker, and Warmcastle—40.

STATE OF CALIFORNIA, EXECUTIVE DEPARMENT,
Sacramento, April 26, 1858

To the Assembly of California:

I have, this day, approved the following bills, viz.:

An act to grant the right to open the channel from Clear Lake to the mouth of the cañon in Sacramento Valley;

Also, an act concerning roads and highways, in and for the counties of Tuolumne and Alameda;

Also, an act amendatory of and supplementary to an act entitled an act amendatory of an act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March 13, 1853—passed May 13, 1854—approved March 5, 1857;

Also, an act to grant the right to construct and maintain a bridge across the Feather River;

Also, an act to extend the terms of office of the boards of supervisors of certain counties of this state;

Also, an act to provide for the collection of licenses of billiard-tables, billiard and drinking-saloons, restaurants, and eating-houses;

Also, an act to authorize the settlement of the accounts of James M. Estell and John F. McCauley, arising out of state prison matters;

Also, an act granting certain powers to the board of education of the city and county of San Francisco;

Also, an act to provide for the payment of the expenses incurred in the survey of the boundary lines between the counties of Tuolumne and Stanislaus, in the year one thousand eight hundred and fifty-four;

Also, an act to provide for the payment of the debt of Humboldt county that existed upon the thirty-first day of December, A. D. one thousand eight hundred and fifty-seven.

JNO. B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 26, 1858.

To the Assembly of California:

I have, this day, approved an act to amend an act entitled an act concerning the office of public administrators in the counties of Nevada, Sacramento, Monterey, and Amador, approved April 5, 1856;

Also, an act to prevent the further immigration of Chinese or Mongolians to this state;

Also, an act to establish the pay of officers and employees of the Senate and Assembly, and to repeal existing laws relating thereto;

Also, an act to amend section one of an act, entitled an act to provide revenue for the support of the government of this state, from a tax to be levied and collected from foreign and inland bills and other matters, approved April 29, 1857;

Also, an act for the relief of certain parties;

Also, an act providing for the registration of marriages, births, divorces, and deaths, in California;

Also, an act for the better protection of settlers on public lands in this state, and to secure the rights of parties in certain cases.

JOHN B. WELLER.

Mr. Safford, chairman of the Committee on Claims, made the following report, which was adopted:

MR. SPEAKER:—The Committee on Claims, to whom was referred the claim of Britton & Rey, for balance due for printing and engraving bonds for funding, according to act of 1856;

Also, for printing three thousand Comptroller's warrants, during the year 1856;

Report the same back, and recommend it be sent to the board of examiners for action thereon;

Also, Senate bill No. 161, an act to audit the claim of J. M. Anderson, and recommend it be indefinitely postponed.

A. P. K. SAFFORD, Chairman.

Mr. Stocker had leave to withdraw affidavits and vouchers of the McCauley claim.

Mr. Curtis made a verbal report of the Committee on Accounts and Expenditures.

The following resolution was adopted:

Resolved, That William D. Scogin is hereby allowed ten days, at six dollars per day, for services rendered as assistant door-keeper of this House, payable out of the contingent fund of the Assembly.

On motion of Mr. De Long, Messrs. Young, Havens, and Parker, were appointed a committee to wait upon the speaker.

On motion of Mr. Ballou, Messrs. Crane and Lewis, were appointed a committee to announce to the Governor that the House was ready to adjourn.

Resolutions were adopted, as follows:

Resolved, That the sum of fifteen dollars be and the same is hereby allowed to John Statton, as a balance due him for services as porter of Judiciary Committee and Committee of Ways and Means, and that the same be paid out of the contingent fund of this House.

Resolved, That the thanks of this House be tendered to the Hon. N. E. Whiteside, for the able, fair, and impartial course pursued by him as the presiding officer of this Assembly during the session now about to close.

Resolved, That this resolution be entered on the Journals of this House.

Resolved, That the thanks of this House be tendered to the clerks, sergeant-at-arms, assistant sergeant-at-arms, door-keeper, and pages, of the Assembly, for the faithful and efficient manner which they have discharged the duties of their different positions.

The private secretary of the Governor announced that the Governor had approved Assembly bill No. 486, an act to authorize the settlement of the accounts of James M. Estell and John F. McCauley, arising out of state prison matters.

At twelve o'clock, M., the hour fixed for adjournment *sine die*, the speaker delivered the following valedictory address:

On the fourth day of January last, fresh from the people, authoritatively commissioned by them for the transaction of legislative business within this Assembly hall, we first came together, and the page that now records our permanent organization, has its duplicate copy deeply engraven upon the tablets of my memory, by which, throughout the remainder of my journey of life, I shall be constantly reminded of the high and honorable obligation its character imposes.

To review minutely the history of our past session, is more than the anxiety of the present moment will permit; suffice it, then, to say, that the business of legislation for which we assembled is now concluded, and it only remains for the people of the state of California to pass in judgment upon our actions, nor do I fear the result. The confidence I repose in their honesty and intelligence, assures me, by anticipation, of an award at their hands in your favor, for a review of our record cannot fail to disclose to them, in every line, if not the expansiveness of wisdom, at least the honesty of purpose.

In answer to the special character of the laws we have passed, we need only refer to the peculiar condition of affairs over which we have been called to legislate. The measure of our actions has extended to all parts of the vast territory embraced within the limits of our gigantic state, comprehending, as it does, within its ample area, every variety of climate, constantly exhibiting to the gaze of the astonished or admiring beholder the striking contrast of perpetual snow and the frowns of winter along the summit range of the Sierras on the one hand, and her plains tempered with the eternal, but alternating seasons of spring and summer, with all their appropriate concomitants, to nature's most prodigal allowance on the other. The same season of the year fetters in ice the key with which the miner is want to unlock the vault of his hidden treasure in the mountains, and invites the plowman to the field and the furrow on the plains, arresting with snow the march of the ambitious and adventurous prospector in the gulches—and with the bloom and the fragrance of the rose, awakens with delight the sensibilities of the settlers in the vales. Independent of the wants of our own native citizens, we have had to regard the rights of other people, from other countries, of different habits, manners, and customs, whose relative situation among us has imperatively demanded at our hands, careful and discriminating considerations—added to these the various business pursuits in which our citizens are engaged—the different productive resources of wealth in our state—her mineral and her agricultural lands, and they, too, in certain localities so intricately blended that human wisdom fails to adjust the line of discrimination; these, combined with the doubtful character of the property claims of some of our citizens, and the downright uncertain and unsettled condition of the landed interests of all, have done much to characterize our actions and debar legislation more general in its nature.

The zeal and assiduity with which you have applied yourselves in the discharge of your legislative duties, have been to me, and I am sure it will be to those who sent you here, a source of peculiar pride, and is worthy a much higher tribute of praise than a passing notice of this kind.

That the rule of my conduct as your presiding officer, has at all times been such as to merit your approval, is more than I have reason to expect or the egotism to claim, while, at the same time, I have an abiding faith, that gives me the consolation to hope that you will now and hereafter

accord to me an honest sincerity of purpose in all things relating to the discharge of the arduous duties your partiality had in the beginning imposed upon me.

The kindness, courtesy, and forbearance, which you have, during the entire period of our labors, manifested towards me, whether in my endeavors to ride down the storm of excitement and passion, which animated discussions have sometimes let in upon us, or resting in the repose of that order, better reason had restored—pronouncing judgments from the chair, or participating in debate upon the floor—have won for you, and each of you, a place in my affectionate regards which can never perish but with the loss of reason or the gloom of the grave.

The brief authority with which I have been clothed during the period of our deliberations, will, in a moment more, be for ever laid aside, but an approving conscience here prompts me to say, that not one word by virtue of that authority have I pronounced within this hall, without an immediate sense of the source to which I was indebted for the privilege of giving it utterance, and a full appreciation of the moral obligation it imperatively demanded.

To the officers and attachés of this Assembly, from the highest to the lowest, much praise is due for the prompt, energetic, and faithful manner in which they have discharged the duties severally devolving upon them.

To the genius of our American institutions, and that never-tiring and energetic spirit of the American people, let us acknowledge our indebtedness for our present rich inheritance and happy homes in California; and to Almighty God we have abundant reason to be thankful for the uniform good health with which we have been blest from the beginning to the close of our labors, and may His divine favor accompany you each on your return to your homes, to your constituents, and to the bosom of your families and friends;—and may your future be full of years, prosperous, and happy, is the sincere wish of your late speaker, but now most obedient, humble servant, and friend, who now pronounces this Assembly adjourned, without day, and bids you all an affectionate farewell.

Approved.

NIN. E. WHITESIDE,
Speaker of Assembly.