

JOURNAL

OF THE

House of Assembly of California,

AT THE

TWELFTH SESSION OF THE LEGISLATURE,

BEGUN ON

THE SEVENTH DAY OF JANUARY, 1861, AND ENDED ON THE TWENTIETH
DAY OF MAY, 1861, AT THE CITY OF SACRAMENTO.



SACRAMENTO:

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1861.

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JOURNAL
OF THE
PROCEEDINGS OF THE ASSEMBLY.

CALIFORNIA LEGISLATURE---ASSEMBLY.

T W E L F T H S E S S I O N .

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 7th, 1861. }

Pursuant to the requirements of the Constitution, the House was called to order at 12 o'clock, M. by J. M. Anderson, Clerk of the last session.

Mr. O'Brien moved that J. Powell be chosen as temporary Speaker.

Lost.

Mr. Fargo moved that Mr. Anderson, the Clerk, act as temporary Speaker.

Carried.

On motion of Mr. Wood, of Plumas, J. S. Sims was appointed Assistant Sergeant-at-Arms.

On motion of Mr. Cherry, the Clerk called the roll of counties, when the following gentlemen appeared were duly qualified (the oath having been administered by the Hon. Judge Baldwin), and took their seats as members of the Assembly :

Amador—R. Burnell and T. M. Horrell.

Alameda—F. F. Fargo.

Butte—Wm. P. Tilden and P. H. Harris.

Calaveras—Benj. S. Lippencott, Thomas O'Brien, and Wm. Childs.

Colusa and Tehama—D. P. Durst.

Contra Costa—Charles B. Porter.

El Dorado—Theron Foster, James J. Green, Robert Henderson, John Conness, C. W. Coltrin, W. Coleman, Alex. Hunter, and Samuel Hill.

Fresno and Tulare—O. K. Smith.

Humboldt—W. B. Hagans.

Los Angeles—Murray Morrison.

Marin—N. M. Gordon.

Mariposa—Daniel Showalter.

Mendocino—Martin Baechtel.
Monterey—A. W. Blair.
Napa—John B. Scott.
Nevada—E. F. Spence, John M. Avery, E. W. Councilman, J. C. Eastman, and N. C. Miller.
Placer—W. D. Harriman, P. Munday, W. J. Harrison, and L. G. Smith.
Plumas—A. Wood.
Sacramento—N. Green Curtis, Joseph Powell, Amos Adams, and Chas. Crocker.
San Bernardino—Charles W. Percy.
San Diego—D. B. Kurtz.
San Francisco—S. S. Tilton, John W. Cherry, Alvan Flanders, Fred. G. E. Tittel, Robert Clark, Alexander Campbell, James A. Banks, and O. F. Willey.
San Joaquin—Thomas Laspeyre and L. B. Bradley.
San Luis Obispo—C. E. Johnson.
San Mateo—James G. Dennison.
Santa Barbara—J. M. Covarrubias.
Santa Clara—H. W. Briggs and J. H. Morgan.
Santa Cruz—Charles Ford.
Shasta—John White.
Sierra—John Dougherty and Thomas Wright.
Siskiyou—F. Sorrell.
Solano—D. B. Holman.
Sonoma—William Ross.
Sutter—Z. Montgomery.
Trinity—F. Walter.
Tuolumne—Fleming Amyx, G. W. Patrick, M. G. Gillett, and T. J. Chandler.
Yolo—W. C. Wood.
Yuba—Lloyd Magruder, E. Lalor, James H. Hanson, D. L. Haun, and C. H. Kungle.

The following resolution was offered by Mr. Sorrell :

Resolved—That until a permanent organization shall have been effected the rules of the last House be adopted.

Adopted.

Mr. Ross moved to proceed with the organization of the Assembly.

Mr. Conness moved to postpone the motion until to-morrow at one o'clock, P. M.

At half past twelve o'clock, Mr. Foster moved that the House adjourn to ten o'clock to-morrow morning.

Upon which the ayes and noes were demanded with the following result :

AYES—Messrs. Burnell, Coleman, Coltrin, Conness, Covarrubias, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—28.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Childs, Clarke, Councilman, Crocker, Curtis, Fargo, Flanders, Ford, Gillett, Gordon, Hanson, Harriman, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre,

Magruder, Montgomery, Morgan, Morrison, Patrick, Porter, Ross, Scott, Showalter, Smith of Fresno, Sorrell, Spence, Tilton, Tittel, Willey, and Wood of Yolo—48.

On the motion of Mr. Conness. Messrs. O'Brien, Ross, and Coleman, demanded the ayes and noes, and the motion was lost by the following vote :

AYES—Messrs Burnell, Coleman, Coltrin, Conness, Covarrubias, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—28.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Childs, Clarke, Councilman, Crocker, Curtis, Fargo, Flanders, Ford, Gillett, Gordon, Hanson, Harriman, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Morrison, Patrick, Porter, Ross, Scott, Showalter, Smith of Fresno, Sorrell, Spence, Tilton, Tittel, Willey, and Wood of Yolo—48.

Mr White moved to lay the motion made by Mr. Ross, on the table, upon which Messrs Ross, Wood of Yolo, and Showalter, demanded the ayes and noes, and the House refused by the following vote :

AYES—Messrs Burnell, Coleman, Coltrin, Conness, Covarrubias, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—28.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Childs, Clarke, Councilman, Crocker, Curtis, Fargo, Flanders, Ford, Gillett, Gordon, Harriman, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Morrison, Patrick, Porter, Ross, Scott, Showalter, Smith of Fresno, Sorrell, Spence, Tilton, Tittel, Willey, and Wood of Yolo—48.

Mr. Showalter moved the previous question.

Upon which Messrs. Conness, Coleman, and O'Brien, demanded the ayes and noes, and the motion prevailed by the following vote :

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Blair, Bradley, Briggs, Chandler, Cherry, Childs, Clark, Councilman, Crocker, Curtis, Fargo, Flanders, Ford, Gillett, Gordon, Hanson, Harriman, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Morrison, Patrick, Porter, Ross, Scott, Showalter, Smith of Fresno, Sorrell, Spence, Tilton, Tittel, Willey, and Wood of Yolo—47.

NOES—Messrs. Banks, Burnell, Coleman, Coltrin, Conness, Covarrubias, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—29.

And the motion of Mr. Ross prevailed.

Nominations for Speaker being in order—

Mr. Montgomery was nominated by Mr. Sorrell.

Mr. Curtis was nominated by Mr. Wood of Plumas.

Mr. Conness was nominated by Mr. Lippincott.

Mr. Fargo was nominated by Mr. Cherry.

The House proceeded to vote, with the following result :

FOR SPEAKER—FIRST BALLOT.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrell, and Wood of Yolo—21.

Those who voted for Mr. Curtis, were—

Messrs. Adams, Childs, Hagans, Harrison, Horrell, Morrison, Smith of Fresno, Smith of Placer, and Wood of Plumas—9.

Those who voted for Mr. Conness, were—

Messrs. Burnell, Coleman, Coltrin, Covarrubias, Dennison, Dougherty, Durst, Eastman, Foster, Green, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Tilden, Walter, White, and Wright—24.

Whole number of votes cast, seventy-two.

Necessary to a choice, thirty-seven.

Mr. Montgomery received twenty-one votes.

Mr. Curtis received nine votes.

Mr. Conness received twenty-four votes.

Mr. Fargo received eighteen votes.

There being no choice, the House proceeded to vote a second time, as follows :

FOR SPEAKER—SECOND BALLOT.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Hanson, Haun, Holman, Johnson, Kungle, Lalor, Laspeyre, Magruder, Patrick, Ross, Showalter, Sorrell, and Wood of Yolo—19.

Those who voted for Mr. Curtis, were—

Messrs. Adams, Childs, Harrison, Horrell, Kurtz, Morrison, Scott, Smith of Fresno, Smith of Placer, and Wood of Plumas—10.

Those who voted for Mr. Conness, were—

Messrs. Burnell, Coleman, Coltrin, Covarrubias, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Tilden, Walter, White, and Wright—25.

Whole number of votes cast, seventy-two.
Necessary to a choice, thirty-seven.

Mr. Montgomery received nineteen votes.
Mr. Curtis received ten votes.
Mr. Conness received twenty-five votes.
Mr. Fargo received eighteen votes.

There being no choice, the House proceeded to vote a third time, as follows :

FOR SPEAKER—THIRD BALLOT.

Those who voted for Mr. Fargo, were—

Messrs Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Hanson, Haun, Holman, Johnson, Kungle, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—20.

Those who voted for Mr. Curtis, were—

Messrs. Adams, Harrison, Horrell, Kurtz, Morrison, Smith of Fresno, Smith of Placer, and Wood of Plumas—8.

Those who voted for Mr. Conness, were—

Messrs. Burnell, Childs, Coleman, Coltrin, Covarrubias, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Tilden, Walter, White, and Wright—26.

Whole number of votes cast, seventy-two.
Necessary to a choice, thirty-seven.

Mr. Montgomery received twenty votes.
Mr. Curtis received eight votes.
Mr. Conness received twenty-six votes.
Mr. Fargo received eighteen votes.

No choice.

At half past one o'clock, Mr. White moved that the House adjourn.

Upon which, Messrs. Wood of Yolo, Ross, and Sorrell, demanded the ayes and noes, and the House refused by the following vote :

AYES—Messrs. Burnell, Childs, Coleman, Coltrin, Conness, Covarrubias, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clarke, Councilman, Crocker, Curtis, Fargo, Flanders, Ford, Gillett, Gordon, Hanson, Harriman, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Morrison, Patrick, Porter, Ross, Scott, Showalter, Smith of Fresno, Sorrel, Spence, Tilton, Tittel, Willey, and Wood of Yolo—45.

The House proceeded to vote for Speaker, as follows :

FOR SPEAKER—FOURTH BALLOT.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Hanson, Haun, Holman, Johnson, Kungle, Lalor, Laspeyre, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—19.

Those who voted for Mr. Curtis, were—

Messrs. Adams, Horrell, Kurtz, Morrison, Smith of Fresno, Smith of Placer, and Wood of Plumas—7.

Those who voted for Mr. Conness, were—

Messrs. Burnell, Childs, Coleman, Coltrin, Covarrubias, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Tilden, Walter, White, and Wright—27.

Whole number of votes, seventy-two.

Necessary to a choice, thirty-seven

Mr. Montgomery received twenty votes.

Mr. Curtis received seven votes.

Mr. Conness received twenty-seven votes.

Mr. Fargo received eighteen votes.

No choice.

At forty-five minutes past one o'clock, P. M. on motion of Mr. Fargo, the House adjourned until eleven o'clock to-morrow morning.

IN ASSEMBLY.

HOUSE OF ASSEMBLY
Tuesday, January 8th, 1861. }

House met pursuant to adjournment.

J. M. Anderson, Clerk of the last session, presiding.

Roll called.

Quorum present.

The Journal of yesterday read and approved.

Mr. Gregory of Mariposa appeared, presented his credentials, and was qualified.

Mr. Sorrell moved that in commemoration of the battle of New Orleans, the House do now adjourn.

Upon which Messrs. Crocker, Amyx, and Morgan, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Amyx, Baechtel, Bradley, Chandler, Curtis, Gillett, Gordon, Gregory, Hanson, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Lalor, Laspeyre, Lippincott, Magruder, O'Brien, Patrick, Porter, Ross, Showalter, Smith of Fresno, Sorrel, White, Wood of Yolo, and Wright—29.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Childs, Clarke, Coleman, Coltrin, Conness, Councilman, Crocker, Dennison, Dougherty, Durst, Eastman, Fargo, Flanders, Foster, Green, Hagans, Harriman, Henderson, Hill, Hunter, Kurtz, Miller, Montgomery, Morgan, Morrison, Munday, Powell, Smith of Placer, Spence, Tilden, Tilton, Tittel, Walter, Willey, and Wood of Plumas—42.

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

FOR SPEAKER—FIFTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Fresno, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—30.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baehtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Showalter, Sorrel, and Wood of Yolo—21.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Cherry.

Mr. Montgomery voted for Mr. Showalter.

Whole number of votes cast, seventy-one.

Necessary to a choice, thirty-six.

Mr. Conness received thirty votes.

Mr. Montgomery received twenty-one votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—SIXTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baehtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coun-

eilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Cherry.

Mr. Montgomery voted for Mr. Showalter.

Whole number of votes cast, seventy-three.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-one votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—SEVENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs Adams, Burnell, Childs, Colman, Coltrin, Covarrubias, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Mr. Montgomery, were—

Messrs Amyx, Bacchtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kingle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Cherry.

Mr. Montgomery voted for Mr. Showalter.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—EIGHTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Colman, Coltrin, Covarrubias, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Fresno, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Fargo voted for Mr. Cherry.

Mr. Montgomery voted for Mr. Showalter.

Mr. Conness received thirty-two votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—NINTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Colman, Coltrin, Covaraubias, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Powell, Smith of Fresno, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Cherry.

Mr. Montgomery voted for Mr. Showalter.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—TENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis,

Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandley, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Showalter, were—

Messrs. Montgomery and Smith of Fresno.

Mr. Fargo voted for Mr. Cherry.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received two votes.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—ELEVENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Showalter, were—

Messrs. Montgomery and Smith of Fresno.

Mr. Fargo voted for Mr. Cherry.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Conness received thirty-three votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received two votes.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—TWELFTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Bachtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Showalter, were—

Messrs. Montgomery and Smith of Fresno.

Mr. Fargo voted for Mr. Cherry.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Conness received thirty-three votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received two votes.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—THIRTEENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, and Wood of Plumas—32.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Bachtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Showalter, were—

Messrs. Montgomery and Smith of Fresno.

Mr. Fargo voted for Mr. Cherry.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received two votes.

There being no choice, the House proceeded to another ballot, as follows :

FOR SENATOR—FOURTEENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Showalter, were—

Messrs. Montgomery and Smith of Fresno.

Mr. Fargo voted for Mr. Cherry.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received two votes.

No choice.

Mr. Morrison, at twelve o'clock, M., moved to adjourn, upon which Messrs. Showalter, Crocker, and Councilman, demanded the ayes and noes, and the House refused by the following vote :

AYES—Messrs. Amyx, Baechtel, Bradley, Chandler, Curtis, Gillett, Gordon, Gregory, Hanson, Harrison, Haun, Holman, Johnson, Kungle, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Showalter, Smith of Fresno, Sorrell, Walter, and Wood of Yolo—25.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Burnell, Campbell, Cherry, Childs, Clarke, Coleman, Coltrin, Councilman, Covarrubias,

Crocker, Dennison, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Hagans, Harriman, Henderson, Hill, Horrell, Hunter, Kurtz, Lippincott, Miller, Morgan, Munday, O'Brien, Percy, Porter, Powell, Ross, Smith of Placer, Spence, Tilden, Tilton, Tittel, White, Willey, Wood of Plumas, and Wright—49.

The House proceeded to another ballot for Speaker, as follows:

FOR SPEAKER—FIFTEENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltron, Covarrubias, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Showalter, were—

Messrs. Montgomery and Smith of Fresno.

Mr. Fargo voted for Mr. Cherry.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received two votes.

There being no choice, the House proceeded to another vote, as follows:

FOR SPEAKER—SIXTEENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harrison, Henderson, Hill, Horrell, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coun-

cilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Showalter, were—

Messrs. Montgomery and Smith of Fresno.

Mr. Fargo voted for Mr. Cherry.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-one votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received two votes.

No choice.

M. Kurtz moved to adjourn.

Lost.

The House proceeded to another ballot.

FOR SPEAKER—SEVENTEENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Ma-gruder, Patrick, Ross, Scott, Showalter, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Showalter, were—

Messrs. Montgomery and Smith of Fresno.

Mr. Fargo voted for Mr. Cherry.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-one votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received two votes.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—EIGHTEENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis,

Dennison, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Mr. Montgomery, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrell, and Wood of Yolo.—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Showalter, were—

Messrs. Montgomery and Smith of Fresno.

Mr. Fargo voted for Mr. Cherry.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Montgomery received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Cherry received one vote.

Mr. Showalter received two votes.

No choice.

At half past twelve o'clock P. M. on motion of Mr. Fargo, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 9th, 1861. }

The House met pursuant to adjournment, J. M. Anderson, the Clerk of the last session, presiding.

The roll was called, and a quorum being present, the Journal of yesterday was read and approved.

Mr. Buell of Del Norte appeared, presented his credentials, and was qualified.

Mr. Wood of Plumas, moved that Mike Gray be appointed temporary Sergeant-at-Arms.

Adopted.

The House proceeded to vote for Speaker, with the following result:.

FOR SPEAKER—NINETEENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Montgomery, were—

Messrs. Baechtcl, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrell, and Wood of Yolo—21.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Showalter, were—

Messrs. Montgomery and Smith of Fresno.

Mr. Fargo voted for Mr. Flanders

Whole number of votes cast, seventy-three.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-one votes.

Mr. Montgomery received twenty-one votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Showalter received two votes.

No choice.

Mr. Montgomery withdrew his name as a candidate for Speaker.

Mr. Magruder nominated Daniel Showalter as Speaker

The House proceeded to another vote for Speaker, with the following result:

FOR SPEAKER—TWENTIETH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtcl, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Smith of Fresno, Sorrell, and Wood of Yolo—23.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Showalter received twenty-three votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

There being no choice, the House proceeded to another vote, with the following result:

FOR SPEAKER—TWENTY-FIRST BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-three.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-one votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

There being no choice, the House proceeded to another vote, with the following result:

FOR SPEAKER—TWENTY-SECOND BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-three.
Necessary to a choice, thirty-seven.

Mr. Conness received thirty-one votes

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—TWENTY-THIRD BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—21.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-four.
Necessary to a choice, thirty-eight

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-one votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

There being no choice, the House proceeded to another vote, as follows:

FOR SPEAKER—TWENTY-FOURTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—34.

Those who voted for Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coun-

eilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Conness received thirty-four votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—TWENTY-FIFTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtcl, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kuntz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

Mr. Percy moved that the House adjourn until half past seven o'clock this evening.

Mr. White moved to amend by inserting eleven o'clock to-morrow morning.

Mr. Dougherty moved to amend the amendment by inserting three o'clock p. m. this day.

The amendments and motion were lost.

The House then proceeded to another ballot for Speaker, as follows:

FOR SPEAKER—TWENTY-SIXTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias,

Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs Amyx, Baechtel, Bradley, Chandley, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—TWENTY-SEVENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SENATOR—TWENTY-EIGHTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtcl, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—TWENTY-NINTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtcl, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—21.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Harriman, Morgan, Porter, Tilton, Tittel, and Willey—16.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-two.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-three votes.
 Mr. Showalter received twenty one votes.
 Mr. Fargo received sixteen votes.
 Mr. Flanders received one vote.
 Mr. Patrick received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—THIRTIETH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Henderson, Hill, Horrell, Hunter, Miller, Morrison, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtcl, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-three.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-one votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

No choice.

Mr. Morrison moved that the House adjourn.

Lost

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—THIRTY-FIRST BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Miller, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, and Wood of Plumas—30.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtcl, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Messrs. Munday and Showalter voted for Patrick.

Whole number of votes cast, seventy-three.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received two votes.

There being no choice, the House proceeded to another ballot, as follows :

FOR SPEAKER—THIRTY-SECOND BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtcl, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

Mr. Percy moved to adjourn.

Lost.

There being no choice, the House proceeded to another ballot, as follows :

FOR SPEAKER—THIRTY-THIRD BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Miller, O'Brien, Per-

cy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kangle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Munday, Porter, Spence, Tilton, Tittel, and Willey—19.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-one votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received nineteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

There being no choice, the House proceeded to another vote, as follows:

FOR SPEAKER—THIRTY-FOURTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kangle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

There being no choice, the House proceeded to another vote, as follows:

FOR SPEAKER—THIRTY-FIFTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillett, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo.—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Flanders.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Flanders received one vote.

Mr. Patrick received one vote.

No choice.

At forty-five minutes past twelve o'clock, M. on motion of Mr. Gregory, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 10th, 1861. }

The House met pursuant to adjournment, J. M. Anderson, the Clerk of the last session, presiding.

The roll was called, and a quorum being present, the Journal of yesterday was read and approved.

The House proceeded to vote for Speaker, with the following result:

FOR SPEAKER—THIRTY-SIXTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory,

Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Tilton, Tittel, and Willey—17.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-two.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-one votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received seventeen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows

FOR SPEAKER—THIRTY-SEVENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-three.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-one votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—THIRTY-EIGHTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans,

Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—THIRTY-NINTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo, voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—FORTIETH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, and Wright—31.

Those who voted for Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-three.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-one votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another vote, as follows:

FOR SPEAKER—FORTY-FIRST BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Showalter voted for Mr. Patrick.

Mr. Fargo voted for Mr. Crocker.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows :

FOR SPEAKER—FORTY-SECOND BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Showalter voted for Mr. Patrick.

Mr. Fargo voted for Mr. Crocker.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows :

FOR SPEAKER—FORTY-THIRD BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clark, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—FORTY-FOURTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr Conness received thirty-three votes.

Mr Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—FORTY-FIFTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coun-

cilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—FORTY-SIXTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Mr. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows.

FOR SPEAKER—FORTY-SEVENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory,

Hanson, Haun, Holman, Johnson, Kungie, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, and Wood of Yolo—21.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-two.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-one votes.

Mr. Showalter received twenty-one votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—FORTY-EIGHTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood Plumas, and Wright—32.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungie, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Whole number of votes cast, seventy-three.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-two votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—FORTY-NINTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—FIFTIETH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, and Wood of Plumas—32.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-three.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-two votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received seventeen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

No choice.

Mr. Crocker offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that this Legislature

adjourn *sine die* on Saturday, the twelfth instant, at twelve o'clock, M. unless the Assembly shall elect a Speaker in the meantime.

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

Mr. Chandler moved to adjourn.

Lost.

The House proceeded to another vote for Speaker, as follows :

FOR SPEAKER—FIFTY-FIRST BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another vote, as follows :

FOR SPEAKER—FIFTY-SECOND BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Crocker.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-two votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—FIFTY-THIRD BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Miller, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, and Wood of Plumas—30.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Connelman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Tilton.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-two.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Tilton received one vote.

There being no choice, the House proceeded to another vote, as follows:

FOR SPEAKER—FIFTY-FOURTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—30.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Tilton.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-two.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Tilton received one vote.

There being no choice, the House proceeded to another vote, as follows:

FOR SPEAKER—FIFTY-FIFTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Henderson, Hill, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—30.

Those who voted for Showalter, were—

Messrs. Amyx, Buechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—21.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Tilton.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-one.

Necessary to a choice, thirty-six.

Mr. Conness received thirty votes.

Mr. Showalter received twenty-one votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Tilton received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—FIFTY-SIXTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kuntz, Lalor, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—20.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Tilton.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-one.

Necessary to a choice, thirty-six.

Mr. Conness received thirty-one votes.

Mr. Showalter received twenty votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Tilton received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—FIFTY-SEVENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Harris, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, White, Wood of Plumas, and Wright—29.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Blair.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-one.

Necessary to a choice, thirty-six.

Mr. Conness received twenty-nine votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Blair received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—FIFTY-EIGHTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Den-

niston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Henderson, Hill, Horrell, Hunter, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kunglo, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Blair.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-three.

Necessary to a choice, thirty-seven.

Mr. Conness received thirty-one votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Blair received one vote.

No choice.

At forty-five minutes past twelve o'clock, P. M. on motion of Mr. Holman, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY, }
Friday, January 11, 1861. }

The House met pursuant to adjournment.

J. M. Anderson, Clerk of the last session, presiding.

Roll called

Quorum present.

Journal of yesterday read and approved.

The House proceeded to vote for Speaker, with the following result:

FOR SPEAKER—FIFTY-NINTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—34.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kunglo, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Patrick, were—

Messrs. Showalter and Smith of Fresno.

Mr. Fargo voted for Mr. Morgan.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Conness received thirty-four votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received two votes.

Mr. Morgan received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—SIXTIETH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—34.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtcl, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Patrick, were—

Messrs. Showalter and Smith of Fresno.

Mr. Fargo voted for Mr. Morgan.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Conness received thirty-four votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Morgan received one vote.

Mr. Patrick received two votes.

There being no choice, the House proceeded to another vote, with the following result:

FOR SPEAKER—SIXTY-FIRST BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—34.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Patrick, were—

Messrs. Showalter and Smith of Fresno.

Mr. Fargo voted for Mr. Morgan.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Conness received thirty-four votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received two votes.

Mr. Morgan received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—SIXTY-SECOND BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Patrick, were—

Messrs. Showalter and Smith of Fresno.

Mr. Fargo voted for Mr. Morgan.

Mr. Hagans voted for Mr. O. K. Smith.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Conness received thirty-three votes.
 Mr. Showalter received twenty-two votes.
 Mr. Fargo received eighteen votes.
 Mr. Patrick received two votes.
 Mr. Morgan received one vote.
 Mr. O. K. Smith received one vote.

No choice.

Mr. Ross offered the following resolution :

Resolved, That the candidates now before the Assembly for Speaker be, and are hereby, respectfully requested to withdraw their names as candidates.

Mr. Laspeyre offered the following substitute, which was accepted by Mr. Ross :

Resolved, That the interests of the State imperatively demand of this Assembly, an immediate organization, by the election of a Speaker.

Resolved, That we regard it as an indisputable fact, clearly manifested by the proceedings of the past four days, that no candidate now in the field can possibly be elected Speaker of this Assembly.

Resolved, That each candidate be earnestly, but respectfully, requested to withdraw his name, for the purpose of harmonizing conflicting elements, and effecting a speedy organization.

Mr. O'Brien offered the following amendment :

Amend the resolution so as to request the candidates of the minority parties on this floor to withdraw.

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

Upon which, Messrs. Laspeyre, Amyx, and Ross, demanded the ayes and noes, and the motion prevailed by the following vote :

AYES—Messrs. Adams, Blair, Briggs, Buell, Burnell, Campbell, Childs, Clarke, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Flanders, Ford, Foster, Green, Harriman, Harrison, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Porter, Powell, Smith of Placer, Tilden, Tilton, Tittel, Walter, Wood of Plumas, and Wright—40.

NOES—Messrs. Amyx, Avery, Baechtel, Banks, Bradley, Chandler, Cherry, Councilman, Crocker, Gillette, Gordon, Gregory, Hagans, Hanson, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Patrick, Ross, Scott, Showalter, Smith of Fresno, Sorrel, Spence, White, Willey, and Wood of Yolo—35.

The House proceeded to another vote for Speaker.

FOR SPEAKER—SIXTY-THIRD BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, and Wood of Plumas—31.

Those who voted for Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory,

Hanson, Holman, Johnson, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—20.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Laspeyre, were—

Messrs. Haun and Kungle.

Those who voted for Mr. Patrick, were—

Messrs. Showalter and Smith of Fresno.

Mr. Hagans voted for O. K. Smith.

Mr. Morrison voted for S. A. Douglas.

Mr. Fargo voted for Mr. Morgan.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Conness received thirty-one votes.

Mr. Showalter received twenty votes.

Mr. Fargo received eighteen votes.

Mr. O. K. Smith received one vote.

Mr. Morgan received one vote.

Mr. Laspeyre received two votes.

Mr. S. A. Douglas received one vote.

Mr. Patrick received two votes.

No choice.

Mr. Adams offered the following resolution :

Resolved, That in the election of Speaker and other officers of this House, the persons having the highest number of votes be declared elected.

On motion of Mr. Crocker, it was laid on the table.

The House then proceeded to another vote, as follows :

FOR SPEAKER—SIXTY-FOURTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Smith of Placer, Tilden, Walter, White, Wood of Plumas and Wright—30.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Magruder, Montgomery, Patrick, Ross, Scott, and Wood of Yolo—20.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Patrick, were—

Messrs. Showalter and Smith of Fresno.

Mr. Fargo voted for Mr. Morgan.
Mr. Hagans voted for O. K. Smith.

Whole number of votes cast, seventy-two.
Necessary to a choice, thirty-seven.

Mr. Conness received thirty votes.
Mr. Showalter received twenty votes.
Mr. Fargo received eighteen votes.
Mr. Morgan received one vote.
Mr. Patrick received two votes.
Mr. O. K. Smith received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—SIXTY-FIFTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—30.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Patrick, were—

Messrs. Showalter and Smith of Fresno.

Mr. Hagans voted for Mr. O. K. Smith.

Mr. Fargo voted for Mr. Morgan.

Whole number of votes cast, seventy-four.
Necessary to a choice, thirty-eight.

Mr. Conness received thirty votes.
Mr. Showalter received twenty-two votes.
Mr. Fargo received eighteen votes.
Mr. Patrick received two votes.
Mr. Morgan received one vote.
Mr. O. K. Smith received one vote.

No choice.

On motion of Mr. Tittel, at twenty minutes past twelve o'clock, p. m. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 12th, 1861. }

The House met pursuant to adjournment, J. M. Anderson, the Clerk of the last session, presiding.

The roll was called.

Quorum present.

The journal of yesterday was read and approved.

The House proceeded to vote for Speaker, with the following result:

FOR SPEAKER—SIXTY-SIXTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—33.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Campbell, Cherry, Clarko, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Titel, and Willey—17.

Mr. Fargo voted for Mr. Avery.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-three votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received seventeen votes.

Mr. Avery received one vote.

Mr. Patrick received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—SIXTY-SEVENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Blair, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—34.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrel, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—16.

Mr. Fargo voted for Mr. Avery.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty-four votes.

Mr. Showalter received twenty-two votes.

Mr. Fargo received sixteen votes.

Mr. Avery received one vote.

Mr. Patrick received one vote.

No choice.

Mr. Magruder offered the following resolution :

Resolved, That this body remain in session until twelve o'clock to-night unless a Speaker should be chosen before that hour.

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

Carried.

The following resolution was offered by Mr. Laspeyre :

WHEREAS, we believe that neither candidate now in the field has any chance of success, and by a refusal on their part to withdraw from the contest, will evince a disposition to retard legislation and prolong the session, thereby inflicting a great wrong and injury upon their constituents.

Resolved, That the interests of the State imperatively demand its immediate organization.

Resolved, That each candidate for the Speakership be earnestly, but respectfully, requested to withdraw their names.

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

Upon which Messrs. Laspeyre, Montgomery, and Kunglo, demanded the ayes and noes, and the motion prevailed by the following vote :

AYES—Adams, Avery, Banks, Blair, Briggs, Buell, Burnell, Campbell, Cherry, Childs, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, Munday, O'Brien, Porter, Powell, Smith of Placer, Tilden, Tilton, Tittel, Walter, White, Willey, and Wright—45.

NOES—Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hagans, Hanson, Harriman, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, Spence, Wood of Plumas, and Wood of Yolo—30.

The House then proceeded to another ballot, as follows :

FOR SPEAKER—SIXTY-EIGHTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien,

Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—30.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Sorrel, and Wood of Yolo—23.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Barks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Fargo voted for Mr. Avery.

Mr. Hagans voted for Mr. Smith of Fresno.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty votes.

Mr. Showalter received twenty-three votes.

Mr. Fargo received eighteen votes.

Mr. Avery received one vote.

Mr. Smith of Tulare, received one vote.

Mr. Patrick received one vote.

No choice.

Mr. Crocker moved that the House adjourn.

Upon which, Mr. Laspeyre, Sorrel, and Gregory, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Adams, Banks, Blair, Briggs, Buell, Campbell, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Ford, Hanson, Haun, Kungle, Lalor, Morgan, Scott, Tittel, and Willey—21.

NOES—Messrs. Amyx, Avery, Baechtel, Bradley, Burnell, Chandler, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Gillette, Gordon, Green, Gregory, Hagans, Harriman, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kurtz, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Munday, O'Brien, Patrick, Percy, Porter, Powell, Ross, Showalter, Smith of Placer, Sorrel, Spence, Tilden, Tilton, Walter, White, Wood of Plumas, Wood of Yolo, and Wright—53.

Mr. Tilton offered the following resolution:

Resolved, That the respective candidates now before the House, for the office of Speaker, viz: Messrs. Fargo, Conness, and Showalter, be, and they are hereby, elected as such Speakers, to serve one week each, alternatively, in the order named, and that in the appointment of the committees each person named in this resolution shall have a vote, and the several committees shall be determined by a majority vote.

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

Carried.

Mr. Blair offered the following resolution:

Resolved, That the following named persons be, and the same are hereby, declared to be the permanent officers of this House, viz:

Speaker.—Frank F. Fargo.

Chief Clerk.—James M. Taylor.

Sergeant-at-Arms.—John Turner.

Assistant Sergeant-at-Arms.—J. M. Hurd.

Assistant Clerk.—T. R. Chapin.

Enrolling Clerk.—S. S. Johnson.

Engrossing Clerk.—H. S. Homans.

Laid on the table.

Mr. Denniston moved that the House adjourn.

Upon which, Messrs. Sorrel, Gregory, and Munday, demanded the ayes and noes, and the House refused by the following vote :

AYES—Messrs. Buell, Campbell, Clarke, Coleman, Councilman, Covarrubias, Crocker, Denniston, Flanders, Ford, Foster, Hanson, Harris, Harrison, Haun, Kungle, Lalor, Miller, Morgan, Tilton, and Willey—21.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Blair, Bradley, Briggs, Burnell, Chandler, Childs, Coltrin, Curtis, Dougherty, Durst, Eastman, Gillette, Gordon, Green, Gregory, Hagans, Harriman, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kurtz, Laspeyre, Lippincott, Magruder, Montgomery, Munday, O'Brien, Patrick, Percy, Porter, Powell, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Tilden, Tittel, Walter, White, Wood of Plumas, Wood of Yolo, and Wright—52.

Mr. Montgomery offered the following resolution :

Resolved, That this House ought not so far indorse the San Francisco bulkhead scheme as to elect for its Speaker a candidate who at the last session of the Legislature voted in favor of that measure.

The Clerk ruled the resolution out of order.

From which, Mr. Magruder appealed.

Upon the question : Shall the decision of the Clerk stand as the judgment of the House? Messrs. Montgomery, Chandler, and Tittel, demanded the ayes and noes, and the decision was sustained by the following vote

AYES—Messrs. Adams, Amyx, Avery, Blair, Buell, Burnell, Campbell, Childs, Clarke, Coleman, Coltrin, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Flanders, Ford, Foster, Gillette, Gordon, Green, Gregory, Hagans, Harriman, Harrison, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kurtz, Laspeyre, Lippincott, Miller, Morrison, Munday, O'Brien, Patrick, Percy, Porter, Powell, Ross, Scott, Showalter, Smith of Placer, Sorrel, Spence, Tilden, Tilton, Walter, White, Wood of Plumas, Wood of Yolo, and Wright—57.

NOES—Messrs. Banks, Bradley, Chandler, Cherry, Councilman, Hanson, Haun, Kungle, Lalor, Magruder, Montgomery, Morgan, Tittel, and Willey—14.

The House proceeded to another vote for Speaker, as follows :

FOR SPEAKER—SIXTY-NINTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—28.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, and Wood of Yolo—19.

Those who voted for Mr. Fargo, were—

Mr. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for O. K. Smith, were—

Messrs. Hagans, Haun, Percy, and Sorrel—4.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy.

Necessary to a choice, thirty-six.

Mr. Conness received twenty-eight votes.

Mr. Showalter received nineteen votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Smith of Tulare, received four votes.

No choice.

Mr. Percy nominated Murray Morrison as a candidate for Speaker.

The House proceeded to another ballot, as follows:

FOR SPEAKER—SEVENTIETH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Dougherty, Durst, Eastman, Foster, Green, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, and Wood of Yolo—19.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clark, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Morrison, were—

Messrs. Hagans, Percy, Scott, and Sorrel—4.

Mr. Fargo voted for Mr. Avery.

Mr. Haun voted for O. K. Smith.

Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received thirty votes.

Mr. Showalter received nineteen votes.

Mr. Fargo received eighteen votes.

Mr. Avery received one vote.

Mr. Patrick received one vote.

Mr. Morrison received four votes.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—SEVENTY-FIRST BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—29.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, and Wood of Yolo—20.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Spence, Tilton, Tittel, and Willey—17.

Those who voted for Mr. Morrison, were—

Messrs. Hagans, Percy, Scott, and Sorrel—4.

Mr. Showalter voted for Mr. Patrick.

Mr. Porter voted for Mr. Crocker.

Whole number of votes cast, seventy-two.

Necessary to a choice, thirty-seven.

Mr. Conness received twenty-nine votes.

Mr. Showalter received twenty votes.

Mr. Fargo received seventeen votes.

Mr. Patrick received one vote.

Mr. Crocker received one vote.

Mr. Morrison received four votes.

No choice.

Mr. Walter moved to adjourn.

Lost.

The House then proceeded to another vote.

FOR SPEAKER—SEVENTY-SECOND BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walter, White, Wood of Plumas, and Wright—29.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Holman, Johnson, Kurtz, Lalor, Magruder, Montgomery, Patrick, Ross, and Wood of Yolo—17.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Spence, Tilton, Tittel, and Willey—17.

Those who voted for Mr. Morrison, were—

Messrs. Hagans, Haun, Kungie, Percy, and Scott—5.

Mr. Laspeyre voted for Mr. Sorrel.

Mr. Porter voted for Mr. Campbell.

Mr. Showalter voted for Mr. Patrick.

Mr. Sorrel voted for Mr. Gregory.

Whole number of votes cast, seventy-two.

Necessary to a choice, thirty-seven.

Mr. Conness received twenty-nine votes.

Mr. Showalter received seventeen votes.

Mr. Fargo received seventeen votes.

Mr. Morrison received five votes.

Mr. Patrick received one vote.

Mr. Sorrell received one vote.

Mr. Campbell received one vote.

Mr. Gregory received one vote.

There being no choice, the House, at one o'clock, P. M. on motion of Mr. Crocker, adjourned until Monday next, at eleven o'clock, A. M.

IN ASSEMBLY.

HOUSE OF ASSEMBLY, }
Monday, January 14, 1861. }

The House met pursuant to adjournment.

J. M. Anderson, Clerk of the last session, presiding.

Roll called.

Quorum present.

Journal of Saturday read and approved.

The House proceeded to vote for Speaker, with the following result:

FOR SPEAKER—SEVENTY-THIRD BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Covarrubias, Deaniston, Dougherty, Durst, Eastman, Foster, Green, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, White, Wood of Plumas, and Wright—31.

Those who voted for Mr. Showalter, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungie, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Sorrell, and Wood of Yolo—22.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr Morrison, were—
Messrs. Hagans and Percy.

Mr. Fargo voted for Mr. Ford
Mr. Showalter voted for Mr. Patrick.

Whole number of votes cast, seventy-five.
Necessary to a choice, thirty-eight.

Mr. Conness received thirty-one votes.
Mr. Showalter received twenty-two votes.
Mr. Fargo received eighteen votes.
Mr. Patrick received one vote.
Mr. Morrison received two votes.

No choice.

Mr. Harris placed in nomination Mr. Wood, of Plumas, as a candidate for Speaker.

Mr. Percy withdrew the name of Mr. Morrison.

Mr. Showalter withdrew his name.

The House proceeded to another vote, as follows :

FOR SPEAKER—SEVENTY-FOURTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Harrison, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, and Wright—26.

Those who voted for Mr. Wood, of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—30.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Chandler voted for Mr. Montgomery.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Ford.

Whole number of votes cast, seventy-seven.
Necessary to a choice, thirty-nine.

Mr. Conness received twenty-six votes.
Mr. Wood of Plumas, received thirty votes.
Mr. Fargo received eighteen votes.
Mr. Montgomery received one vote.
Mr. Durst received one vote.
Mr. Ford received one vote.

There being no choice, the House proceeded to another ballot, as follows :

FOR SPEAKER—SEVENTY-FIFTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, and Wright—26.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buel, Chandler, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—29.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Chandler voted for Mr. Montgomery.

Mr. Fargo voted for Mr. Ford.

Mr. Conness voted for Mr. Durst.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Conness received twenty-six votes.

Mr. Wood of Plumas received twenty-nine votes.

Mr. Fargo received eighteen votes.

Mr. Ford received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—SEVENTY-SIXTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, and Wright—25.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—31.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Chandler voted for Mr. Montgomery.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Ford.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Conness received twenty-five votes.

Mr. Wood of Plumas received twenty votes.

Mr. Fargo received eighteen votes.

Mr. Ford received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

There being no choice, the House proceeded to another ballot, as follows :

FOR SPEAKER—SEVENTY-SEVENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, and Wright—25.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—31.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Conn-
cilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Til-
ton, Tittel, and Willey—18.

Mr. Chandler voted for Mr. Montgomery.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Ford.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Conness received twenty-five votes

Mr. Wood of Plumas, received thirty-one votes.

Mr. Fargo received eighteen votes.

Mr. Ford received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

There being no choice the House proceeded to another ballot, as follows :

FOR SPEAKER—SEVENTY-EIGHTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, and Wright—25.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—29.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Chandler voted for Mr. Montgomery.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Ford.

Mr. Lalor voted for J. C. Breckinridge.

Whole number of vote cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Conness received twenty-five votes.

Mr. Wood of Plumas received twenty-nine votes.

Mr. Fargo received eighteen votes.

Mr. Ford received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

Mr. Breckinridge received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—SEVENTY-NINTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Barnell, Coleman, Coltrin, Covarrubias, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, and Wright—25.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Hann, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—30.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Chandler voted for Mr. Patrick.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Ford.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Conness received twenty-five votes.

Mr. Wood of Plumas, received thirty votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received two votes.

Mr. Durst received one vote.

Mr. Ford received one vote.

No choice.

Mr. Briggs moved that the House adjourn.

Upon which Messrs. Sorrel, Munday, and Gillette, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Briggs, Buell, Cherry, Ford, Haun, Miller, Montgomery, Morrison, Munday, Percy, Porter, Tilton, and Tittel—13.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Burnell, Campbell, Chandler, Childs, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Flanders, Foster, Gillette, Gordon, Green, Hagans, Hanson, Harriman, Harris, Harrison, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Morgan, O'Brien, Patrick, Powell, Ross, Showalter, Smith of Placer, Sorrel, Spence, Tilden, Waldron, Walter, White, Willey, Wood of Plumas, Wood of Yolo, and Wright—62.

The House proceeded to another vote for Speaker.

FOR SPEAKER—EIGHTIETH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, and Walter—24.

Those who voted for Mr. Wood of Plumas were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—31.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18

Mr. Chandler, voted for Mr. Patrick.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Ford.

Mr. Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Conness received twenty-four votes.

Mr. Wood of Plumas, received thirty-one votes.

Mr. Fargo received eighteen votes.

Mr. Durst received one vote.

Mr. Patrick received one vote.

Mr. Ford received one vote.

Mr. Sorrel received one vote.

The House proceeded to another ballot, as follows :

FOR SPEAKER—EIGHTY-FIRST BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, and Wright—25.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—31.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Chandler voted for Mr. Patrick.

Mr. Fargo voted for Mr. Ford.

Mr. Conness voted for Mr. Durst.

Mr. Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-eight.

Necessary to a choice, forty.

Mr. Wood of Plumas, received thirty-one votes.

Mr. Conness received twenty-five votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Durst received one vote.

Mr. Ford received one vote.

Mr. Sorrel received one vote.

No choice.

Mr. Crocker moved that the House adjourn.

Upon which Messrs. Sorrel, Gregory, and Ross, demanded the ayes and noes, and the motion was lost by the following vote:

AYES—Messrs. Adams, Banks, Briggs, Buell, Burnell, Campbell, Cherry, Clarke, Councilman, Covarrubias, Crocker, Curtis, Denniston, Eastman, Fargo, Flanders, Ford, Haun, Lippincott, Miller, Montgomery, Percy, Porter, Powell, Spence, Tilton, Tittel, Waldron, and Willey—29.

NOES—Messrs. Amyx, Avery, Baechtel, Blair, Bradley, Chandler, Childs, Coleman, Coltrin, Conness, Dougherty, Durst, Foster, Gillette, Gordon, Green, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Morgan, Munday, O'Brien, Patrick, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Tilden, Walter, White, Wood of Plumas, Wood of Yolo, and Wright—49.

The House proceeded to vote for Speaker.

FOR SPEAKER—EIGHTY-SECOND BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Waldron, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Horrell, Johnson, Kun-

gle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—29.

Those who voted for Mr. Fargo, were—

Messrs Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Chandler voted for Mr. Patrick.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Ford.

Mr. Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Wood of Plumas, received twenty-nine votes.

Mr. Conness received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Patrick received one vote.

Mr. Durst received one vote.

Mr. Ford received one vote.

Mr. Sorrel received one vote.

No choice.

The House proceeded to another ballot.

FOR SPEAKER—EIGHTY-THIRD BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Waldron, Walter, and Wright—23.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—30.

Those who voted for Mr. Fargo, were—

Messrs Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Mr. Chandler voted for Mr. Patrick.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Ford.

Mr. Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Wood of Plumas, received thirty votes.

Mr. Conness received twenty-three votes.

Mr. Fargo received seventeen votes.

Mr. Patrick received one vote.

Mr. Durst received one vote.

Mr. Ford received one vote.

Mr. Sorrel received one vote.

No choice.

At half past one o'clock, p. m. on motion of Mr. Tilton, the House adjourned.

— — — — —
IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 15th, 1861. }

The House met pursuant to adjournment.

J. M. Anderson, the Clerk of the last session, presiding.

The roll was called.

Quorum present.

The journal of yesterday was read and approved.

The House proceeded to vote for Speaker, with the following result:

FOR SPEAKER—EIGHTY-FOURTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs Adams, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lator, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—29.

Those who voted for Mr. Fargo, were—

Messrs Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Mr. Chandler voted for Mr. Montgomery.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Banks.

Mr. Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received twenty-four votes.

Mr. Wood of Plumas, received twenty nine votes.

Mr. Fargo received seventeen votes.

Mr. Banks received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

Mr. Sorrel received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—EIGHTY-FIFTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Showalter, Sorrel, White, and Wood of Yolo—29.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Mr. Chandler voted for Mr. Montgomery.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Banks.

Mr. Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Conness received twenty-four votes.

Mr. Wood of Plumas received twenty-nine votes.

Mr. Fargo received seventeen votes.

Mr. Banks received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

Mr. Sorrel received one vote.

No choice.

Mr. Cherry offered the following resolution :

Resolved, That for the purpose of effecting a speedy organization of this House, the following persons be selected to act as the permanent officers of the Assembly for the session :

<i>Speaker</i>	Frank F. Fargo.....	Republican.
<i>Chief Clerk</i>	J. M. Anderson.....	Douglas.
<i>Assistant Clerk</i>	J. W. Scoby	Douglas.
<i>Sergeant-at-Arms</i>	J. C. Minturn	Breckenridge.
<i>Assistant Sergeant-at-Arms</i>	F. Fisher	Breckenridge.
<i>Engrossing Clerk</i>	H. C. Kibbe	Douglas.
<i>Enrolling Clerk</i>	H. L. Homans.....	Republican.

And that the members of the various committees, and the appointees of the Speaker, be selected impartially from the members of the various parties.

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

Upon which Messrs. Banks, Cherry, and Chandler, demanded the ayes and noes, and the motion prevailed by the following vote :

AYES—Messrs. Adams, Amyx, Baechtel, Bradley, Buell, Burnell, Chandler, Childs, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Gillette, Gordon, Green, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Lippincott, Magruder, Miller, Mont-

gomery, Morrison, Munday, O'Brien, Patrick, Percy, Powell, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Tilden, Walter, White, Wood of Yolo, and Wright—56.

NOES—Messrs. Avery, Banks, Blair, Friggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, Waldron, and Willey—19.

The House proceeded to another vote for Speaker, as follows :

FOR SPEAKER—EIGHTY-SIXTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Bacchtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—30.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Mr. Chandler, voted for Mr. Montgomery.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Banks.

Mr. Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Wood of Plumas, received thirty votes.

Mr. Conness received twenty-four votes.

Mr. Fargo received seventeen votes.

Mr. Banks received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

Mr. Sorrel received one vote.

No choice.

Mr. Crocker offered the following resolution :

Resolved, By the Assembly, the Senate concurring, that this Legislature adjourn *sine die* on Wednesday, the sixteenth instant, at twelve o'clock, M. provided a Speaker of the Assembly be not previously elected.

Laid on the table.

The House proceeded to another vote, for Speaker.

FOR SPEAKER—EIGHTY-SEVENTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter,

Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, and Wright—23.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kuitz, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—26.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Those who voted for Mr. Chandler, were—

Messrs. Hanson and Lalor.

Mr. Chandler voted for Mr. Montgomery.

Mr. Fargo voted for Mr. Banks.

Mr. Conness voted Mr. Durst.

Mr. Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-two.

Necessary to a choice, thirty-seven.

Mr. Wood of Plumas, received twenty-six votes.

Mr. Conness received twenty-three votes.

Mr. Fargo received seventeen votes.

Mr. Banks received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

Mr. Sorrel received one vote.

Mr. Chandler received two votes.

The House proceeded to another ballot.

FOR SPEAKER—EIGHTY-EIGHTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Mill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron and Wright—23.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—30.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Mr. Chandler voted for Mr. Montgomery.

Mr. Fargo voted for Mr. Banks.

Mr. Conness voted for Mr. Durst.

Mr. Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight

Mr. Wood of Plumas, received thirty votes.

Mr. Conness received twenty three votes.

Mr. Fargo received seventeen votes.

Mr. Banks received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

Mr. Sorrel received one vote.

No choice.

The House proceeded to another ballot.

FOR SPEAKER—EIGHTY-NINTH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, and Wright—23.

Those who voted for Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—30.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Mr. Chandler voted for Mr. Montgomery.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Banks.

Mr. Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Wood of Plumas, received thirty votes.

Mr. Conness received twenty-three votes.

Mr. Fargo received seventeen votes.

Mr. Banks received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

Mr. Sorrel received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—NINTIETH BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, and Waldron—22.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—29.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Clark, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Banks.

Mr. Smith of Tulare voted for Mr. Sorrel.

Whole number of votes cast, seventy-one.

Necessary to a choice, thirty-six.

Mr. Wood of Plumas, received twenty-nine votes.

Mr. Conness received twenty-two votes.

Mr. Fargo received seventeen votes.

Mr. Banks received one vote.

Mr. Durst received one vote.

Mr. Sorrel received one vote.

There being no choice, the House proceeded to another vote, as follows:

FOR SPEAKER—NINETY-FIRST BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, and Wright—23.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—30.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Mr. Chandler voted for Mr. Montgomery.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Banks.

Mr. Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Wood of Plumas, received thirty votes.

Mr. Conness received twenty-three votes.

Mr. Fargo received seventeen votes.

Mr. Banks received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

Mr. Sorrel received one vote.

No choice.

Mr. Powell moved that the House adjourn until half past seven o'clock, this evening.

Upon which Messrs. Amyx, Gillette, and Munday, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Adams, Avery, Banks, Briggs, Campbell, Coleman, Coltrin, Conness, Councilman, Dougherty, Durst, Eastman, Ford, Green, Harriman, Henderson, Hill, Munday, O'Brien, Porter, Powell, Smith of Tulare, Spence, Tilden, Tittel, Waldron, Walter, and Wright—28.

NOES—Messrs. Amyx, Baechtel, Blair, Bradley, Buell, Burnell, Chandler, Cherry, Childs, Clarke, Covarrubias, Crocker, Denniston, Fargo, Flanders, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morgan, Morrison, Patrick, Ross, Scott, Showalter, Smith of Placer, Sorrel, Tilton, White, Willey, Wood of Plumas, and Wood of Yolo—48.

Mr. Laspeyre offered the following resolution:

Resolved, That each candidate for the Speakership be requested to withdraw from the contest.

Resolved, That we select some person who is not a member of the Assembly to act as presiding officer.

Laid on the table

Mr. Waldron offered the following resolution:

Resolved, That until the Assembly is organized, no member shall be permitted to speak more than five minutes on any one subject.

Adopted.

The House then proceeded to vote for Speaker, as follows:

FOR SPEAKER—NINETY-SECOND BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Waldron, Walter, and Wright—24

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—30.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Mr. Chandler voted for Mr. Montgomery.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Banks.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Wood of Plumas, received thirty votes.

Mr. Conness received twenty-four votes.

Mr. Fargo received seventeen votes.

Mr. Banks received one vote.

Mr. Montgomery received one vote.

Mr. Durst received one vote.

No choice.

Mr. Powell moved that the House adjourn.

Upon which Messrs. Showalter, Amyx, and Magruder, demanded the ayes and noes, and the House refused by the following vote :

AYES—Messrs. Adams, Banks, Briggs, Campbell, Cherry, Clarke, Coleman, Conness, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Green, Haun, Henderson, Hunter, Lippincott, Miller, Munday, O'Brien, Percy, Porter, Powell, Spence, Tilden, Tilton, Walden, and Wright—31.

NOES—Messrs. Amyx, Avery, Baechtel, Blair, Bradley, Buell, Burnell, Chandler, Childs, Covarrubias, Ford, Foster, Gillette, Gordon, Hagans, Hanson, Harriman, Harris, Harrison, Hill, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Patrick, Ross, Scott, Showalter, Smith of Placer, Sorrel, Tittel, Walter, White, Willey, Wood of Plumas, and Wood of Yolo—42.

The House proceeded to another ballot for Speaker, as follows :

FOR SPEAKER—NINETY-THIRD BALLOT.

Those who voted for Mr. Conness, were—

Messrs. Adams, Burnell, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, and Wright—23.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—30.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—17.

Mr. Conness voted for Mr. Durst.

Mr. Fargo voted for Mr. Banks.

Whole number of votes cast, seventy-two.

Necessary to a choice, thirty-seven.

Mr. Wood of Plumas, received thirty votes.

Mr. Conness received twenty-three votes.

Mr. Fargo received seventeen votes.

Mr. Banks received one vote.

Mr. Durst received one vote.

No choice.

Mr. Munday offered the following resolution :

Resolved, That the rules of this House be temporarily suspended, and that General A. Wood, of Plumas, be unanimously elected Speaker.

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

Upon which Messrs. Gillette, Ross, and Walter, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Adams, Avery, Banks Briggs, Burnell, Campbell, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, O'Brien, Patrick, Porter, Powell, Smith of Placer, Spence, Tilden, Tilton, Tittel, Walden, Willey, and Wright—42.

NOES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungie, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Munday, Percy, Ross, Scott, Showalter, Sorrel, Walter, White, and Wood of Yolo—33.

Mr. Eastman moved the House do now adjourn.

Upon which Messrs. Gregory, Showalter, and Patrick, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Adams, Avery, Banks, Briggs, Burnell, Campbell, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Harriman, Haun, Henderson, Hill, Hunter, Lippincott, Miller, Morrison, O'Brien, Porter, Powell, Spence, Tilden, Tilton, Tittel, Walden, Walter, Willey, and Wright—42.

NOES—Messrs. Amyx, Baechtel, Blair, Bradley, Buell, Chandler, Childs, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Holman, Horrell, Johnson, Kungie, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Patrick, Percy, Ross, Scott, Showalter, Smith of Placer, Sorrel, White, Wood of Plumas, and Wood of Yolo—34.

And so at forty-five minutes past twelve o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 16, 1861. }

The House met pursuant to adjournment.

J. M. Anderson, Clerk of the last session, presiding.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Conness withdrew his name as a candidate for Speaker, and placed in nomination Mr. Burnell of Amador County.

The House proceeded to vote for Speaker.

FOR SPEAKER—NINETY-FOURTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lip-

pincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrell, White, and Wood of Yolo—33.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell voted for Mr. Lippincott.

Mr. Fargo voted for Mr. Harriman.

Smith of Tulare, voted for Mr. Sorrel.

Whole number of votes cast, seventy-eight.

Necessary to a choice, forty.

Mr. Wood received thirty-three votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Lippincott received one vote.

Mr. Sorrell received one vote.

No choice.

The House proceeded to another vote.

FOR SPEAKER—NINETY-FIFTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrell, White, and Wood of Yolo—33.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell, voted for Mr. Lippincott.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Wood of Plumas, received thirty-three votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Lippincott received one vote.

Mr. Sorrel received one vote.

No choice.

The House proceeded to another ballot.

FOR SPEAKER—NINETY-SIXTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—33.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councliman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell voted for Mr. Lippincott.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Wood of Plumas received thirty-three votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Lippincott received one vote.

No choice.

The House proceeded to another ballot.

FOR SPEAKER—NINETY-SEVENTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—32.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coun-

eilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell voted for Mr. Powell.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Wood of Plumas received thirty-two votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Powell received one vote.

No choice.

The House proceeded to another ballot.

FOR SPEAKER—NINETY-EIGHTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—32.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell voted for Mr. Powell.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Wood of Plumas, received thirty-two votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Powell received one vote.

No choice.

The House proceeded to another ballot.

FOR SPEAKER—NINETY-NINTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baccatel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—32.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell voted for Mr. Powell.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Wood of Plumas, received thirty-two votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Powell received one vote.

No choice.

The House proceeded to another ballot.

FOR SPEAKER—ONE HUNDREDTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—32.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell voted for Mr. Powell.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Wood of Plumas, received thirty-two votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Powell received one vote.

No choice.

The House proceeded to another ballot.

FOR SPEAKER—ONE HUNDRED AND FIRST BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—33.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell voted for Mr. Powell.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Wood of Plumas received thirty-three votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Powell received one vote.

No choice.

Mr. Walter offered the following resolution :

Resolved, That a committee of seven be appointed by the Chair, to be chosen from all parties here, as equally as possible, to establish a basis upon which this House can be organized.

Laid on the table.

The House proceeded to another ballot, as follows :

FOR SPEAKER—ONE HUNDRED AND SECOND BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—33.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell voted for Mr. Powell

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Wood of Plumas, received thirty-three votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Powell received one vote.

No choice.

Mr. Holman offered the following resolution :

Resolved, That all the members of this House be respectfully requested to vote alone for those gentlemen alone, who are before the House as candidates for Speaker.

Laid on the table.

The House proceeded to another ballot, as follows :

FOR SPEAKER—ONE HUNDRED AND THIRD BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas were—

Messrs. Amyx, Bacchiel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—32.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell, voted for Mr. Foster.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Wood of Plumas, received thirty-two votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Foster received one vote.

No choice.

Mr. Childs offered the following resolution :

Resolved, That on the next ballot, the candidate having the largest number of votes, be declared duly elected Speaker of this House.

Laid on the table.

The House proceeded to another ballot, as follows :

FOR SPEAKER—ONE HUNDRED AND FOURTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, O'Brien, Powell, Smith of Placer, Tilden, Walter, and Wright—22.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, and White—32.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell, voted for Mr. Foster.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Wood of Plumas, received thirty-two votes.

Mr. Burnell received twenty-two votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Foster received one vote.

There being no choice, the House proceeded to another ballot, as follows :

FOR SPEAKER—ONE HUNDRED AND FIFTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandier, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—33.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell, voted for Mr. Foster.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Wood of Plumas, received thirty-three votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Foster received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—ONE HUNDRED AND SIXTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Tilden, Walden, Walter, and Wright—23.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kuntz, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Showalter, Sorrel, White, and Wood of Yolo—31.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell voted for Mr. Foster.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Wood of Plumas, received thirty-one votes.

Mr. Burnell received twenty-three votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Foster received one vote.

There being no choice, the House proceeded to another vote, as follows:

FOR SPEAKER—ONE HUNDRED SEVENTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Harris, Harrison, Haun, Holman, Johnson, Kungle, Kurtz, Lator, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—30.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell voted for Mr. Foster.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Wood of Plumas, received thirty votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Foster received one vote.

There being no choice, the House proceeded to another ballot, as follows:

FOR SPEAKER—ONE HUNDRED AND EIGHTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Henderson, Hill, Hunter, Lippincott, Miller, Munday, O'Brien, Powell, Smith of Placer, Tilden, Walden, Walter, and Wright—24.

Those who voted for Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Gregory, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—32.

Those who voted for Mr. Fargo, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Mr. Burnell voted for Mr. Foster.

Mr. Fargo voted for Mr. Harriman.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Wood of Plumas, received thirty-two votes.

Mr. Burnell received twenty-four votes.

Mr. Fargo received eighteen votes.

Mr. Harriman received one vote.

Mr. Foster received one vote.

At thirty minutes past twelve o'clock, p. m. on motion of Mr. Campbell, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 17th, 1861. }

The House met pursuant to adjournment.

J. M. Anderson, the Clerk of the last session, presiding.

The roll was called.

Quorum present.

The journal of yesterday was read and approved.

Mr. Fargo withdrew his name as a candidate for Speaker.

The House proceeded to vote for Speaker, with the following result:

FOR SPEAKER—ONE HUNDRED AND NINTH BALLOT.

Those who voted for Mr. Burnell, were—

Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coltrin, Conness, Counselman, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Morgan, Munday, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Tilden, Tilton, Tittel, Walden, Walter, Willey, and Wright—40.

Those who voted for Mr. Wood of Plumas, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Curtis, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morrison, Patrick, Percy, Ross, Scott, Showalter, Sorrel, White, and Wood of Yolo—36.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Burnell received forty votes.

Mr. Wood of Plumas, received thirty-six votes.

Mr. Burnell having received a majority of all the votes, was declared duly elected Speaker.

Messrs. Wood and Fargo were appointed a committee to conduct Mr. Burnell to the Chair.

On motion of Mr. Amyx, the thanks of the House were returned to Mr. Anderson, for the impartial and gentlemanly manner in which he had performed the duties of temporary Speaker.

FOR CLERK.

Mr. Dougherty nominated J. M. Anderson.

Mr. Flanders nominated Mr. Taylor.

Mr. Sorrel nominated W. J. Hooten

The House proceeded to vote for Clerk.

Those who voted for Mr. Anderson, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Conness, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Powell, Smith of Tulare, Smith of Placer, Tilden, Walden, Walter, White, Wood of Plumas, and Wright—35.

Those who voted for Mr. Taylor, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—19.

Those who voted for Mr. Hooten, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Showalter, Sorrel, and Wood of Yolo—23.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Anderson received thirty-five votes.

Mr. Taylor received nineteen votes.

Mr. Hooten received twenty-three votes.

No choice.

The House proceeded to another ballot.

FOR CLERK—SECOND BALLOT.

Those who voted for Mr. Anderson, were—

Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Burnell, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morgan, Morrison, Munday, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Tilden, Tilton, Tittel, Walden, Walter, White, Willey, Wood of Plumas, and Wright—52.

Those who voted for Mr. Hooten, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Percy, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—24.

Mr. Clarke voted for Mr. Taylor.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Anderson received fifty-two votes.

Mr. Hooten received twenty-four votes.

Mr. Taylor received one vote.

Mr. Anderson having received a majority of all the votes cast, was declared duly elected Clerk of the Assembly, and was duly qualified.

FOR ASSISTANT CLERK.

Mr. Munday nominated J. W. Scobey of Placer.

Mr. Wood of Yolo, nominated J. W. Robertson of Merced.

The House proceeded to vote.

Those who voted for Mr. Scobey, were—

Messrs. Adams, Avery, Banks, Buell, Burnell, Coleman, Coltrin, Conness, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Ford, Foster, Green, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell,

Smith of Tulare, Smith of Placer. Tilden, Tittel, Walden, Walter, White, Wood, of Plumas, and Wright—41.

Those who voted for Mr. Robertson, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrel, Spence, and Wood of Yolo—24.

Those who voted for Mr. Chapin, were—

Messrs. Briggs, Campbell, Cherry, Clarke, Councilman, Flanders, Morgan, Porter, Tilton, and Willey—10.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Scobey received forty-one votes.

Mr. Robertson received twenty-four votes.

Mr. D. K. Chapin received ten votes.

Mr. Scobey having received a majority of votes cast, was declared duly elected Assistant Clerk, and was duly qualified.

FOR SERGEANT-AT-ARMS—FIRST BALLOT.

Mr. Dougherty nominated M. Gray.

Mr. Blair nominated John Turner.

Mr. Showalter nominated Mr. J. C. Minturn.

The House proceeded to ballot for Sergeant-at-Arms:

Those who voted for Mr. Turner, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—19.

Those who voted for Mr. Gray, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Conness, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Tulare, Smith of Placer, Tilden, Walden, Walter, White, Wood of Plumas, and Wright—35.

Those who voted for Mr. Minturn, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—24.

Whole number of votes cast, seventy-eight.

Necessary to a choice, forty.

Mr. Gray received thirty-five votes.

Mr. Turner received nineteen votes.

Mr. Minturn received twenty-four votes.

No choice.

The House proceeded to another ballot.

FOR SERGEANT-AT-ARMS—SECOND BALLOT.

Those who voted for Mr. Turner, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tittel, and Willey—18.

Those who voted for Mr. Gray, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Conness, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Laspeyre, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Scott, Smith of Tulare, Smith of Placer, Tilden, Walden, Walter, White, Wood of Plumas, and Wright—37.

Those who voted for Mr. Minturn, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Magruder, Montgomery, Patrick, Ross, Showalter, Sorrel, and Wood of Yolo—22.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Gray received thirty-seven votes.

Mr. Turner received eighteen votes.

Mr. Minturn received twenty-two votes.

No choice.

The House proceeded to another ballot.

FOR SERGEANT-AT-ARMS—THIRD BALLOT.

Those who voted for Mr. Turner, were—

Messrs. Avery, Banks, Blair Briggs, Campbell, Cherry, Clark, Councilman, Crocker, Fargo, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—19.

Those who voted for Mr. Gray, were—

Messrs. Adams, Burnell, Childs, Coleman, Coltrin, Conness, Curtis, Deniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Haun, Henderson, Hill, Horrell, Hunter, Johnson, Laspeyre, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Tulare, Smith of Placer, Tilden, Walden, Walter, White, Wood of Plumas, and Wright—38.

Those who voted for Mr. Minturn, were—

Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Gillette, Gordon, Gregory, Hanson, Holman, Kurtz, Lalor, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—20.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Gray received thirty-eight votes.

Mr. Minturn received twenty votes.

Mr. Turner received nineteen votes.

No choice.

The House proceeded to another ballot.

FOR SERGEANT-AT-ARMS—FOURTH BALLOT.

Those who voted for Mr. Turner, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tittel, and Willey—18.

Those who voted for Mr. Gray, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Conness, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Gregory, Hagans, Harris, Harrison, Haun, Henderson, Hill, Horrel, Hunter, Johnson, Kungle, Laspeyre, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Percy, Powell, Scott, Smith of Tulare, Smith of Placer, Tilden, Tilton, Walden, Walter, White, Wood of Plumas, Wood of Yolo, and Wright—45.

Those who voted for Mr. Minturn, were—

Messrs. Amax, Baechtel, Bradley, Chandler, Gillette, Gordon, Hanson, Holman, Kurtz, Montgomery, Patrick, Ross, and Showalter—13.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Gray received forty-five votes.

Mr. Turner received eighteen votes.

Mr. Minturn received thirteen votes.

Mr. Gray having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms, and was duly qualified.

FOR ASSISTANT SERGEANT-AT-ARMS—FIRST BALLOT.

Mr. Dougherty nominated H. A. Lies.

Mr. Blair nominated J. M. Hurd.

Mr. Gregory nominated F. Fisher.

The House proceeded to vote.

Those who voted for Mr. Hurd, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Councilman, Fargo, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Lies, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Conness, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Tulare, Smith of Placer, Tilden, Walden, Walter, White, Wood of Plumas, and Wright—36.

Those who voted for Mr. Fisher, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—23.

Whole number of votes cast, seventy-seven.

Necessary to a choice, thirty-nine.

Mr. Lies received thirty-six votes.

Mr. Hurd received eighteen votes.

Mr. Fisher received twenty-three votes.

No choice.

The House proceeded to another ballot.

FOR ASSISTANT SERGEANT-AT-ARMS—SECOND BALLOT.

Those who voted for Mr. Hurd, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Councilman, Crocker, Fargo, Flanders, Ford, Harriman, Morgan, Porter, and Spence—15.

Those who voted for Mr. Leese, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Conness, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Tulare, Smith of Placer, Tilden, Tittel, Walden, Walter, White, Wood of Plumas, and Wright—38.

Those who voted for Mr. Fisher, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—23.

Whole number of votes cast, seventy-six.

Necessary to a choice, thirty-nine.

Mr. Leese received thirty-eight votes.

Mr. Hurd received fifteen votes.

Mr. Fisher received twenty-three votes.

No choice.

The House proceeded to another vote.

FOR ASSISTANT SERGEANT-AT-ARMS—THIRD BALLOT.

Those who voted for Mr. Hurd, were—

Messrs. Avery, Briggs, Morgan, and Porter—4.

Those who voted for Mr. Leese, were—

Messrs. Adams, Banks, Blair, Buell, Burnell, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Curtis, Denniston, Dougherty, Durst, Eastman, Flanders, Foster, Green, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Tulare, Smith of Placer, Tilden, Tilton, Tittel, Walden, Walter, White, Wood of Plumas, and Wright—44.

Those who voted for Mr. Fisher, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Hanson, Haun, Holman, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—21.

Whole number of votes cast, sixty-nine.

Necessary to a choice, thirty-five.

Mr. Leese received forty-four votes.

Mr. Hurd received four votes.

Mr. Fisher received twenty-one votes.

Mr. Leese was declared duly elected Assistant Sergeant-at-Arms, and was duly qualified.

FOR ENGROSSING CLERK—FIRST BALLOT.

Mr. Green nominated Edward Corbett.

Mr. Crocker nominated H. S. Homans.

Mr. Chandler nominated W. A. Knapp.

The House proceeded to ballot.

Those who voted for Mr. Homans, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Crocker, Fargo, Flanders, Ford, Harriman, Morgan, Porter, Spence, Tilton, Tittel, and Willey—18.

Those who voted for Mr. Corbett, were—

Messrs. Adams, Buell, Burnell, Childs, Coleman, Coltrin, Conness, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walden, White, Wood of Plumas, and Wright—34.

Those who voted for Mr. Knapp, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—22.

Whole number of votes cast, seventy-four.

Necessary to a choice, thirty-eight.

Mr. Corbett received thirty-four votes.

Mr. Homans received eighteen votes.

Mr. Knapp received twenty-two votes.

No choice.

The House proceeded to another ballot.

FOR ENGROSSING CLERK—SECOND BALLOT.

Those who voted for Mr. Homans, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Crocker, Fargo, Flanders, Ford, Harriman, Morgan, Spence, Tilton, Tittel, and Willey—17.

Those who voted for Mr. Corbett, were—

Messrs. Adams, Buell, Burnell, Childs, Coltrin, Conness, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Laspeyre, Lippincott, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walden, Walter, White, Wood of Plumas, and Wright—32.

Those who voted for Mr. Knapp, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Hanson, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Magruder, Montgomery, Patrick, Ross, Scott, and Showalter—19.

Whole number of votes cast, sixty-eight.

Necessary to a choice, thirty-five.

Mr. Corbett received thirty-two votes.

Mr. Homans received seventeen votes.

Mr. Knapp received nineteen votes.

No choice.

The House proceeded to another ballot,

FOR ENGROSSING CLERK—THIRD BALLOT.

Those who voted for Mr. Homans, were—

Messrs Briggs, Clarke, Morgan, and Porter—4.

Those who voted for Mr. Corbett, were—

Messrs. Adams, Avery, Banks, Buell, Burnell, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Curtis, Denniston, Dougherty, Durst, Eastman, Flanders, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Laspeyre, Lippincott, Miller, Munday, O'Brien, Percy, Powell, Smith of Placer, Spence, Tilden, Tittel, Walden, Walter, White, Willey, Wood of Plumas, and Wright—43.

Those who voted for Mr. Knapp, were—

Messrs Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Harrison, Holman, Johnson, Kurtz, Lalor, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrell, and Wood of Yolo—21.

Whole number of votes cast, sixty-eight.

Necessary to a choice, thirty-five.

Mr. Corbett received forty-three votes.

Mr. Homans received four votes.

Mr. Knapp received twenty-one votes.

Mr. Corbett having received a majority of the votes was declared duly elected Engrossing Clerk of the Assembly, and was duly qualified.

ENROLLING CLERK—FIRST BALLOT.

Mr. Munday nominated H. C. Kibbe.

Mr. Briggs nominated D. C. Vestal.

Mr. Magruder nominated Mr. T. R. Eldredge.

Those who voted for Mr. Vestal, were—

Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Fargo, Flanders, Ford, Morgan, Porter, Spence, Tilton, Tittel, and Willey—16.

Those who voted for Mr. Kibbe, were—

Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Hariman, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Placer, Tilden, Walden, Walter, White, Wood of Plumas, Wright, and Mr. Speaker—37.

Those who voted for Mr. Eldredge, were—

Messrs. Amyx, Baechtel, Bradley, Chandler, Gillette, Gordon, Hanson, Harrison, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—22.

Whole number of votes cast, seventy-five.

Necessary to a choice, thirty-eight.

Mr. Kibbe received thirty-seven votes.

Mr. Vestal received sixteen votes.

Mr. Eldredge received twenty-two votes.

No choice.

The House proceeded to another ballot.

FOR ENROLLING CLERK—SECOND BALLOT.

Those who voted for Mr. Vestal, were—

Messrs. Clark, Morgan, and Spence—3.

Those who voted for Mr. Kibbe, were—

Messrs. Adams, Avery, Banks, Buell, Cherry, Childs, Coleman, Coltrin, Conness, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Flanders, Foster, Green, Higans, Harriman, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Laspeyre, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Tulare, Smith of Placer, Tilden, Walden, Walter, White, Wiley, Wright, and Mr. Speaker—43.

Those who voted for Mr. Eldredge, were—

Messrs. Amyx, Baechtel, Bradley, Briggs, Chandler, Gillette, Gordon, Gregory, Hanson, Haun, Holman, Johnson, Kungle, Lalor, Magruder, Montgomery, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—22.

Whole number of votes cast, sixty-eight.

Necessary to a choice, thirty-five.

Mr. Kibbe received forty-three votes.

Mr. Vestal received three votes.

Mr. Eldredge received twenty-two votes.

Mr. Kibbe having received a majority of all the votes cast, was declared duly elected, and was qualified.

Mr. O'Brien offered the following resolution :

Resolved, That the Clerk of the Assembly be, and he is hereby, instructed, to inform the Senate of the organization of the Assembly by the election of the following officers, viz :

Speaker—R. Burnell.

Clerk—J. M. Anderson.

Assistant Clerk—J. W. Scobey.

Sergeant-at-Arms—M. Gray.

Assistant Sergeant-at-Arms—J. H. Leese.

Engrossing Clerk—E. Corbett.

Enrolling Clerk—H. C. Kibbe.

And that the House is ready to proceed with the regular business of legislation.

Adopted.

RESOLUTIONS.

Mr. Banks offered the following Concurrent Resolution :

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 Legislature, and that they are ready to receive any communications he may be pleased to make.

Adopted.

The Speaker appointed Messrs. Magruder, Fargo, and Lippincott, such committee.

The following resolution was offered by Mr. Flanders :

Resolved, That a Select Committee of five be appointed by the Speaker, to prepare and report rules for the government of the Assembly, and that the said committee be authorized to act with a similar committee on the part of the Senate, on Joint Rules.

Adopted.

Mr. White offered the following resolution :

WHEREAS, great abuses have grown out of the practice of voting extra compensation to the Clerks, and other officers of this body, and appointing many subordinate officers not authorized by law, therefore—

Resolved, That we will discountenance and oppose all extra grants for services performed during the present session of the Legislature, and all appointments of officers not by law authorized, and that we will deem an application for an increase of pay a sufficient cause for removal from office, if the same can be done.

Upon its adoption, Messrs. White, Sorrel, and Gregory, demanded the ayes and noes.

Pending which, at two o'clock, p. m. on motion of Mr. Coleman, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 18, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Councilman had indefinite leave of absence.

The Speaker announced the following appointments :

Chief Porter—W. H. Ault.

Assistant Porters—W. A. McLaughlin and Samuel Parsons.

Paper-Folder—Thomas J. Smith.

Post-Master—F. W. Redding.

Pages—James Murphy, John A. Palmer, and Master Arents.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Wood, of Plumas :

Resolved, That R. K. Weston, Assistant Clerk of the last session, and J. C. Sims, Assistant Sergeant-at-Arms, be, and they are hereby, allowed, ten days' pay, at the per diem allowed by law, and the Controller is hereby directed to draw his warrant for the same, payable out of the fund for the pay of officers and clerks of the Assembly.

Adopted.

By Mr. Crocker :

Resolved, That a committee of five be appointed by the Speaker, to

whom shall be referred all matters pertaining to the appointment of Porters, Watchmen, etc.

Mr. O'Brien offered the following amendment :

" Except the appointments already made by the Speaker."

Lost.

Mr. Crocker withdrew the resolution offered by him, and offered the following :

Resolved, That a committee of five be appointed by the Speaker, to whom all questions as to the number and pay of Porters, Clerks of committees, and other attachés of the House, shall be referred.

Mr. O'Brien moved to lay the resolution on the table.

Carried.

By Mr. White :

Resolved, That this House do now go into the election of Journal Clerk and Minute Clerk.

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

Upon which, Messrs. Showalter, Crocker, and Chandler, demanded the ayes and noes, and the House refused by the following vote :

AYES—Messrs. Amyx, Childs, Coleman, Coltrin, Conness, Denniston, Dougherty, Eastman, Foster, Green, Gregory, Hanson, Harris, Henderson, Hill, Hunter, Johnson, Lippincott, Miller, Munday, O'Brien, Porter, Powell, Ross, Scott, Tilden, Walter, and Wright—28.

NOES—Messrs. Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Chandler, Cherry, Clark, Covarrubias, Crocker, Curtis, Durst, Fargo, Flanders, Ford, Gillette, Gordon, Hagans, Harriman, Harrison, Haun, Holman, Horrel, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Patrick, Percy, Showalter, Smith of Placer, Sorrel, Spence, Tilton, Tittel, White, Willey, and Wood of Plumas—45.

So the resolution was adopted.

Mr. Magruder made the following report :

MR. PRESIDENT :—The Joint Select Committee appointed to wait upon the Governor and inform him of the organization of the Legislature, and its readiness to receive any communication he might be pleased to make, report that they have conferred with his Excellency, and that he will, on this day, at twelve o'clock, M. transmit to the Senate and Assembly, a message.

HILL,
DICKINSON,
SHAFTER,
Senate Committee.
MAGRUDER,
FARGO,
LIPPINCOTT,
House Committee.

The House proceeded to the election of Journal Clerk and Minute Clerk.

FOR JOURNAL CLERK.

Mr. Foster nominated George Landers.

Mr. Curtis nominated R. K. Weston.

Mr. Sorrell nominated Mr. E. D. Willett.

Those who voted for Mr. Weston, were—

Messrs. Adams, Avery, Baechtel, Banks, Blair, Briggs, Buell, Chandler, Cherry, Childs, Clarke, Covarrubias, Crocker, Curtis, Denniston, Eastman, Fargo, Flanders, Ford, Gillette, Gordon, Hagans, Hanson, Harriman, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morrison, Percy, Porter, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Tilton, Tittel, Walden, White, Willey, and Wood of Plumas—49.

Those who voted for Mr. Landers, were—

Messrs. Campbell, Coleman, Coltrin, Conness, Dougherty, Durst, Foster, Green, Harris, Harrison, Henderson, Hill, Hunter, Lippincott, Morgan, O'Brien, Spence, Tilden, and Wright—19.

Those who voted for Mr. Willett, were—

Messrs. Sorrell and Wood of Yolo—2.

Those who voted for Mr. Sweeny, were—

Messrs. Amyx, Bradley, and Patrick—3

Whole number of votes cast, seventy-three.

Necessary to a choice, thirty-seven.

Mr. Landers received nineteen votes.

Mr. Western received forty-nine votes.

Mr. Willett received three votes.

Mr. Sweeny received two votes.

Mr. Weston having received a majority of the votes cast, was declared duly elected Journal Clerk, and was duly qualified.

FOR MINUTE CLERK.

Mr. Wood, of Plumas, nominated William G. Wood, of San Francisco.

Those who voted for Mr. Wood, of San Francisco, were—

Messrs. Adams, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Chandler, Cherry, Childs, Clarke, Coleman, Coltrin, Conness, Covarrubias, Crocker, Curtis, Dougherty, Durst, Eastman, Fargo, Flanders, Gordon, Green, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Hill, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morgan, Morrison, O'Brien, Patrick, Percy, Porter, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Tilden, Tilton, Tittel, Walden, White, Willey, Wood of Plumas, Wood of Yolo, and Wright—65.

Mr. Amyx voted for Mr. Sweeny.

Whole number of votes cast, sixty-six.

Necessary to a choice, thirty-four.

Mr. Wood received sixty-five votes.

Mr. Sweeny received one vote.

Mr. Wood having received a majority of all the votes, was declared duly elected Minute Clerk of the Assembly, and was duly qualified.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, January 7, 1861. }

Gentlemen of the Senate and Assembly:

In obedience to the requirements of our State Constitution, it becomes my duty to lay before you the condition of the State.

During the past year, peace and unexampled prosperity have blessed us as a people; and while the citizens of our sister States have had to complain of visitations of drouth, scarcity, and intestine troubles, an unprecedented abundance has crowned the labors of the husbandman—our mines continue to be the admiration of the world, and our wine and pastoral capabilities have attracted hither the enterprise and skill of the older States, and even European capital and labor—our mixed population have yielded a willing and cheerful obedience to the laws, crime has decreased, and the decrees of our courts are respected and enforced; public confidence in the different departments of the government exists, of which the oldest commonwealth in the Union might well feel proud. The extravagance, bad management, and dishonesty, of former years have created an indebtedness of over four millions of dollars, for which we have nothing to show, save an unfinished State Prison and an incomplete and indifferent building for the insane patients of the State. No railroads built—no canals constructed—no capitol or seminary of learning erected—no equivalent to be found for this vast public incumbrance. A brighter day appears to be dawning upon us; we are reducing our expenditures to our income; the interest upon our bonds is promptly paid, and a large sinking fund annually created for the redemption of the same; our securities are sought for by the capitalist as an investment inferior to none in the American Union; all of which augur well for our future stability and material prosperity.

REPORTS.

The annual reports of the Secretary of State, the Treasurer, Controller, Attorney-General, and Surveyor-General, are herewith transmitted. They will be found to contain much valuable information, and reflect much credit upon the heads of the different departments from which they emanate.

FINANCE.

For the financial condition of the State, your attention is called to the able report of our worthy and efficient State Treasurer. The total receipts from the fifteenth of December, eighteen hundred and fifty-nine, to the fifteenth of December, eighteen hundred and sixty, inclusive, amount to one million five hundred and eight thousand six hundred and ninety-eight dollars and sixty-five cents. The amount of expenditures during the same period, were one million four hundred and twenty-two thousand and forty-two dollars and twenty-one cents, showing a balance of receipts over expenditures, during the same period, of eighty-six thousand six hundred and fifty-six dollars and forty-four cents; add to which the sum of five hundred and fifty-six thousand six hundred and eighty-one dollars and eighty-five cents, which was the balance in the treasury on December fifteenth, eighteen hundred and fifty-nine, and we have the aggregate of cash in the treasury at the close of business, December fifteenth, eighteen hundred and sixty, amounting to the sum of six hundred and forty-three thousand three hundred and thirty-eight dollars and twenty-nine cents. In order to show the increase of receipts for the past year over the previous year, ending December fifteenth, eighteen hun-

dred and fifty-nine, which increase amounts to the sum of three hundred and thirteen thousand two hundred and fifty-seven dollars and ninety-two cents, it will only be necessary to state that the total receipts for the year eighteen hundred and fifty-nine was one million one hundred and ninety-five thousand four hundred and forty dollars and seventy-three cents.

From our increased receipts for the past year, it would be reasonable to expect a larger cash balance now on hand, but the extraordinary calls made upon the treasury to meet demands suffered to accumulate during the administrations of my predecessors, under a ruinous contract for the support and maintenance of the State Prison, and expensive Indian wars, will readily account for this increased expenditures of the past year. Neither should it be forgotten that extraordinary demands upon the treasury have been made in consequence of the commencement of our State Capitol, the State Reform School, at Marysville, the Deaf, Dumb, and Blind Asylum, at San Francisco, the increased donations to the Orphan Asylums and other objects of charity, the Boundary Survey, the Geological Survey, and the increased appropriation for the Insane Asylum, all of which are laudable and legitimate objects for which to appropriate money, provided our financial condition will justify it. But we should be just before we are generous, and provide the means before we appropriate for objects, no matter how laudable. And in this connection I should not omit to state that our public debt has been diminished by the redemption and cancellation of bonds to the amount of sixty-one thousand dollars during the past year.

The assessed value of real and personal property of the State amount to the sum of one hundred and forty-eight millions of dollars only, it is plain then to perceive that it will not do for us to embark in undertakings which have required the wisdom and accumulated wealth of centuries to accomplish in other communities. In connection with this subject I deem it not inappropriate to suggest that it is a wise policy to make no appropriations unless money may be reasonably expected in the treasury to meet them. The experience of the past dictates the necessity of this policy.

EQUITABLE INDEBTEDNESS.

That portion of our equitable indebtedness remaining unfunded was submitted to the voters of the State for their sanction or rejection, and the result has shown that they have ratified it by a singular unanimity. While the Constitution of our State wisely restricts the Legislature from creating an indebtedness, which singly, or in the aggregate, shall exceed three hundred thousand dollars, without first submitting it for ratification or rejection to the voters of the State, unbridled license has been extended to the creatures of the Legislature, the cities and counties of the State; and to such an alarming extent has this been carried, that our people in the short period of eleven years are burdened with an indebtedness ruinous to the prosperity and interest of the whole State. I have taken the pains to ascertain to what extent this system has been carried, and the result shows that the local indebtedness of the counties and cities approximates ten millions of dollars. Like the State, they have but little to show for this vast expenditure. Is it not, in a measure, the result of the reckless extravagance, incident to a new condition of things, in the formation of a new State, and high salaries and fees?

CONTROLLER'S REPORT.

The Controller's Report contains much valuable information, and shows

in detail the condition of the various funds, and the financial resources of the State. I commend it, with the suggestions, to your careful consideration.

ATTORNEY-GENERAL'S REPORT.

In the suggestions made by the Attorney-General in relation to the codification or revision of our laws, I fully concur, and trust that you will take early action to secure that end.

The reference made by that officer to difficulties arising under our new Revenue Act, reminds me that many of them were anticipated by the friends of the measure, but it is hoped, when its provisions are understood by Assessors and Collectors, that it will be found efficient. It is certainly an improvement upon our former revenue law, and should be fairly tested before it is condemned. Make it general in its operations in all the counties. Changes only tend to confuse and embarrass the collection of the State and County revenues. Under the operations of this bill, the assessed value of real and personal property in the State has been increased seventeen millions as compared with the corresponding period of last year, while many and important branches of industry and species of personal property have decreased fifty per cent. With a few amendments that will doubtless be suggested by the Committee of Ways and Means, it will, I trust, meet the expectations of its many friends, and prove beneficial to the State.

I would in this connection recommend that the two hundred and forty-sixth section of the "Act to regulate Proceedings in Civil Cases," approved April twenty-eighth, eighteen hundred and sixty, be amended. The first line contains the word "no" before the word "action," which renders the whole sentence nugatory. It is either the fault of the Enrolling Clerk or Printer, and should be corrected promptly.

SURVEYOR-GENERAL'S REPORT.

There is much valuable information contained in this report, to which I invoke your attention. This officer has devoted much time and labor to the subject of our swamp and overflowed lands. Through the liberality of the General Government, we have become the possessors of a rich inheritance in these lands, and from the receipts into our treasury from this source in the last two years, you cannot fail to be impressed with the importance of this interest. From the nature of this subject, it has become the peculiar province of the Surveyor-General to supervise this branch of our public wealth. I may say, he has made it a specialty, and his suggestions are, therefore, entitled to consideration at the hands of the Legislature.

The modification of the law limiting the frontage on navigable streams should be promptly made. Measures for a complete segregation of the public lands of the State from the lands of the Federal Government should be adopted; and for the benefit and protection of those who have purchased from the State, I would recommend a joint resolution be adopted, instructing and requesting our delegation in Congress to use their influence to have so much of these lands as are offered for sale by the proclamation of the President withdrawn from market. The evils predicted by the Surveyor-General to the purchasers from the State must ensue unless remedied, and certainly the State, after having sold and received an equivalent, will be bound to protect the purchaser.

STATE PRISON.

Under the act appointing a Board of Commissioners to compromise and

settle with J. F. McCauley and Lloyd Tevis, assignees of James M. Estill, deceased, all claims against the State of California held by them, or either of them, and arising out of, or in any manner connected with, the contract made on the twenty-sixth of March, eighteen hundred and fifty-six, between the State of California and the said James M. Estill, for a lease of the State Prison and convict labor for the term of five years, the said Commissioners did, on the eleventh day of August last, settle and compromise with said assignees for the sum of two hundred and seventy-five thousand dollars, in accordance with the provisions of said Act, as will be set forth in detail in the report of the Commissioners, on which day the prison and its inmates virtually passed into the possession of the State, and came under the control of the State Prison Directors.

I deem it proper here to state that the negotiations were prolonged beyond the time contemplated by the Legislature, for the settlement of this vexed question. The Supreme Court had rendered its final judgment in favor of the assignees. It was found by the Commissioners, that a settlement could not be effected for the amount appropriated by the Legislature. As the law contemplated a settlement would be made on the eleventh day of May at the latest, the Sub-Lessee had to maintain the prison for three months additional, and as a consequence, a final proposition for settlement was made by the assignees, that as a condition, McCauley should have the labor and prison for two months, to effect the removal of his property, and receive for the maintenance of the prison, from the State, the sum of ten thousand dollars per month, to which final proposition the Commissioners deemed it advisable to accede. The result was, that on the eleventh day of October last, the prison, convicts, and property of the State, passed absolutely into the possession of the State Prison Directors. Of the management of the institution since that period, the report of the Directors will advise you at length, and will be laid before you in due time, as required by law. I will only add that it is now being conducted economically; the condition of the prisoners is vastly improved; the trusty system is done away with; and, I trust, that with your aid, before the expiration of my official term, I will be able to demonstrate, by practical results, that under the management of the State, the institution will approximate a self-sustaining basis. When we reflect that this establishment, since eighteen hundred and fifty-two, has cost the State the sum of one million one hundred and sixty-four thousand six hundred and seventy-two dollars and forty cents, it is devoutly to be hoped that the period has arrived when it will cease to be this terrible incubus upon the tax payers of the State, and that you will in your wisdom, devise the means and manner of employing the convicts to such an advantage as to make those who violate the laws of society, defray the expenses of their own government and correction. In my opinion there should be none sent there for a term less than three years; and if it be consistent with our Constitution, all cases involving a penitentiary offense should be tried by the District Judge. Convicts are now sent for terms as short as three months, and it would appear as though they are sent for the purpose of getting rid of them as county charges, and to create mileage for those conducting them to the prison; again, the mileage system should be abolished, and actual expenses only allowed, properly vouched for under oath. I earnestly recommend a reformation in this respect to your consideration.

While a branch prison may at some future day be necessary, the State is not now in a condition to undertake a work of this kind. It would

require as many officers and guards to protect and safely keep a hundred prisoners as it does the five hundred and fifty-two now at San Quentin.

A small appropriation should be made to enable the Directors to commence some branches of industry at the prison, so as to enable them to make the institution in a measure support itself, and prepare the convict to be in a condition at the expiration of his sentence to re-enter society with the means of earning an honest livelihood. Should the condition of our finances prevent an appropriation of this kind, the Directors should be empowered to lease the labor to private parties, the State retaining the control of the prison, its police regulations, guarding, feeding, and clothing. I would most seriously object ever again to allow the prison or its management to pass out of the exclusive control of the State.

STATE INSANE ASYLUM.

The report in detail of the Trustees of this institution is herewith transmitted.

Although not required by law, I visited the Asylum, and am pleased to be able to testify to the good management and humane treatment of the unfortunate inmates. The maintenance of this necessary establishment has become onerous to the State, having required appropriations, including the salaries of the Resident and Visiting Physicians, of ninety-three thousand dollars for the present year.

I am satisfied from my own observations that the suggestions made by the Resident Physician are but too true, in that there are many sent to this institution who are not fit subjects for an Insane Asylum. I am satisfied there are many inmates who are now a burden upon the State who have property in the possession of relatives and friends. This is a glaring injustice, and the law of commitment should be exceedingly stringent, and thorough investigation should be had by the committing judge as to the ability of the patient to pay.

The Insane Asylum of South Carolina has always maintained itself on this principle, others have approximated it; and I do not see why in this State, when parties are able to pay for their relatives and wards, they should not be compelled to do so, and that liberally. This subject from its magnitude requires a thorough investigation.

STATE REFORM SCHOOL.

There has been expended about twelve thousand dollars of the appropriation of thirty thousand dollars "for the building of a State Reform School, near the city of Marysville," approved April eighteenth, eighteen hundred and sixty. I regret to state that but small progress has been made towards the erection of the building. The Board of Trustees elected by a Joint Convention of the two Houses of the Legislature, organized, and as provided by the law, I appointed one of their number Superintendent. This act terminated my jurisdiction over that body. Since then they have elected another of their own number Secretary, and the remaining one, Architect, thus making the institution complete within itself and secure from all extraneous influences. I have learned little of their transactions save the auditing of their salaries. I predict the undertaking a failure, and regret having given the measure my official sanction.

I would recommend a repeal of the law, and that a separate department within the walls of the present State Prison be set apart for this class of offenders. They can be kept entirely separate and apart, and without the sight and influence of the more hardened criminals. They

can be taught the various branches of industry, and be fitted, when reformed, to become useful to society. A building for this purpose can be erected by prison labor, with comparatively little expense to the State; the same officers and guards necessary to the prison can take care of these youthful offenders, and the only additional expense the State need incur will be that of teachers. I trust you will agree with me in the proposed change. The report of the Trustees is herewith submitted.

It was supposed that a building sufficient to accommodate eighty boys, as contemplated by the act, would be erected and completed during the past year. The Trustees intimated to Mr J. C. Pelton that he would be selected to superintend the instruction of these youths. With this understanding, Mr. Pelton applied to me for recommendatory letters to institutions of similar character in the Atlantic States, which he visited for the purpose of obtaining such information as would enable him to enter upon the discharge of this duty with practical intelligence. It is but justice to this gentleman to state that the object of his visit has been successfully accomplished, and that he brings as voluntary contributions in aid of the school, a valuable library collected during his visit to the Atlantic States.

CHARITABLE INSTITUTIONS.

Through the liberality of the last Legislature, appropriations were made for the following charitable associations, to wit: "The Society for Destitute Females of California," the sum of five thousand dollars; the "Roman Catholic Orphan Asylum of San Francisco," the sum of six thousand dollars; the "Protestant Orphan Asylum of San Francisco," the sum of six thousand dollars; the "Roman Catholic Orphan Asylum of Los Angeles," the sum of one thousand dollars; the "Ladies Protection and Relief Society of San Francisco," the sum of five thousand dollars—amounting, in the aggregate, to the sum of twenty-three thousand dollars, all of which have been drawn from the treasury. From the reports of the Trustees having the conduct of these several institutions, herewith transmitted, you will learn of the beneficial results of the same. I am fully impressed with the sound policy of making these donations, when the condition of the treasury will permit, and have every reason to believe that the money has been expended in a praiseworthy and judicious manner.

In addition to the above, the appropriation for the care and education of the Deaf, Dumb, and Blind, amounting to the sum of ten thousand dollars, has nearly all been drawn out of the treasury, and from the well known character of the gentlemen having the same in charge, the most satisfactory and economical expenditure of the money can with certainty be relied upon. For the details of the operations of the institution, I respectfully refer you to the report of the Trustees.

STATE CAPITOL.

By virtue of the Act providing for the construction and location of the State Capitol in the city of Sacramento, the Commissioners adopted plans and specifications, in accordance with which they advertised for proposals to build the first section of the work, comprising the foundation and basement story, notifying bidders that the Commissioners were not authorized to contract for an amount of work to exceed the sum of one hundred thousand dollars. These bids were opened in the Assembly Chamber, in the presence of the competitors and citizens, and the contract awarded to the lowest responsible bidder at eighty thousand dollars, upon his filing satisfactory bonds for the performance of the work,

in accordance therewith. The work is now progressing, and I am assured by the Contractor, that he will have completed this portion of the work within the time limited, (ten months.)

By careful calculations made by the Architect in accordance with the plans and specifications, it is represented that the whole can be completed within the contemplated appropriation. It would be well to amend the law, so as to allow the Commissioners to contract for the whole balance of the work at once, payable in installments, as is now required by the present Act; I am sure, that economy to the State will thereby be secured. I would also recommend that enlarged powers be conferred on the Commissioners, not limiting them to the lowest bidder, but giving them the power to select upon exercising a sound discretion.

The plans and specifications, together with the contract, etc. are on file in the office of the Secretary of State, for your inspection.

GEOLOGICAL SURVEY.

Under the act of the last session, providing for a geological survey of the State, it affords me much pleasure to be able to inform you that the officer having charge of this duty has organized his corps and entered upon the discharge of that important survey. I trust, that I will be able to lay before you, ere the close of the session, a report of the progress of his investigations, and hope that appropriations will be made so as to secure the continuance of an undertaking that cannot fail to redound to the benefit of the State, and the advancement of science.

EASTERN BOUNDARY OF THE STATE.

The Act of eighteen hundred and fifty-nine authorized the Executive to appoint a suitable person on the part of the State to act in conjunction with a Commissioner, to be appointed on the part of the United States, to ascertain and mark the eastern boundary line, dividing this State from the Territories of the United States. This Act was repealed last Winter. The General Government not being aware of the repeal of the Act, and believing that it was still in force, sent the Commissioner on its part, and requested me to designate the Commissioner to act for California. But not conceiving it to be the duty of the Governor to assume powers not conferred by law, I declined making such appointment until the representatives of the people, by further legislation, indicated their wishes on the subject. The importance of having such boundary clearly established at as early a day as possible, must be manifest to all. The Commission on the part of the United States, in full force, is now in the field, and I trust that you will, at the earliest day practicable, provide for the legal co-operation on the part of California, in a work so much needed.

The operations of the Surveyor-General, in ascertaining that portion of the line contemplated by the Act of 1860, will no doubt be reported in detail to the Legislature by that officer. Of the results accomplished I have no information, as the Act makes it his duty to report to the Legislature directly.

CONSTITUTIONAL CONVENTION.

For the third time in the short history of our State, your predecessors deemed it advisable to submit the question of revising our Constitution to a vote of the people, and for the third time has it been defeated, plainly showing that the people are satisfied with our Organic Act. At the recent election, the friends of revision resorted to every expedient to secure a favorable result; political conventions issued their mandates to the local committees to print the words "For a Convention" on their

tickets; and, notwithstanding these expedients, the people have repudiated the idea of a change.

I trust that the good sense and intelligence of the people will not again be questioned by forcing this subject upon them, which has been sealed so often by public condemnation. Our present Constitution is a good one in the main, and with a few amendments, which can be made in accordance with the provisions of that instrument itself, we will continue to prosper and progress under our present Constitution, as we have done since our organization as a State. We are just beginning to feel the beneficial results of the wise restrictions contained in that instrument, the Courts have construed its meaning and provisions—stability and confidence is being established. To make a radical change at this time, would be setting us adrift on an ocean of uncertainty. Banks might be inaugurated; a wholesale system of internal improvements attempted, if not consummated, and our present specie currency might be supplanted by the circulation of worthless paper, giving rise to temporary prosperity, to be periodically followed by general prostration.

I would recommend that amendments be submitted for the ratification of the people. This can be done without expense to the public treasury. Among the amendments, those suggested to my mind as useful, would be the addition of two more Judges to the Supreme Bench. The amount of labor now before the Supreme Court is certainly too onerous for three Judges; and in order that full justice should be given to the various and novel questions that are constantly brought before the Court, five Judges at least are required.

Biennial sessions of the State Legislature, limiting the same to not longer than sixty days, would also be a great improvement.

It might be well to consider the propriety of abolishing the personal liability clause relating to corporations, in the thirty-sixth section of the fourth article of the Constitution; as a material result, we could then establish our own insurance companies, etc.; and why may they not be established on as firm and safe a basis as that of the foreign companies our people have long been, and now are, patronizing, and to which a sum amounting to nearly one million and a half of dollars is annually paid? This enormous amount of money could thus be saved to the State, by removing this personal liability clause, and so much more capital be used in developing the resources of our own State, and to help enrich our people. Many methods, other than this personal liability clause, will readily suggest themselves to the Legislature as a means of protection against abuses.

It has been represented to me, from a source entitled to great respect, that the litigation in mining cases would seem to demand that the jurisdiction of Justices of the Peace in those cases be increased. The cost and expenses of taking miners as witnesses to the county seat, often a distance of many miles, works a great hardship. This could be avoided by simply empowering the Justices of the Peace, in mining cases, to have increased jurisdiction to the extent of five hundred dollars. I respectfully suggest, that if deemed advisable, you would submit an amendment to that effect.

PARDONS.

A list of the persons pardoned and restored to citizenship during the last year, with the reasons therefor, will be laid before you, as required by law.

I have found it necessary and compatible with justice, to exercise this prerogative to a very limited extent during the past year. I can assure

you that this power, conferred by our State Constitution on the Executive, will not be abused by me, but exercised with due caution and discretion—not for the purpose of thwarting justice, but to aid and assist it when the remedy shall have passed without the control of the proper tribunals.

STAMP ACT.

The law of last session amending this portion of our Revenue Act has not proved advantageous. The revenue from this source for the six months ending May thirty-first, eighteen hundred and sixty, was seventy thousand seven hundred and sixty dollars and fifty-one cents. The amount received for the six months ending November thirtieth, eighteen hundred and sixty, was sixty-six thousand two hundred and fifteen dollars and eighty-five cents, showing a falling off under the amended Act for that period, of four thousand five hundred and forty-four dollars and sixty-six cents. The expenses during the six months ending May thirty-first, one thousand eight hundred and sixty, was three hundred dollars, while the expenses during the six months ending November thirtieth, eighteen hundred and sixty, amounted to the sum of fourteen hundred and twenty-six dollars and thirty-three cents, making an excess of expenditures for the last six months over the previous, of eleven hundred and twenty-six dollars and thirty-three cents. It will thus be seen that the revenue has fallen off under the operation of the new law very considerably, while the expenses have been materially increased. It is evident to my mind that the law should be amended and a remedy provided.

PROTECTION OF IMMIGRANTS.

Under the provisions of "An Act to afford Protection to Immigrants to California," approved March fourteenth, eighteen hundred and sixty, I appointed Mr. Charles Dickinson the Commissioner on the part of the State to reside in the city of New York, who at once entered upon the discharge of his duties, and through his efforts the frauds heretofore practiced upon the unsuspecting passengers to this State by dealers in fraudulent tickets, have been in a great measure, if not effectually stopped. By his vigilance, several of the guilty parties have been brought to justice, and are now suffering the penalty of their offense in the prisons of that State. He is required to report to the Secretary of State, and I presume the statistical information required of him by the law will be found on file in that office for your information.

WASHINGTON MONUMENT.

The amount appropriated to the Washington Monument Fund, (one thousand dollars,) by the last Legislature, has been by me transmitted to the Treasurer of that association.

The people of our State have been liberal in their contributions to this fund. At the last general election, an amount reaching to nearly eleven thousand dollars is acknowledged to have been received by the agent residing in this State, on that day alone, thus showing that our people have contributed a full proportion to the expense of this very laudable object.

WASHOE MINES.

The extraordinary developments of the mineral resources of this region have attracted to that portion of Utah Territory immediately bordering upon our most populous mining counties, many thousands of our citizens. The population of that interesting section, from the best information that I can obtain, are anxious to be annexed to California. The great mass of

the population of Utah reside in the region of the Great Salt Lake, and they also, as I am informed, are willing to allow this separation to take place.

I would therefore recommend, before our eastern boundary is finally surveyed, that Congress be memorialized to allow California to extend her eastern boundary to the one hundred and eighteenth degree of longitude west from Greenwich. This would embrace the silver region of Utah, add to our material wealth, and bring within the jurisdiction of our own State thousands of citizens whose interests, sympathy, and attachments, are purely Californian.

CARSON VALLEY WAR.

While engaged on official duty at the State Prison, in the month of May last, intelligence was brought me of serious Indian outbreaks having occurred in Carson Valley, in which some of the most distinguished citizens of this State had been slain. I was called upon for relief, and although without the boundary of the State, and not within my official jurisdiction, I nevertheless considered it due to our own citizens, who composed nearly the entire population of that district of country, as well as the dictates of humanity, and the common ties that bind us together as one people, to render them all the aid in my power, which I promptly did, having a due regard to economy.

I deem it proper here to state, that the demands were for arms and ammunition only, not for men. The arms belonging to the State were promptly delivered to the citizens of the city of Sacramento, who evinced their patriotism and liberality by voluntarily contributing the sum of two thousand dollars to defray the expenses of their prompt transmission by an escort of her citizens.

I called upon the late General Newman S. Clark, Commanding the Pacific Division of the United States Army, for five hundred stand of rifles, and one hundred thousand rounds of ammunition, which were at once provided by that distinguished soldier, I assuming the responsibility of their return or their equivalent. The late Major-General Joshua P. Haven, of the second Division of California Militia, and Col. C. W. Tozer, one of my Aids, volunteered their services for the transmission of these arms to Carson Valley, and it affords me pleasure to testify to the celerity and efficiency in which that important trust was discharged by those officers.

Subsequently the officer in command of the Benicia Arsenal, in consequence of orders received by him from the Secretary of War, made a demand upon me for the return of these arms and accoutrements. I caused to be collected and returned to the Arsenal at Benicia, three hundred and seventy-seven rifles and accoutrements, and eighty thousand rounds of ammunition. Upon representations of the urgent necessity therefor, I loaned for the protection of the Pony Express, to the Agent of the company, forty-six rifles, to be returned when needed. Sixty rifles are deposited with the United States Marshal of Utah Territory, and will, no doubt, soon be received and returned to the Benicia Arsenal, thus leaving only seventeen rifles to be accounted for. As I became personally responsible for these arms, I trust you will take such action as you deem meet for my protection.

I trust that appropriations will be made to meet the small indebtedness that was necessarily incurred, and for the payment of which the faith and honor of the State stands pledged; from the best information I can obtain in relation to these expenditures, the amount is comparatively trifling.

I feel injustice would be done, were I not to mention the noble conduct of the Sierra Battalion. Upon my demand this corps forwarded the arms and ammunition in their possession, and I am informed by an officer of the battalion that they have made no charge to the State whatever.

Tenders of service from half the volunteer force of the State were promptly made to me for this emergency, and although declined, I deem it but a just tribute to their gallantry as soldiers and patriotism as citizens, to thus acknowledge their devotion to the State and humanity.

INDIANS.

It affords me infinite satisfaction to be able to state, that troops have not been called out by the State for the suppression of Indian hostilities within our boundaries—hence, a very onerous tax upon the treasury has been avoided, and one, too, that for previous years has been keenly felt. It is true that representations for the necessity of calling out troops have been made me, but from the best information I could obtain from the United States Commander, whose duty it was to suppress disturbances of this character, I was satisfied that the representations so made were exaggerated, and that the Federal troops in the immediate vicinity were amply sufficient for the protection of our citizens.

With the testimony, taken by the Investigating Committee appointed by the last Legislature, on this subject before me, and information obtained from other reliable sources, I could but see, in too many of these forays, the indiscriminate slaughter of defenseless women and children.

The representatives of the Federal Government having in many instances failed, perhaps through inability, to provide for the necessities of these tribes, the encroachments of the white man and his numerous herds having driven them from their hunting grounds, it was not unnatural that in their want and destitution they should have made reprisals on the stock of our citizens; I cannot learn that their offenses extend much if anything beyond this.

The near proximity of savage tribes to the rapidly-advancing frontier of the white settlements, makes the whole subject one of great difficulty, and one that addresses itself to our forbearance and humanity. I have every assurance from the gallant officer now in command of the Federal forces on this coast, that the force at his disposal will be equal to any emergency on this subject, thereby relieving the State from this embarrassing and expensive responsibility.

ABOLITION OF FEES.

To meet the interest on indebtedness and keep pace with extravagant fees, the people are groaning under grievous and onerous taxation, in some counties amounting to four and five per cent. per annum upon the valuation of their property. Unless you, in your wisdom, stop at once this system, men of means will seek some other State or country, where their industry and capital will not be sapped by ruinous taxation. I would suggest the abolition of fees, and instead, the enactment of a salaried system in every county in the State. It has been tried in San Francisco, under the operations of the Consolidation Act, passed in eighteen hundred and fifty-six, and has reduced the expenditures of that city and county more than fifty per cent., and secured a city government unequalled for efficiency and, perhaps, unparalleled now in the Union. Why not, then, with this example before us, grant the same relief to other counties? I cannot see what justice there is in a County Clerk, Sheriff, or

Tax Collector, getting emoluments amounting to from ten to thirty thousand dollars per annum, while our Chief Justice and Chief Magistrate get but six thousand dollars per annum.

The Tax Collector receives the taxes from the hands of our property holders, while sitting in his office, and receives from five to fifteen per cent. for his fees; why not pay it over at once to the Treasurer, who is also in readiness in his office, waiting to receive it from the hands of the Collector? He, too, receives three per cent., and thus, in many instances, one-fifth of the revenue of the State and County is, at one fell swoop, appropriated to these two officials. In my opinion, the Treasurer should receive the taxes directly from the hands of the tax-payer, only receiving his two or three per cent. and the delinquent list handed over to the Sheriff, or Collector. All laws relating to revenue should be equal and uniform throughout the State, and the evils of special Legislation should be stopped. The fees that county officials now receive, in all instances, should be paid into the respective county treasuries under oath, and should pass to the credit of the county, and moderate salaries paid to our county officers. This, I am sure, would redound to the credit of the State and County, and remove all temptation to peculation and extortion. I feel that there will be a powerful opposition to a reformation of this kind, but I sincerely believe that, until this be done, the evils I portray will continue to increase from year to year, and perhaps repudiation be resorted to as a remedy.

SUPREME COURT REPORTS.

I deem it proper to call your attention to the peculiar condition of the law regarding the reports of the Supreme Court. The reports for the current year, it is estimated, will cost the State the sum of sixteen thousand dollars, and by the Appropriation Act for the support of the government for the twelfth fiscal year, only six thousand dollars in round numbers appears to be set apart for that purpose. It is found to be impossible to compress the reported cases of the year into one volume, as the law would seem to contemplate. I would recommend that you give this subject a careful investigation, and ascertain the amount absolutely required for this purpose, and make the appropriation accordingly.

POLL TAX.

The revenue from this source, since its imposition, has failed to meet the reasonable anticipation of those who desire to see the burdens of government equally distributed among those who share its blessings and protection. In my opinion there is not a more just tax imposed than this. Yet there is none that is fraught with so many difficulties in its collection. All who enjoy the blessings of free government should be willing to bear their proportion of taxation for its maintenance, and for those who try to evade, there should be stringent laws for its enforcement. The revenue from this source, for the present year, amounts to only about fifty thousand dollars—while our voting population is one hundred and twenty thousand. Add to this number sixty thousand white adult male inhabitants not voters, but equally liable to pay this tax, and we have one hundred and seventy thousand at least subject to it, even making a liberal allowance for those who are by age exempt from its operation. The poll tax should yield a net revenue of over one hundred and fifty thousand dollars. I would suggest that no one be allowed to vote who has not paid his poll tax. I can see no injustice in such an enactment. As it

now exists it is oppressive, unequal, and unjust. A few good and law abiding citizens pay this tax, but the great majority fail to do so; if it cannot be enforced it were better abolished.

MILITIA.

Your attention is called to the necessity of a more perfect organization of our volunteer soldiery. In the absence of any report from the Quartermaster-General, I am unable to give such information as I should wish on this subject. A military spirit exists in this State, not excelled by any other State in the Union, and it has been a matter of sincere regret that I have been unable to meet the demands made upon me by our volunteer companies from nearly every hamlet in the State for arms. In case of the hostility of Indians, or for the purpose of suppressing insurrections, should they unhappily occur, there is not in our State Armory a sufficient amount of arms and ammunition to arm and equip one hundred men.

The attention of Congress, through our representatives, should be called to our isolated position, and the exposed condition of our extensive frontier, and efforts made to procure for us, in addition to the quota to which we are entitled, ten thousand stand of arms, with accoutrements, etc.

Our present military tax of twenty-five cents per capita, should be increased to one dollar, and a property tax levied of five cents on each one hundred dollars valuation of the real and personal property in the State, to raise a fund for the purchase of arms and rent of an armory for at least each regiment. The importance of organizing and arming our volunteer force cannot be too highly estimated, and I earnestly hope you will take steps to secure this end before adjournment.

APPORTIONMENT OF THE STATE.

I trust that early action will be had upon the apportionment of Senatorial and Assembly Districts among the different counties of the State, according to the white population as ascertained by the last decennial census, taken by authority of the United States, copies of which will be found on file in the Secretary of State's office for your guidance. I think the interest of the State would be served if the number of Assemblymen and Senators were reduced so as to approximate to the minimum number designated by the Constitution. Both bodies might thus be rendered more efficient, and the cost to the State reduced materially. Mileage should be abolished and actual traveling expenses only allowed.

SHORT SESSION.

The business of the present session of the Legislature should be brought to a successful conclusion in from forty to sixty days, thereby avoiding a vast expenditure of the people's money. The accumulation of statutes and journals only lead to confusion, and many of our present laws had better never been passed, and the sooner they are repealed the better. These surplus enactments only serve to enrich the printer and give employment to a host of supernumerary attachés. I earnestly entreat for a short session and an avoidance of appropriations where there are not funds to meet them, or provided for, in the treasury.

FEDERAL RELATIONS.

The startling events transpiring upon our Atlantic seaboard, would seem to indicate that the Union which binds our free and happy confederacy together, is in imminent danger of disruption. Such a state of

affairs exists as makes it probable that, unless the conservative element of the Union steps forth and places itself in the breach, the dire calamity of dissolution will follow. At such a time as this, I deem it due to the position I occupy, to lay before you the critical position of our federal relations, and express to you, the people's representatives, the deep solicitude I feel in the perpetuity of that Union transmitted to our care by the Fathers of the Revolution, for the benefit of succeeding generations—for the security of civil and religious liberty—and the honor, glory, and power, of the American name.

The people of California, comprising natives from all portions of the Union, and naturalized American citizens representing every section of the country and every class of society, have always proven their devotion to the Union, and have always manifested a loyalty to the confederacy, which distance from the Central Government would only seem to strengthen. Having so often manifested, by her vote, her disapprobation of all sectionalism—having repeatedly shown her eminently national position on the unhappy questions which threaten a disruption of the Union—having no interest in slavery, and no fugitive slaves to surrender—having no personal liberty bills, so called, on our statute books to taunt our brethren of the South—the voice of California at this time should at least be entitled to respectful consideration.

There is no State in the American Union that has, in so short a time, added so large a quota to the material importance and commercial greatness, as California has to the confederacy of which she is a member; and none, perhaps, has received so little in return. Notwithstanding this, she stops not to calculate the pecuniary value of her connection with the Union. Such sordid motives find not a resting place in the bosom of Californians, for they are for the Union at all hazards! They are satisfied with the benefits flowing from a united confederacy, and will, I am satisfied, make every effort to maintain intact, and do their part in preserving, as received from their forefathers, a boon such as never before was granted to any people.

In view of such a state of affairs, I cannot conceive any measure more worthy of your patriotic consideration than this, and as the representatives of a free people, representing a constituency eminently patriotic, the Legislature of a sovereign State not interested in the institution of slavery, you should, by joint resolution, express your disapprobation of all measures with which any portion of the confederacy may be justly dissatisfied, or their constitutional rights, in their humblest degree, affected.

The nullification of the Fugitive Slave Law, and the passage of Personal Liberty Bills by many of the sovereign States, cannot be viewed in any other light than subversive of all amicable relations between those States and that portion of the confederacy interested in slave property. These enactments are unconstitutional, are founded upon injustice and bad faith, and are in violation of the federal compact. The authors of them have been forewarned of their evil results, and now that they see the danger, it is hoped that a sense of returning justice, and the patriotism that so eminently distinguished the citizens of those States, in the earlier days of the Republic, will cause them to repeal those obnoxious statutes, and by this means restore peace to the country and permanency to the Union.

The estimation in which California is held by both of the contending sections—her citizens, as it were, being a Congress of the whole confederacy—fits her for a mediator, and this is the position she desires to occupy.

It is folly to suppose that she desires a separation from the Union, and

while she finds the border States of Maryland, Delaware, Virginia, Kentucky, and Missouri, battling for the Union, the voice of California will greet them, and her example will encourage the other free States to make any reasonable sacrifice to preserve our liberties, and the blessings which flow from a united nationality. The people of California desire no change in our form of government; they desire no dismemberment that would weaken us as a powerful people: our vast seaboard unprotected, requires the fostering care of a powerful maritime nation, such as the American Union has become; they desire to remain in the Union, and grow with its growth, and strengthen with its strength, and while anything exists worthy of being called an American Union, I mistake much if the people of California will not cling to it with a patriotic devotion worthy of men who can appreciate the blessings of self government. While California will thus cling to the Union, she will expect justice from her sister States, each to the other, as she, confident in her own resources, and justly proud of her vast domain, her unparalleled mineral wealth, her commercial position, her unsurpassed fertility of soil, and geniality of climate, feels she would have the right to and would demand, in the event of encroachments being attempted to her injury.

Having suggested the steps that the Northern States, which have passed through their Legislatures unfriendly acts towards the South, should take towards effecting an amicable adjustment of the existing differences, the South should be satisfied with this, and the entire removal of the slavery question from the Halls of Congress. Let the people of the Territories alone settle the question of domestic slavery within their borders, and be admitted into the Union with or without a slavery clause in their constitution. The precise time at which the people of a Territory should be enabled to decide this question can be settled by the act of compromise itself. This difference certainly is not of sufficient importance to cause a dissolution of the Union, and although I, in common with a very large proportion of the people North and South, as manifested by the recent election, have always believed that the people at all periods of their existence have control of this subject, yet an abstract question like this should not for one moment be placed in comparison with the greatest of all earthly blessings, the preservation of the Union of the American States, and that Constitution which has secured to us such a meed of civil and religious liberty as never before in ancient or modern times has been vouchsafed to man.

It is natural that much interest should be felt in the position that California should occupy in this unhappy struggle. The rich domain and littoral advantages of the Pacific Empire have been acquired by the blood of the common country, and purchased by the treasure alike belonging to all. Let us show them our gratitude for this inheritance by our patriotic efforts to preserve it for the enjoyment of a proud and prosperous nation, and let the commerce of China and Japan, and the great Australian Empire, and the Spanish American Main, already at our doors, enter our ports, and pass through our Territory to the East on a national railroad. Let our inexhaustible supply of gold flow with it, there to build up cities, enrich a nation, and make us that powerful people that our position entitles us to be—the glory of the age, the wonder of the world, fulfilling the destiny awaiting us in riper years.

A united people can accomplish great results, and in the verification of this, we see what England has accomplished. She has given her language and her laws to new empires; and, by the efforts of her united people, her literature and influence, her commerce and customs, encircle the earth, while Germany, always more populous, lacking nothing in energy, skill,

and scientific attainments, is divided into separate nationalities, and with her world-renowned literature and rich and expressive language, with a frugal and industrious population, has remained stationary.

In the wide field for the acquisition of new empire, and the spreading of her language and laws, Germany cannot point to a spot without her "pent up Utica," on either hemisphere, where she has made her impress. Her citizens emigrate to other countries to swell the greatness of foreign nationalities, to be absorbed and lost forever to the great Teutonic family, and to its language, literature, and laws; and why is this? Because Germany is divided, and, although two of the members of the Germanic Empire are classed as of first importance among European nations, yet, neither of them is able to protect her own citizens in a foreign land.

Spain, Portugal, Holland, and Denmark, because they are united, have all accomplished something toward the spread of their literature, language, and laws, and, although second class powers, united and homogeneous as they are, they are in a condition to protect their citizens at home, and command respect abroad. How important for us to be united, what a bright destiny is before us as a united people, and what earnestness and perseverance should characterize our efforts to maintain the Union as it is, fraught with so many blessings to our people at home, and consolation to our citizens abroad, who rely with confidence upon that certain protection afforded by the emblem of the nation's progress, which, thanks to a kind Providence and wise councils, still floats upon every sea, and will, I trust, till time shall be no more.

Having thus fulfilled a constitutional duty, let us invoke the blessings of the Supreme Being upon our efforts to discharge the sacred duty we owe to the people of the State with promptness, fidelity, and economy, in all of which you will have my earnest co-operation.

JOHN G. DOWNEY.

APPENDIX
TO
GOVERNOR'S MESSAGE.

LIST OF PARDONS

Granted by Governor John G. Downey, for the Year 1860.

Date Appl'n	Name.	Crime.	County.	Sentence	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 15, 1860.	S. Petit de Ver-genne.	Perjury.	San Diego.	1 year.	That it is generally believed the mind of the prisoner is affected with some mental aberration, which, from extraordinary excitement of any kind, confuses, perplexes, and destroys his memory, and such was the case when he swore to the falsity of his signature on a certain note, also that he had resided in the county of San Diego nearly a year and was highly respected and generally spoken of as a gentleman.	George A. Pendleton, County Clerk, San Diego County, D. B. Kutz, County Judge, San Diego County; George Lyons, Sheriff, San Diego County, R. E. Doyle, and others.
DECISION.—The Judge before whom he was tried, the Sheriff, County Clerk, and nearly all of the most respectable citizens of San Diego County, petition for his pardon, and his previous character having been good, and the fact that he was a foreigner, and not familiar with our laws and language, and also grave doubts existing in the minds of the petitioners as to his guilt—for the above reasons let him be pardoned. March 20th, 1860.						
Date.	Name.	Crime.	County.	Sentence.		
March 15, 1860	Roman Morales.	Rape.	Los Angeles	5 years.	The separate affidavits of the child upon whom the rape was charged to have been committed and the mother of said child, that said Roman Morales was innocent.	Ma. Miliana Valenzuela, Seberiano Ybarra.
DECISION.—Subsequent testimony having established the innocence of said Morales, let him be pardoned. March 30th, 1860.						

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 22, 1860.	Mayberry Way.	Forgery.	Napa.	4 years.	That the punishment already inflicted is adequate to the crime committed.	Pulaski, Judge, County Judge, Napa County, R. D. Hopkins, District Attorney, Napa County.
<p>Decision.—In the above case, the County Judge, before whom the said Way was tried and sentenced, and the District Attorney, both unite in recommending his pardon, and set forth that the punishment already inflicted has been fully adequate to the crime committed. In consideration of these facts, and the destitute condition of his wife and family, and of the certificate of good conduct given him by the officers of the State Prison, on file in this office, Executive clemency is hereby extended to the aforesaid Mayberry Way. Let him be pardoned. April 27th, 1860.</p>						
Date.	Name.	Crime.	County.	Sentence.	Subsequent events to the trial and sentence have led to the belief of his innocence.	E. Burke, District Judge, Mariposa County; J. M. Bondurant, County Judge, Mariposa County; J. D. Crippin, Sheriff, Mariposa County, Wm. A. Guard, County Clerk, Mariposa County, R. S. Miller, County Recorder, Mariposa County, Alex. Denning, District Attorney, Mariposa County; Samuel A. Merritt, State Senator, Mariposa County, and many others.
April 30, 1860.	Charles J. Stevens	Murder second degree.	Mariposa.	20 years.		
<p>Decision.—Subsequent events to the trial and sentence have led to the belief of his innocence. The District Judge before whom he was tried, the County Judge, and all the other officers of Mariposa County, join in the application for his pardon. Under these circumstances, and believing from other evidence before me the man to be innocent, Executive clemency is hereby extended. Let a pardon issue. May 19th, 1860.</p>						

LIST OF PARDONS—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 7, 1860..	Madison James.	Murder, second degree.	San Mateo.	10 years.	Serious doubts are entertained of his guilt, having been convicted entirely on circumstantial evidence—the declaration of the deceased, (Wm Lawless,) made in the presence of several of the petitioners, being, that James was not guilty, which declaration was not submitted to the jury, being overruled by the Judge.	M. A. Parkhurst, Postmaster; Chas. D Judah, District Attorney, San Mateo County, and others.
	<p>DECISION.—Serious doubts being now entertained by the District Attorney of the guilt of this party, and a statement having been made by the Judge, that the term should be shortened by the exercise of Executive clemency, and further, that affidavits are made by respectable citizens of San Mateo County, that the dying declaration of Lawless was ruled out by the Court, on the ground, that he was not then conscious of immediate danger of death, when in fact that he died immediately after, and the burden of proof is, that he was conscious of his condition at the time. From these considerations, and his previous good character, his good behaviour while in prison, and the respectability of the petitioners in his behalf, with the fact of his old age, induce me in this case to extend Executive clemency. Let a pardon issue. May 19th, 1860.</p>					
Date.	Name.	Crime.	County.	Sentence.		
July 13, 1860..	Dolores Sepulveda	Grand Larceny.	Los Angeles	3 years.	That the evidence of Francisco Ballesteros shows that said Sepulveda was innocent, and that the saddle was stolen by another person and by him sold to the prisoner.	R H Dimmick, E Drown, M J. Newmark, S F Reynolds, Wm. Pickett, C. E. Thom.
	<p>DECISION.—I am satisfied from the affidavit of Francisco Ballesteros, on file in this case, that said Sepulveda is innocent of the crime for which he has been convicted and sentenced. He is therefore pardoned. July 18th, 1860.</p>					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based	Names of Petitioners known to Gov.
July 20, 1860..	Patrick Harrington.	Murder, second degree.	Nevada.	10 years.	Subsequent developments since his trial and conviction have caused a doubt as to his guilt.	Niles Searles, District Judge, Nevada County, David Beldin, County Judge, Nevada County, E. W. Maslin, District Attorney, Nevada County; J. B. Van Hagen, Sheriff, Nevada County, Thomas Findley, Treasurer of State, Geo. D. Roberts, Robert Watt, and many others.
DECISION.—Subsequent developments since the trial and conviction have caused the District Judge before whom he was tried, to petition for his pardon, also, the District Attorney, County Judge, and Sheriff of said county, together with the Treasurer of State, and two hundred others, many of whom are prominent citizens of Nevada County, personally known to me. Let him be pardoned. August 1st, 1860.						
Date.	Name.	Crime	County.	Sentence	Good conduct during his imprisonment, and former good character.	George Leviston, County Judge, Solano County, B. G. Osborne, Ex-Sheriff, Solano County; J. M. Jones, Deputy Sheriff, Solano County, J. G. Lawton, Associate Justice, Solano County, Thomas Findley, Treasurer of State, and many others.
Aug. 20, 1860.	James Veehorn	Assault to kill	Solano.	2 years		
DECISION.—From the former good character of said Veehorn, his term of sentence being nearly expired, and the members of the Court of Sessions, and many of the most respectable citizens of Solano County, recommending his pardon, I deem the interest of the public best subserved by extending Executive clemency. Let him be pardoned. August 30th, 1860.						
Date.	Name	Crime.	County.	Sentence.	The punishment already received is more than adequate to the crime committed.	Judge A. C. Monson, Captain W. H. Taylor, Captain E. H. Poole, Seth Kneeland, and others.
Aug. 30, 1860..	Gus Davis.	Passing Counterfeit Money.	Sacramento	4 years.		
DECISION.—The legal notices having been complied with, and due publication having been made, and the fact that at the time of the commission of the crime and the sentence, the said Davis was a boy only fifteen years old, it is to my mind evident, that the punishment already inflicted is more than adequate to the offense committed. Let him be pardoned. September 6th, 1860.						

LIST OF PARDONS—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Sept. 22, 1860..	José Inosente Ybarra.	Grand Larceny.	Los Angeles	4 years.	His youth, and a sick mother and a blind father, together with their family of children, are all dependent upon his labor for their support, and having served out the greater part of his sentence.	Pio Pico, Enrique Dalton, W. G. Dryden, County Judge, Los Angeles County; Benjamin Hayes, District Judge, Los Angeles County; Manuel Requero.
<p>Decision.—The County Judge, before whom he was tried and sentenced, together with the District Judge and numerous citizens of the county of Los Angeles, unite in petitioning for the pardon of said Ybarra, and set forth that on account of his youth and ignorance of having perpetrated an offense, his already prolonged imprisonment, the law has been fully vindicated, and the public will not be injured in this case by the exercise of Executive clemency; and whereas the said Ybarra has conducted himself during his imprisonment in an exemplary manner, let him be pardoned. Oct 11th, 1860.</p>						
Date	Name	Crime	County.	Sentence.		
May 26, 1860..	William A. Buster	Embezzlement	Sonoma	8 years.	Good conduct during imprisonment and having been punished sufficiently.	Wm. Churchman, County Judge, Sonoma County; S. Lewis, member of Assembly, Marin County; Wm. Henry, County Judge, Mendocino County; J. B. Price, Sheriff, Mendocino County; J. W. Morris, Treasurer, Mendocino County; and a large number of citizens of Sonoma, Mendocino, and Marin counties.
<p>Decision.—A pardon in the above case is petitioned for by a large number of the most respectable citizens of Sonoma County, and the Judge before whom he was tried and sentenced, petitions in an especial manner, setting forth that the majesty of the law has been fully vindicated, and whereas, his excellent conduct during his long imprisonment, as testified to by the officers of the prison, gives every evidence of a complete reformation. Let a pardon issue. Oct. 11th, 1860.</p>						

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Nov. 8, 1860..	Ah Chong.	Kidnapping.	Sacramento	1 year.	That there was no evidence of an intention to commit crime.	J. C. Goods, Wm. G. Proctor, Thos. W. Gilmer, and others.
DECISION—It would appear from the testimony in this case, and the representations of respectable citizens familiar with its history, that Ah Chong's offense was simply in assisting a father to take his legitimate child away from a house of prostitution. It would further appear that said Ah Chong was poor, and unable to fee a lawyer to defend him. I can see no intention to commit crime, and, in fact, the circumstances of the case would indicate more of merit than criminality. He is there fore pardoned. Nov. 9th, 1860.						
Date.	Name.	Crime.	County.	Sentence.		
Oct. 30, 1860..	Song Ah Pong.	Murder, second degree.	San Fran'co	10 years.	That the punishment already received is adequate to the crime committed, and his good conduct during his nuprisonment.	Edward Norton, Judge Twelfth District Court.
DECISION—The Judge of the Twelfth District Court, before whom said Song Ah Pong was tried, and by whom sentenced, petitions for his pardon, believing that the punishment already received is adequate to the crime committed. The said Judge farther sets forth that at the time of rendering sentence, by reason of the recommendation of the jury to mercy, he promised said prisoner if he conducted himself well in prison, he would recommend his pardon. It now appears that during a term of four years served, he has well conducted himself. At the request of the Judge, who knows the circumstances of the case, the balance of the prisoner's term is remitted. November 9th, 1860.						

LIST OF PARDONS—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based	Names of Petitioners known to Gov.
Sept 28, 1860..	Jesse Allnutt.	Manslaughter.	Nevada.	2 years.	That the said offense was committed under great provocation—there were many palliating circumstances connected therewith. The said Allnutt has always, previous to the time of the commission of his offense, borne, and still bears, the highest character for being an orderly, peaceable, quiet and law-abiding citizen. There is dependent upon him for support a helpless and unprotected woman, his sister, the wife of the person killed by said Allnutt. The ends of justice have been fully satisfied by the conviction and punishment which Allnutt has already suffered.	Niles Scarles, District Judge, Nevada County; J. Lambert, County Clerk, Nevada County; E. W. Maslin, District Attorney, Nevada County; J. Anderson, Committing Magistrate, Nevada County; Jas. B. Van Hagen, Sheriff, Nevada County; T. Laird, John T. Crenshaw, and over three hundred others.
<p>DECISION.—The Honorable District Judge, the District Attorney, the Committing Magistrate, a number of the jurors, and three hundred and fifty respectable citizens, petition for his pardon. They represent that in the conviction of Allnutt and the punishment already received, the ends of justice have been fully satisfied. From a careful examination of the evidence in this case, a transcript of which is before me, and considering the strong provocation that incited the act, I am satisfied that the law has been fully vindicated. These considerations, accompanied with proof of excellent conduct since his imprisonment, induces me to extend Executive clemency. A full pardon is therefore granted. November 13th, 1860</p>						
Date	Name	Crime.	County.	Sentence	That this was his first offense and was not premeditated: his conduct during imprisonment was excellent and the punishment already received is amply sufficient.	A. J. Huestis, County Judge, Humboldt County; J. H. Kimball, Associate Judge, Humboldt County; J. E. Wyman, District Attorney, Humboldt County; A. M. Hanna, County Clerk, Humboldt County; Jas. T. Ryan, State Senator, Humboldt County; S. G. Wipple, L. M. Benson, W. C. Martin, President Board Supervisors, and others.
Oct. 20, 1860..	Charles E. Beach.	Assault with a deadly weapon.	Humboldt.	1 year.		
<p>DECISION.—The County Judge before whom said Beach was tried, one of the Associate Justices, the District Attorney, Sheriff, and President of the Board of Supervisors of Humboldt County, petition for his pardon. The State Senator for that district, and Member of Assembly for the county of Humboldt, besides other respectable citizens, personally known to me, join in the petition. The officers of the State Prison testify to his excellent conduct during the term of incarceration, all of which induces me to believe that this is a proper case for Executive clemency. He is, therefore, pardoned. November 21st, 1860</p>						

Total Pardons..... 15.

PARDONS FROM COUNTY JAILS

Granted by Governor John G. Downey, for the Year 1860.

Date Applic'n.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
May 11, 1860.	Michael Fritch.	Assault and Battery.	Sacramento	Fine \$1,200 or Co J'l 600 days	Facts since the sentence have come to the knowledge of the Police Judge, which if they had been presented on the trial would have materially altered the judgment, and also that he has suffered sufficiently for the crime committed.	John C. Bari, Police Judge Sacramento City, L. Sanders, Jr., J. P. Hardy, Warden of Prison, Catharine Fritch, (wife of prisoner.)
<p>DECISION --In the above case I am satisfied that said Fritch has suffered sufficiently, and should be released. Let a pardon issue. May 13th, 1860</p>						
Date	Name.	Crime.	County.	Sentence		
May 30, 1860.	Mary Mannix.	Petit Larceny...	San Franc'o.	6 months in Co. Jail	The father has remitted funds to California for her passage home, and hopes are entertained that under his charge a thorough reformation will be brought about.	M. C. Blake, Co. Judge San Francisco County, H. S. Brown, District Attorney.
<p>DECISION --Representations having been made to this department, that in consequence of the youth, and general good deportment of the said Mary Mannix, reasonable hopes are entertained of her reformation. The Judge before whom she was tried and sentenced, and the District Attorney who prosecuted the case, earnestly recommend her pardon. Let a pardon issue. June 1st, 1860.</p>						

PARDONS FROM COUNTY JAILS—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
May 30, 1860.	Margaret Mannix	Petit Lareeny...	San Franc'o.	6 months in Co. Jail.	The father has remitted funds from New York to California, to pay her passage home, and hopes are entertained that, under his charge, a thorough reformation will be brought about.	M C Blake, County Judge, San Francisco County, H. S. Brown, District Attorney.
DECISION—Representations having been made to this department, that in consequence of the youth, and general good deportment of the said Margaret Mannix, reasonable hopes are entertained of her reformation. The Judge before whom she was tried and sentenced, and the District Attorney who prosecuted the case, earnestly recommend her pardon. Let a pardon issue. June 1st, 1860.						
Date.	Name.	Crime.	County.	Sentence.		
May 28, 1860	Franklin Smith...	Burglarious implem'ts in possession.	Sacramento	1 year Co Jail	Entire want of depravity or criminality in the prisoner, his good character and uniform peaceable behavior and trustworthiness during his incarceration.	B C Whiting, Deputy District Attorney, Sacramento Co ; S Marshall, Sheriff, Sacramento County ; Rob't Robinson, Co. Judge, Sacramento Co. ; C. Cole, District Attorney, Sacramento County ; D. C. Gay, and others.
DECISION—Whereas, the County Judge and District Attorney represent that they now entertain serious doubts of his guilt, and have since his conviction arrived at this conclusion, but too late to grant a new trial, and now recommend his pardon; and, whereas, the county officers and city police of Sacramento recommend his pardon; and, whereas, the officers of the prison testify to his uniform good conduct since his incarceration; now, therefore, in view of the above facts, and by virtue of the power vested in me by the Constitution and laws of the State, a full pardon is hereby granted to said Franklin Smith. June 1st, 1860.						

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Dec. 14, 1860.	Frank Halley....	Bigamy.....	Placer.....	6 months in Co. Jail, \$500 fine.	That the said Halley has served out six months of the imprisonment and conducted himself in such a manner as to secure the unbounded confidence of the officers, and that he and his friends are willing to pay \$250 of the fine of \$500 imposed, being unable to pay the full amount.	L. L. Bullock, Sheriff, Placer County; E. Barnard, Treasurer, Placer Co.; Jo. Hamilton, District Attorney, Placer County; Phil W. Thomas, State Senator, Placer Co. Jos. Walkup, and others.
<p>Decision.—Whereas, the said Halley has served the full term of his imprisonment, and has conducted himself in such a manner that a large number of the most respectable citizens of Placer County, including the Sheriff, County Clerk, Treasurer, District Attorney, State Senator, etc. have asked that one-half of the fine imposed may be remitted, by reason of the inability of the said Halley to pay more. Therefore, upon the payment of two hundred and fifty dollars let the balance of the fine be remitted. Dec. 14th, 1860.</p>						

Total Pardons from County Jails..... 5.

RESTORATIONS TO CITIZENSHIP

Granted by Governor John G. Downey, for the Year 1860.

Date Applic'n.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Jan. 24, 1860..	George Butler.	Assault with a deadly weapon.	Yuba.	1 year.	Good conduct during his term of imprisonment.	John F. McCauley, John Sims, G. W. Kritzer, J. G. Sheppard.
DECISION.—Being satisfied by the certificate of the officers of the State Prison that his conduct was good during his time of imprisonment, let him be restored to citizenship. January 26th, 1860.						
Date.	Name.	Crime.	County.	Sentence.	That his conduct has been very good during his term of imprisonment, giving his friends good hope of a thorough reformation.	J. P. Haron, Will. Hicks Graham, George K. Gluyas.
Jan. 5, 1860...	John G. Van Aarsdalen.	Grand Larceny.	Sacramento.	3 years.		
DECISION.—At the expiration of the petitioner's term, let him be restored to citizenship. February 24, 1860.						

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 18, 1860..	James D. Hudgins	Forgery	Santa Cruz..	1 year	His youth, and that he was instigated to this, his first offense, by others, and also that the punishment received will be the means of effecting a reformation.	John F. Porter, Sheriff, Santa Cruz County; S. D. Drennan, Under-Sheriff, Santa Cruz County; Wm. Blackburn, J. McElroy, and many others.
DECISION —Having served out his term of imprisonment in an exemplary manner, let him be restored to citizenship. February 27th, 1860.						
Date.	Name.	Crime.	County.	Sentence.	Certificate of the officers of the State Prison to his excellent conduct whilst under their supervision, and a number of citizens of Tuolumne County testifying to his good character before the crime committed by him. <th rowspan="2">G. T. Martin, County Judge; J. D. Patterson, Sheriff, B. A. Mardis, County Clerk, Tuolumne County; H. P. Barber, A. A. Francisco, G. S. Evans, G. W. Patrick.</th>	G. T. Martin, County Judge; J. D. Patterson, Sheriff, B. A. Mardis, County Clerk, Tuolumne County; H. P. Barber, A. A. Francisco, G. S. Evans, G. W. Patrick.
Nov. 8, 1859 ..	John Wellingham	Manslaughter...	Tuolumne..	3 years.....		
DECISION —Executive clemency is refused for pardon. Let him be restored to citizenship when his time is out. February 8th, 1860. (Restoration to citizenship, dated March 6th, 1860)						
Date.	Name.	Crime.	County.	Sentence.	Prisoner's own petition, properly vouched for, stating that he had served his country in the Mexican War, has got into his present trouble through the agency of others and his greatest wish is to again become a useful member of society. <th rowspan="2">Phil. Moore.</th>	Phil. Moore.
Mar. 3, 1860 ..	Thomas B. Hope..	Forgery.....	San Franc'o.	4 years.....		
DECISION.—The above prisoner was discharged on a writ of <i>habeas corpus</i> issued by the County Judge of Marin County. His conduct having been exemplary during his imprisonment, let him be restored to citizenship. March 13th, 1860.						
Date.	Name.	Crime.	County.	Sentence.	Certificate of the officers of the State Prison to his uniform good conduct. <th rowspan="2">R. A. Redman, Senator, Fourth District; J. M. Williams, Assemblyman, Santa Clara County; D. B. Bailey.</th>	R. A. Redman, Senator, Fourth District; J. M. Williams, Assemblyman, Santa Clara County; D. B. Bailey.
Mar. 6, 1860 ..	Robert Bell.....	Mayhem.....	Santa Clara.	4 months..		
DECISION —Having served out his term of imprisonment in an exemplary manner, let him be restored to citizenship. March 13th, 1860.						

RESTORATIONS TO CITIZENSHIP—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 22, 1860.	Charles H. Dade..	Grand Larceny..	San Fran'co	3 years....	Exemplary conduct and hopes of a thorough reformation.	Judge J. G. Baldwin, and officers of State Prison.
DECISION—Let the petitioner be restored to citizenship. April 27, 1860.						
Date.	Name.	Crime	County.	Sentence.	That the offense was committed while on a drunken frolic, and good conduct during imprisonment.	Chas. Lindley, Judge District Court; John F. McCauley, Lessee, and other officers of State Prison.
May 5, 1860...	William Bluxton..	Arson.....	Yuba.....	1 year.....		
DECISION.—From the certificate of the officers of the State Prison it appears that his conduct has been exemplary during his imprisonment. Let him be restored to citizenship. May 22d, 1860.						
Date.	Name.	Crime.	County.	Sentence.	That the prisoner was intoxicated when he committed the offense, previous good character and good conduct during imprisonment.	Geo. B. Tingley.
May 27, 1860..	John McGrath. .	Grand Larceny..	San Fran'co	1 year....		
DECISION—The officers of the State Prison all unite in a certificate testifying to his good conduct during imprisonment. Let him be restored to citizenship. May 28th, 1860.						
Date.	Name.	Crime	County.	Sentence.	That he can and will by his evidence convict some ten of the most abandoned and desperate characters.	Wells, Fargo & Co. by J. H. Latham.
July 16, 1860..	John Sweeny.....	Grand Larceny..	Butte.....	2 years....		
DECISION—The interest of the public eminently demand this restoration. Let him be restored to citizenship. July 16th, 1860.						

Date.	Name.	Crime.	County.	Sentence	Grounds on which Petition is based	Names of Petitioners known to Gov.
Feb 18, 1860..	J. P. Crydei	Forgery....	Sacramento	5 years....	Good conduct during his full term of imprisonment.	J. F. McCauley, Lessee; J. Simms, Superintendent of State Prison.
Decision—His conduct has been exemplary during his term of imprisonment, and having served out the full term for which he was sentenced, let him be restored to citizenship August 1, 1860.						
Date.	Name.	Crime.	County.	Sentence		
Aug 19, 1860 .	William Murphy..	Grand Larceny	Santa Clara	5 years ...	Good conduct during his full term of imprisonment.	J. F. McCauley, Lessee; J. Simms, Superintendent of State Prison.
Decision—The said Murphy has, by his good deportment, given reasonable hopes of complete reformation, and believing that the public interest will be best subserved by exercising Executive clemency, let him be pardoned, to take effect upon the expiration of his full term of sentence August 25th, 1860						
Date.	Name.	Crime.	County	Sentence		
Aug. 15, 1860 .	John Hurley.....	Manslaughter ..	Sierra.....	2 years....	Good conduct during his full term of imprisonment.	J. F. McCauley, Lessee; J. Simms, Superintendent of State Prison.
Decision—Said Hurley, having been discharged after serving out the full term of the sentence, and during said imprisonment behaved in a praiseworthy manner, giving good indications of reform, and believing that investing him with the rights of citizenship will best consult the public good, let him be restored to citizenship. August 25th, 1860.						

RESTORATIONS TO CITIZENSHIP—Continued. .

Date.	Names	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
July 29, 1860..	Ira N. Berry.....	Felony	Siskiyou...	2 years....	Good conduct during his imprisonment.	J. F. McCauley, Lessee; J. Simms, Superintendent of State Prison.
	<p>Decision.—Said Berry, having served his full term of imprisonment, and faithfully discharged all duties, giving hopes of reformation, and in the belief that his restoration to the rights of citizenship will best subserve the public interest, and the exercise of Executive clemency to be just and proper; therefore, let him be restored to citizenship. August 30th, 1860</p>					
Date.	Name.	Crime.	County.	Sentence		
Aug 21, 1860 .	Geo Vanderpool.	Grand Larceny.	Siskiyou .	3 years. . .	Good conduct during his imprisonment.	J F McCauley Lessee J Simms, Superintendent of State Prison.
	<p>Decision.—Said Vanderpool, having complied with the full term of his sentence, and during said imprisonment faithfully discharged all duties and behaved in a praiseworthy manner, and believing that his restoration to citizenship will best conduce to the public interest as well as an inducement to correct conduct on the part of Vanderpool, let him be restored to citizenship. August 30th, 1860</p>					
Date	Name.	Crime.	County.	Sentence.		
Feb 13, 1860 .	John Simms.....	Forgery.....	Sacramento	2 years ..	Good conduct during his full term of imprisonment.	J F. McCauley, Lessee; J Simms, Superintendent of State Prison.
	<p>Decision.—Said Simms, having served his term of imprisonment in a very exemplary manner, so as to receive from the officers of the prison a certificate of his good conduct, let him be restored to citizenship. September 13th, 1860.</p>					

Date.	Name.	Crime.	County	Sentence	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Aug 28, 1860 .	Edward Gerard..	Assault with a deadly weapon	Siera	1 year.....	Good conduct during his full term of imprisonment.	J. F. McCauley, Lessee, J. Simms, Superintendent of State Prison.
Decision —The sentence of the Court having been fully complied with, and while in confinement, the said Gerard behaved in a praiseworthy manner, and has received the certificate of the officers of the prison for good conduct, and the District Attorney of Siera County has petitioned for his restoration to the rights of citizenship, let him be restored to citizenship. September 19th, 1860.						
Date.	Name.	Crime.	County	Sentence.	Good conduct during his entire term of imprisonment.	J. F. McCauley, Lessee, J. Simms, Superintendent of State Prison.
Feb. 1, 1860 ..	James H Hall....	Grand Larceny.	Placer.....	3 years....		
Decision —The sentence of the Court being fully complied with, and while in confinement the said Hall behaved in a praiseworthy manner, and has received the certificate of the officers of the prison for good conduct, and the Resident Physician strongly urges his restoration to the rights of citizenship, let him be restored to citizenship September 19th, 1860.						
Date.	Name.	Crime	County.	Sentence.	Good conduct during his full term of imprisonment.	J. F. McCauley, Lessee; J. Simms, Superintendent of State Prison.
Oct. 17, 1860..	F Alton Wheelock	Forgery.....	San Fran'co.	1 year.....		
Decision —The conduct of said Wheelock has been good during his imprisonment as testified to by the officers of the prison, the punishment having been severe and thinking that the example has been sufficient to effect a thorough reformation, let him be pardoned to take effect upon the expiration of his full term of sentence. October 19th, 1860.						

RESTORATIONS TO CITIZENSHIP—Continued.

Date.	Name.	Crime.	County.	Sentence	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Oct. 17, 1860..	Geo. T. Wardwell.	Forgery.	San Fran'co.	2 years....	Having faithfully discharged the duties imposed upon him during the full term of his imprisonment and having received a certificate from the officers of the prison to that effect.	J. F. McCauley, Lessee; J. Simms, Superintendent, G. N. Cardwell, Clerk of State Prison.
<p>Decision—Said Wardwell has behaved himself in an exemplary manner during his full imprisonment, and the officers of the prison having strongly recommended his pardon, and hopes of his thorough reformation lead me to the belief that his restoration to citizenship will not only be conducive to the public interest, but will also be an incentive for said Wardwell to reinstate himself in the good opinion of his fellow men. Let him be pardoned to take effect upon the expiration of his full term of sentence. October 13th, 1860.</p>						
Date.	Name.	Crime.	County.	Sentence.		
Aug. 10, 1860.	Thomas Byrnes....	Grand Larceny.	Contra Costa	1 year....	Good conduct during his term of imprisonment and hopes of reformation.	Thomas A. Brown, County Judge, E. F. Weld, Associate Judge; Jas. E. Hunsacker, Sheriff, W. W. Thobalds, District Attorney, Contra Costa County.
<p>Decision—His youth and exemplary conduct during the imprisonment, and the reasonable hope of complete reformation, it being his first offense, coupled with the respectability of his family connections, induce the exercise of Executive clemency. Let him be restored to citizenship. November 15th, 1860.</p>						
Date.	Name.	Crime.	County.	Sentence		
Aug. 10, 1860.	John Williams....	Grand Larceny.	Contra Costa	1 year. ..	Good conduct during his term of imprisonment, and hopes of a reformation.	J. F. McCauley, Lessee; J. Simms, Superintendent, G. N. Cardwell, Clerk of State Prison.
<p>Decision—During the term of his imprisonment he has conducted himself in an exemplary manner, and the reasonable hope of a complete reformation, coupled with the fact of this being his first offense, and his being quite a young man, induces the exercise of Executive clemency. Let him be restored to citizenship. November 15th, 1860.</p>						

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Nov. 30, 1860.	Lewis H. Lee....	Manslaughter...	Calaveras...	3 months...	Good conduct during his full term of imprisonment.	I. N. Quinn, Lieutenant-Governor and Resident Director at State Prison; P. N. Gallagher, State Senator, Calaveras County; M. Paul, Sheriff, Amador County, and officers of State Prison.
DECISION.—The said Lee has conducted himself in a proper and praiseworthy manner during his imprisonment, and it is represented to me that he has always borne a good character as a quiet and peaceable citizen, and is highly indorsed as such by the Sheriff of Calaveras County, the State Senator of that district, and others well known to me. Let him be restored to citizenship. November 30th, 1860.						
Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Dec 13, 1860..	George Wester....	Perjury.....	Los Angeles	1 year.....		
DECISION.—Said Wester, having conducted himself in an exemplary manner during the term of his imprisonment, as certified to me by all of the officers of the State Prison, let him be restored to citizenship to take effect upon the expiration of his full term of sentence. December 13th, 1860.					Good conduct during his term of imprisonment.	All the officers of the State Prison.

Total Restorations to Citizenship.... 24.

COMMUTATIONS OF SENTENCE

Granted by Governor John G. Downey, for the Year 1860.

Date Applic'n	Name.	Crime.	County.	Sentence	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Feb. 10, 1860.	Robert Beatty...	Gaming	San Fran'co.	1 year and \$500 fine.	No proof that said Beatty had ever been guilty of but one act of gaming, to wit: the one of which he was convicted; that his regular and legitimate business is hotel keeping—the "Red House," or Beatty's Hotel—on the San José road; that he is not a professional gambler, but a butcher by trade, and quite advanced in years.	W. M. Lent, S. Heydendeldt, Loud, Mosnier & Co., Truett, Jones & Arlington; G. B. Gammons, W. T. Coleman & Co., Aus. E. Smith, and others.
<p>DECISION.—A late enactment of the Legislature having abolished the penalty of imprisonment for the above crime, let the sentence be commuted from imprisonment in the State Prison for the term of one year and \$500 fine, to a fine of \$1,000. April 23d, 1860.</p>						

Commutation of Sentence..... 1.

R E S P I T E S

Granted by Governor John G. Downey, for the Year 1860.

Date Applic'n.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Dec. 21, 1859..	Dennis Mahoney	Murder.....	Mariposa...	Death. To be hung Jan 20, 1860	Insanity of prisoner.	R. H. McDaniel, Physician to County Jail, Yuba County; J. C. Fall, Robert Lowry, Jesse Goodwin, Chas E. Filkins, M D. Dobbins, R. S. Messick, and many others.
DECISION.—From the impossibility to give the above the attention it requires, the sentence will be suspended until March 9th, 1860. January 14th, 1860.						
Date.	Name.	Crime.	County.	Sentence.		
Feb. 29, 1860..	James Skelton. .	Forgery.....	Yuba.....	1 year.....		
DECISION.—For the purpose of having an examination, <i>lunatico inquirendo</i> , of the above prisoner, let the sentence be suspended for the term of thirty days.						

Total Respites..... 2.

NAMES OF INSANE CONVICTS SENT FROM STATE PRISON TO STATE INSANE ASYLUM

By Governor John G. Downey, for the Year 1860.

Date of Order.	Name	Crime.	County.	Sentence.
Sept. 10, 1860.	Ariel Fuentes	Murder	Merced	Life
Dec. 22, 1860.	José Apaulacia...	Assault to murder	Santa Cruz.	4 years....

Total Number of Convicts sent to Insane Asylum..... 2.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Wood, of Plumas :

Resolved, That two thousand copies of the Governor's message, and accompanying documents, be printed for the use of the Assembly.

Laid on the table.

By Mr. Conness :

Resolved, By the Assembly, the Senate concurring, that a committee of three from each House be appointed to examine and report upon the subject of the printing of the Governor's message, and accompanying documents.

Adopted.

Messrs. Conness, Wood of Plumas, and Amyx, were appointed such committee.

By Mr. Harris :

Resolved, By the Assembly, the Senate concurring, that the members of the two Houses will meet together in the Assembly Chamber, on Monday next, the twenty-first instant, at one o'clock, P. M. for the purpose of electing a United States Senator for the term of six years from the fourth of March, eighteen hundred and sixty-one.

Mr. Conness moved to lay the resolution upon the table.

Upon which Messrs. White, Crocker, and Ross, demanded the ayes and noes, and the motion prevailed by the following vote :

AYES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Campbell, Chandler, Cherry, Clarke, Coltrin, Conness, Covarrubias, Crocker, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gillette, Gordon, Green, Gregory, Hanson, Harman, Haun, Henderson, Hill, Holman, Hunter, Johnson, Kungle, Lalor, Lippincott, Magruder, Montgomery, Morgan, Morrison, O'Brien, Powell, Ross, Scott, Sorrel, Spence, Tilden, Tilton, Tittel, Walden, Willey, and Wright—51.

NOES—Messrs. Adams, Briggs, Buell, Childs, Curtis, Foster, Hagans, Harris, Harrison, Horrell, Laspeyre, Miller, Munday, Patrick, Percy, Porter, Showalter, Smith of Tulare, Smith of Placer, Walter, White, Wood of Plumas, and Wood of Yolo—23.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
January 8th, 1861. }

Mr. SPEAKER :—I am directed to inform the Assembly that the Senate has fully organized by the election of the following permanent officers, and are ready to proceed with legislative business, to wit :

Pablo de la Guerra.....	President.
Richard Irwin	President, <i>pro tem</i> .
Chas. W. Tozer.....	Secretary.
D. J. Williamson.....	Assistant Secretary.
George C. Gorham.....	Enrolling Clerk

George A. Gillespie.....Engrossing Clerk
 Wm. F. Williamson.....Sergeant-at-Arms.
 C. A. Uhrig.....Assistant Sergeant-at-Arms.

J. R. BEARD.

Secretary of the Senate.

SENATE CHAMBER,

Friday, January, 18th, 1861. }

Mr. SPEAKER:—The Senate this day have concurred in Assembly Concurrent Resolution, No. 1, relative to organization, and have appointed Messrs. Hill, Dickinson, and Shafter, in accordance therewith.

D. J. WILLIAMSON,

Assistant Secretary of the Senate.

SENATE CHAMBER,

Friday, January 18th, 1861. }

Mr. SPEAKER —I am directed by the Senate to transmit to the Assembly the message of his Excellency the Governor, with the accompanying documents.

C. W. TOZER,

Secretary of the Senate.

SENATE CHAMBER,

Friday, January 18th, 1861. }

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 4, An Act to extend the time for the collection of Taxes in the Counties of Napa, Sutter, Tulare, and Contra Costa;

Also, have adopted Senate Concurrent Resolution, No 1, Relative to appointing a Fireman.

D. J. WILLIAMSON,

Assistant Secretary of the Senate.

Senate Bill, No. 4, above reported, read first and second times, rules suspended, read third time, and passed.

Senate Concurrent Resolution, No 1, above reported, laid on the table.

NOTICES OF BILLS.

Notices of the introduction of bills, etc. were given as follows:

By Mr. O'Brien, a series of Concurrent Resolutions having in view the expunging from the journals of the Assembly and Senate the Concurrent Resolutions placed thereon by the Legislature of eighteen hundred and fifty-nine, censuring our late Senator, the Hon. D. C. Broderick:

By Mr. Campbell, An Act to Enlarge the Powers of Constables of the several Townships in the City and County of San Francisco;

Also, An Act to Fix the Salary and Compensation of certain Officers of the City and County of San Francisco;

Also, a Resolution, instructing the Judiciary Committee to inquire and report to the House: *First*—Whether it is expedient so to change the law as to make parties interested, and parties to the record in civil suits, competent witnesses therein in their own behalf *Second*—Whether it is expedient to repeal all laws disqualifying persons from being competent witnesses by reason of their race or color.

By Mr. Crocker, An Act to amend certain Acts establishing a Standard of Weights and Measures;

Also, An Act to repeal certain Acts creating Inspectors of Pork, Beef, and Salt Provisions in this State;

By Mr. Harris, An Act to extend the time for the Collection of Delinquent Taxes in the County of Butte.

By Mr. Flanders, An Act concerning the Offices of Tax Collector, Auditor, and County Treasurer of the City and County of San Francisco.

By Mr. Curtis, An Act to provide for the Reclamation of Swamp and Overflowed Lands in this State.

By Mr. Munday, Concurrent Resolutions expressive of the sentiments of the people of California, in Senate and Assembly assembled, upon the present distracted state of the Union.

By Mr. Cherry, An Act to amend an Act entitled An Act to Prohibit the Burning of Bricks within certain Limits of the City and County of San Francisco, approved March thirteen, eighteen hundred and sixty.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Holman, An Act to Confirm and Legalize the Tax List and Assessment Roll of the County of Salano for the Fiscal Year ending June thirty, eighteen hundred and sixty-one, and to Extend the Time for the Sheriff of Solano County to Collect the Delinquent Taxes due thereon.

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

By Mr. Johnson, An Act to Extend the Time for Collecting Taxes in the County of San Luis Obispo

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

By Mr. Holman, An Act supplemental to an Act entitled An Act to Repeal the several acts Incorporating the City of Benicia, and to Provide for the Government thereof, approved April eighteen, eighteen hundred and fifty-nine.

Read first and second times and referred to the Solano Delegation.

Mr. White moved that the resolution offered by him on yesterday, relative to extra compensation to Clerks and Attachés of the House, be referred to the Committee on Rules.

Carried.

At one o'clock, P. M. on motion of Mr. Haun, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 19th, 1861. }

The House met pursuant to adjournment,

Speaker in the Chair.

The roll was called.

Quorum present.

The journal of yesterday was read and approved.

Messrs. Percy and Covarrubias had indefinite leave of absence, and Mr. Willey for one day.

The Speaker announced as the Committee on Rules—Messrs. Flanders, Conness, Laspeyre, Lippincott, and Curtis.

COMMUNICATION FROM SUPERINTENDENT PUBLIC INSTRUCTION.

The following communication was received from the Superintendent of Public Instruction :

DEPARTMENT OF INSTRUCTION, }
January 19th, 1861. }

To Hon. R. BURNELL,

Speaker of the Assembly—

DEAR SIR:—I have the honor to transmit herewith, the Tenth Annual Report, with accompanying documents, of the Superintendent of Public Instruction. I am, very respectfully, yours,

ANDREW J. MOULDER,

Superintendent Public Instruction.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Walden :

Resolved, That a Committee on Mileage be appointed, with instructions to report forthwith.

Messrs. Walden, Durst, and Hunter were appointed such Committee.

By Mr. Green :

Resolved, That each member of this House be allowed five daily newspapers, or their equivalent in weeklies, during the session.

To which Mr. Patrick offered the following amendment :

And be it further Resolved. That the amount paid for said papers be paid out of the per diem of each member of the Assembly.

Mr. Connors moved the previous question.

Sustained.

The amendment lost, and the resolution adopted.

By Mr. Fargo :

Resolved, That a committee of five be appointed to examine and report to the House what claims the Pages, and Porters, who were employed prior to the organization of the House, are entitled to payment.

Adopted.

Messrs. Fargo, Magruder, Foster, and Gillette, were appointed such committee.

By Mr. White :

Resolved, That J. M. Anderson, the Clerk of the last session be, and he is hereby, allowed ten days' pay, at the per diem allowed by law, as the presiding officer of the Assembly, *ad interim*, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Hunter :

Resolved, By the Assembly, the Senate concurring, that William A. January, County Clerk of El Dorado County, be, and he is hereby, granted leave of absence from this State, for the period of five months, at such time as he may select during his term of office.

Adopted.

By Mr. Lippincott :

Resolved, By the Assembly, the Senate concurring, that the Senatorial candidates be, and are hereby, invited to address the joint Houses, in the Assembly Chamber, convened on Monday evening at half past seven o'clock, expressing themselves upon the vital and all-absorbing issues of the day.

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

Upon which, Messrs. O'Brien, Hill, and Walden, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Blair, Buell, Campbell, Chandler, Clark, Coleman, Crocker, Curtis, Ford, Foster, Gillette, Gordon, Gregory, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Morgan, Morrison, Munday, Patrick, Powell, Showalter, Smith of Tulare, Smith of Placer, Tittel, White, and Wood of Plumas—43.

NOES—Messrs. Banks, Bradley, Briggs, Cherry, Childs, Coltrin, Conness, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Green, Hagans, Hill, Hunter, Lippincott, Montgomery, O'Brien, Porter, Ross, Sorrell, Spence, Tilden, Tilton, Walden, Walter, Wood of Yolo, and Wright—30.

My Mr. Johnson :

Concurrent Resolution, Relative to the establishment of a Semi-Weekly Mail from San Luis Obispo to Visalia.

Referred to the Committee on Federal Relations.

By Mr. O'Brien :

Concurrent Resolution, Relative to expunging Resolutions censuring the late Hon. David C. Broderick.

Made the special order for Thursday, twenty-fourth January, at one, P. M.

By Mr. Patrick :

Concurrent Resolution, on the State of the Union.

Mr. Montgomery offered a substitute.

Mr. Crocker offered a substitute to the substitute.

The whole subject was referred to the Committee on Federal Relations.

By Mr. Walden :

Resolved, By the Assembly, the Senate concurring, that the two Houses meet in Joint Convention, on Friday, the twenty-fifth instant, at twelve o'clock, M. in the Assembly Chamber, for the purpose of electing a United States Senator, to fill the vacancy occasioned by the expired term of the Hon. Wm. M. Gwin.

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

Upon which, Messrs. Ross, Chandler, and Walden, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Amyx, Avery, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clark, Conness, Crocker, Denniston, Dougherty, Eastman, Fargo, Flanders, Ford, Gillette, Gordon, Green, Hanson, Harriman, Haun, Henderson, Holman, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Montgomery, Morgan, Morrison, Munday, O'Brien, Porter, Powell, Ross, Sorrell, Spence, Tilden, Tilton, Tittel, White, Wright, and Mr. Speaker—50.

NOES—Messrs. Adams, Baechtel, Buell, Childs, Coleman, Crocker, Coltrin, Durst, Foster, Gregory, Hagans, Harris, Harrison, Hill, Horrell, Miller, Patrick, Showalter, Smith of Placer, Walden, Walter, Wood of Plumas, and Wood of Yolo—23.

By Mr. Curtis :

WHEREAS, the State of California did, by an act of the Legislature, approved April twenty-eighth eighteen hundred and fifty-five, provide for the sale of the Swamp and Overflowed Lands in this State; and, *whereas*, much of the land sold by the State under said act, and the supplements thereto, after being laid dry and reclaimed by the owner thereof, has been improperly included in the general survey of the United States Government, and resold, or offered for sale, by the General Government, thereby depriving the State of the benefit she is entitled to under the act of Congress entitled An Act to enable the State of Arkansas, and other States, to reclaim the Swamp Lands within their limits, approved September twenty-eighth, eighteen hundred and fifty, and compelling purchasers from the State to pay twice for their land; therefore—

Resolved, That a committee of five be appointed by the Speaker, to examine into the matter, with power to take testimony as to the character of said land, and report the result of their investigation to this House at an early day, for such action as the House may deem necessary in the premises.

Adopted.

On motion of Mr. Conness, Senate Concurrent Resolution, No. 1, Relative to appointing Michael Martin a Fireman, was taken up

Mr. Wood of Yolo, moved to amend by striking out "five," and inserting "three" dollars.

Adopted.

The resolution as amended was concurred in

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER, }
Saturday, January 19th, 1861 }

MR. SPEAKER:—The Senate this day passed Senate Bill, No. 7, An Act to authorize the Masome Hall Association of the City of San Francisco to to sell, mortgage, and convey certain Real Estate,

Also, have instructed the Secretary to request the Assembly to return to the Senate the Governor's Message, with accompanying documents.

C. W. TOZER,

Secretary of the Senate.

Senate Bill, No. 7—above reported, was, the rules being suspended, read a third time and passed.

SENATE CHAMBER, }
Saturday, January 19th, 1861 }

MR. SPEAKER:—The Senate, on yesterday, adopted Senate Concurrent Resolution, No. 2, Relative to attending to the work in the rear of the Capitol Building, and ask the concurrence of the Assembly.

D. F. WILLIAMSON,

Assistant Secretary of the Senate.

Senate Concurrent Resolution, No. 2, above reported, concurred in.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Tilton, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the claim of George H. Hossefros ;

Also, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco ;

Also, An Act amendatory of an Act entitled An Act amendatory of, and supplementary to, 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, approved April nineteenth, eighteen hundred and fifty-six, approved April eighteenth, eighteen fifty-seven—

Were read first and second times and referred to the San Francisco Delegation.

By Mr. Denniston, An Act relative to the office of Superintendent of Common Schools in the County of San Mateo.

Read first and second times and referred to the Committee on Education

By Mr. Harris, An Act extending the time for the collection of Delinquent Taxes in the County of Butte.

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

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows :

By Mr. Powell, An Act to amend an Act approved April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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.

By Mr. Briggs, An Act to amend section thirty-eight of the General Election Law ;

Also, An Act to amend the Act concerning Roads and Highways in the Counties of Alameda and Santa Clara, approved March twenty-fourth, eighteen hundred and sixty.

By Mr. Tittel, An Act to authorize the Courts of Record of this State to admit Joseph Rodrigues Brandon as an Attorney and Counselor-at-Law, in the same manner as if he were a citizen of the United States

By Mr. Magruder, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty ;

Also, An Act to authorize County Judges to hold terms of the County Courts, Courts of Sessions, and Probate Courts, in other Counties than their own.

By Mr. Wood of Yolo, An Act to provide for the Survey and Segregation of the Swamp and Overflowed Lands of the State.

By Mr. Curtis, An Act to provide for the resale of Public Lands sold by the State on a Credit and declared forfeited by reason of the non-payment of Interest or Principal.

By Mr. Amyx, An Act to provide a Fund and prescribing the manner of redeeming the Outstanding County Warrants drawn upon the General Fund of the Treasury of Tuolumne County.

By Mr. Baechtel, An Act granting the privilege to certain parties to construct a Bridge across the mouth of Big River.

By Mr. Adams, An Act to Reclaim the Swamp and Overflowed Lands of this State ;

Also, An Act to amend an Act entitled An Act concerning Roads and Highways in Sacramento County ;

Also, An Act to extend the time in certain cases for the payment of the Principal and Purchase Money on Lands sold by the State on a Credit.

At one o'clock, P. M. on motion of Mr. Fargo, the House adjourned until Tuesday next, January twenty-second, at one o'clock, P. M.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 22d, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday last read and approved.

The Speaker announced the following Standing Committees :

ON ELECTIONS.

Messrs. Denniston, Clarke, Durst, Hanson, Kurtz, Councilman, and Chandler.

ON CORPORATIONS.

Messrs. Curtis, White, Banks, Tilden, Chandler, Smith of Placer, and Crocker.

ON PUBLIC PRINTING.

Messrs. Eastman, Cherry, Henderson, Smith of Placer, Holman, Flanders, and Walden.

ON CLAIMS.

Messrs. Walden, Gillette, Lippincott, Harriman, and Hunter.

ON WAYS AND MEANS.

Messrs. Dougherty, Baechtel, Eastman, Fargo, Showalter, Crocker, Laspeyre, Magruder, and Miller.

ON JUDICIARY.

Messrs. Campbell, Patrick, Curtis, Ross, Wright, Montgomery, Conness, Blair, Harris, Lippincott, and Avery.

ON MILITARY AFFAIRS.

Messrs. Wood of Plumas, Tittel, Covarrubias, Harris, and Harrison.

ON COUNTIES AND COUNTY BOUNDARIES.

Messrs. Munday, Gillette, O'Brien, Dougherty, Amyx, Coltrin, and Foster.

ON COMMERCE AND NAVIGATION.

Messrs. Laspeyre, Banks, Cherry, Flanders, and Eastman.

ON EDUCATION.

Messrs. Blair, Harriman, Walter, Gordon, and Kungle.

ON AGRICULTURE.

Messrs. Stearns, Wood of Yolo, Durst, Denniston, and Clarko.

ON INTERNAL IMPROVEMENTS.

Messrs. Fargo, Showalter, Morrison, Sorrell, and Tilton.

ON PUBLIC BUILDINGS AND GROUNDS.

Messrs. Powell, Horrell, Green, Buell, and Adams.

ON PUBLIC EXPENDITURES AND ACCOUNTS.

Messrs. O'Brien, Kungle, Willey, Harrison, and Haun.

ON MINES AND MINING INTERESTS.

Messrs. Miller, Green, Councilman, Gregory, Hill, Childs, and Coltrin.

ON PUBLIC LANDS.

Messrs. Smith of Tulare, Porter, Bradley, Briggs, Hagans, Gregory, and Scott.

ON FEDERAL RELATIONS.

Messrs. Conness, Sorrell, Campbell, White, Magruder, Ford, and Wright.

ON ENGROSSMENT.

Messrs. Lalor, Coleman, Morgan, Hill, and Henderson.

ON ENROLLMENT.

Messrs. Tilton, Amyx, and Percy.

ON STATE PRISON.

Messrs. Tilden, Haun, Banks, Hunter, Tilton, Powell, and Gordon.

ON MILEAGE.

Messrs. Ross, Morgan, Kurtz, Johnson, and Howell.

ON PUBLIC MORALS.

Messrs. Briggs, Patrick, Covarrubias, Willey, and Hagans.

ON STATE HOSPITALS.

Messrs. Durst, Smith of Tulare, Spence, Coleman, and Ford.

ON INDIAN AFFAIRS.

Messrs. Montgomery, Buell, Avery, Baechtel, and Walter.

ON SWAMP AND OVERFLOWED LANDS.

Messrs. Adams, Porter, Wood of Yolo, Bradley, and Conness.

ON ROADS AND HIGHWAYS.

Messrs. Childs, Holman, Spence, Foster, and Munday.

Mr. Campbell presented a petition of Executors of F. P. Tracy, deceased, for a law authorizing them to sell Real Estate.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Walden :

Resolved, That a committee of three be appointed for the purpose of auditing and examining the copying done by the Clerks of this House.

Adopted.

By Mr. Laspeyre :

Resolved, That the resolutions offered on Saturday last, on the state of the Union, and also the resolutions offered by Mr. O'Brien, relative to the Hon. D. C. Broderick, be ordered printed.

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

Carried.

By Mr. Miller :

Resolved, That the portion of the Governor's Message which relates to a Constitutional Convention, be referred to the Judiciary Committee, with instructions to report on or before the fifth of February next.

Adopted.

By Mr. Campbell :

Resolved, That the Judiciary Committee be instructed to inquire, and report to the House, upon the expediency of so amending the law as to make parties interested, and parties to the record, in civil actions, competent witnesses in their own behalf.

Adopted.

By Mr. Campbell :

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of repealing all laws which disqualify persons from being competent witnesses in Courts of Justice by reason of their race or color.

Laid on the table.

By Mr. Smith of Tulare :

Resolved, That so much of the Governor's Message as refers to the apportionment of Senatorial and Assembly Districts among the different counties of the State, be referred to a Select Committee, to be composed of one from each of the Senatorial Districts of the State, with instructions to prepare and report a bill as soon as practicable for the purpose of carrying out the recommendation contained in the message.

Lost.

By Mr. Kurtz :

Concurrent Resolution, Relative to printing Governor's Message in Spanish.

Referred to Joint Committee on Printing

By Mr. Dougherty :

Concurrent Resolution, on the State of the Union.

Referred to the Committee on Federal Relations.

By Mr. Kurtz :

Concurrent Resolution, Relative to Mail Route from San Diego to Buena Vista.

Referred to Committee on Federal Relations.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 22d, 1861. }

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No. 8, An Act authorizing the Treasurer of the County of Fresno to transfer certain Funds;

Also, Senate Bill, No. 9, An Act concerning the Pay of Officers and Employés of the Senate.

D. J. WILLIAMSON,
Assistant Secretary.

The rules were suspended, and Senate Bill, No. 8—above reported, read three times and passed

Senate Bill, No. 9—above reported, read first and second times, and referred to the Committee on Ways and Means.

SENATE CHAMBER,
January 22d, 1861. }

Mr. SPEAKER:—The Senate, on Saturday, January nineteenth, concurred in Assembly Concurrent Resolution, No. 2, Relative to Printing Governor's Message, and have appointed Messrs Dickinson, Clark, and Merritt, a committee to act on the part of the Senate.

D. J. WILLIAMSON,
Assistant Secretary.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Ross, for An Act to regulate Common Schools in this State;

Also, for An Act to provide for the location and establishment of Roads and Highways in certain Counties of this State, and to repeal certain Acts to be therein named;

Also, for An Act to abolish the office of Tax Collector in certain Counties;

Also, for An Act to amend An Act concerning the office of Sheriff, and defining the Duties of that Officer;

Also, for An Act to provide Revenue for the Support of the Government of this State;

Also, for An Act to amend An Act concerning County Treasurers, and defining their duties;

Also, for An Act authorizing and empowering Joseph B. Lamar and William Neely Johnson, and their associates, to construct and maintain a Turnpike Road through the Russian River Cañon, in the Counties of Sonoma and Mendocino.

By Mr. Powell, for An Act to amend section thirty-five of the Act to incorporate the City and County of Sacramento.

By Mr. Laspeyre, for An Act to repeal an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, one thousand eight hundred and sixty.

By Mr. Baechtel, for An Act to grant the right to construct a Bridge across Noyo River, in Mendocino County, to certain parties therein named;

Also, for An Act to grant the right to construct a Bridge across Albion River, in Mendocino County, to certain parties therein named;

Also, for An Act to extend the terms of Office of the Board of Supervisors of Mendocino County.

By Mr. Blair, for An Act to define and establish the Boundary Line between the Counties of Monterey and San Luis Obispo.

By Mr. Walter, for An Act to repeal an Act to prohibit the collection of Accounts for Liquors sold at retail;

Also, for An Act to amend An Act defining the time for commencing Civil Actions concerning Book Accounts.

By Mr. Magruder, for An Act to provide for funding so much of the indebtedness of Yuba County as was created and incurred on account of the County Hospital of said County prior to October first, eighteen hundred and sixty.

By Mr. Lalor, for An Act to amend An Act securing to Mechanics and others a Lien for Work done and Materials furnished, passed April nineteenth, eighteen hundred and fifty-six.

By Mr. Morrison, for An Act concerning the Infant Heirs and Devisees of Bernardo Yorba, deceased, providing for the appointment of Commissioners to make partition of their Real Estate.

By Mr. Smith of Tulare, for An Act to amend Section Six of An Act to provide for the sale of the Swamp and Overflowed Lands of the State.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. White, for An Act to transfer certain Funds.

Read first and second times.

Mr. Conness moved to refer the bill to the Committee on Swamp and Overflowed Lands.

Upon which, Messrs. Munday, Haun, and Holman, demanded the ayes and noes, and the bill was so referred, by the following vote : Ayes, 59—noes, 15 :

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Briggs, Buell, Campbell, Cherry, Clark, Coleman, Coltrin, Conness, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gillette, Gordon, Green, Gregory, Hagans, Harriman, Harrison, Haun, Henderson, Holman, Hunter, Johnson, Kurtz, Lippincott, Magruder, Miller, Montgomery, Morgan, O'Brien, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Sorrel, Spence, Tilden, Tittel, Walden, Walter, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—59.

NOES—Messrs. Bradley, Chandler, Childs, Hanson, Harris, Hill, Horrell, Kungle, Lalor, Laspeyre, Patrick, Percy, Showalter, Tilton, and White—15.

And the committee instructed to report to-morrow morning.

By Mr. Tittel, for An Act to authorize the Courts of Record of this State to admit Joseph Rodrigues Brandon as an Attorney and Counselor-at-Law.

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

By Mr. Laspeyre, for An Act making Certificates of Purchase, or of Location, evidence of Title ;

Also, for An Act to repeal an Act entitled An Act supplementary to, and explanatory of, an Act entitled An Act making Certificates of Purchase, or of Location, evidence of Title, approved April thirteen, eighteen hundred and fifty-nine—

Were read first and second times and referred to the Committee on Public Lands;

Also, for An Act to confer further powers upon the Board of Supervisors of San Joaquin County.

Read first and second times and referred to the San Joaquin Delegation.

By Mr. Flanders, for An Act concerning the Offices of Auditor, County Treasurer, and Tax Collector, of the City and County of San Francisco.

Read first and second times and referred to the San Francisco Delegation.

By Mr. Baechtel, for An Act to grant the right to construct a Bridge across Big River, in Mendocino County, to certain parties therein named.

Read first and second times and referred to the Mendocino Delegation.

By Mr. Crocker, for An Act to repeal certain Acts creating Inspectors of Pork, Beef, and Salt Provisions, in this State.

Read first and second times and referred to the Committee on Ways and Means;

Also, for An Act to amend certain Acts establishing a Standard of Weights and Measures.

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

By Mr. Cherry, for An Act to amend an Act entitled An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco, approved March thirteenth, eighteen hundred and sixty.

Read first and second times and referred to the San Francisco Delegation.

By Mr. Ross, for An Act to grant the right to construct and maintain a Turnpike Road through Russian River Cañon to certain parties.

Read first and second times and referred to the Sonoma and Mendocino delegations.

The House refused to excuse Messrs. Fargo and Laspeyre from serving on the Committee on Ways and Means.

RESOLUTIONS.

Mr. Powell offered the following resolution :

Resolved, That the Sergeant-at-Arms be, and is hereby, required to procure such number of rooms as may be necessary for the accommodation of the committees; also, such furniture and stationery as may be required, and that he also employ some suitable person to take care of the same, and to render such other service as the respective committees may from time to time require.

Laid on the table.

The following resolution was offered by Mr. Sorrel :

Resolved, That the Committee on Ways and Means, and the Judiciary Committee, be authorized to procure suitable rooms for the use of said committees, at an expense not exceeding twenty-five dollars per month for each committee.

Adopted.

Mr. Kurtz offered the following resolution :

Resolved, That the Sergeant-at-Arms be directed to furnish each member of this House with postage stamps to the value of twenty-five dollars, to be paid out of the Contingent Fund of the Assembly.

Mr. Patrick offered the following substitute :

Resolved, That a committee of three be appointed by the Chair to report to this House the amount that ought to be allowed to each member for postage, if any, and to report on to-morrow.

Lost, and the resolution of Mr. Kurtz adopted

Mr. Ross offered Concurrent Resolution in relation to Joint Convention for the election of United States Senator

Laid on the table.

At forty-five minutes past two o'clock, P. M. on motion of Mr. Crocker, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 23d, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Stearns, member from Los Angeles, appeared, was qualified, and took his seat.

The Speaker announced as the Committee on Auditing the Copying, Messrs. Walden, Foster, and Gillette.

Mr. Green was excused from serving on the Committee on Mines and Mining Interests.

Mr. Patrick presented an account rendered under the direction of the Quartermaster-General.

Referred to Committee on Claims.

On motion of Mr. Cherry, Mr. Fargo was excused from serving on Committee on Ways and Means.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Wood, of Plumas :

Concurrent Resolution Relative to New Mail Routes in Plumas and Butte Counties

Referred to delegations from those counties.

By Mr. White :

Resolved, By the Assembly, the Senate concurring, that a Joint Committee be raised, consisting of such number as may be thought right, with power to inquire into, and report, such amendments to the State Constitution as may in their judgment be deemed necessary.

Laid on the table.

By Mr. Laspeyre :

Concurrent Resolution Granting leave of absence to Robert McGarvey, County Judge of Stanislas County.

Adopted.

By Mr. Munday :

Concurrent Resolutions on the State of the Union.

Referred to Committee on Federal Relations.

By Mr. Sorrel :

Resolved, That the Judiciary Committee be instructed to inquire into, and report upon, the expediency of so amending the Practice Act, as to make more efficient the law, requiring Public Administrators to pay over to County Treasurers all moneys collected from the estates of deceased persons, intestate, and without heirs at law.

Adopted.

By Mr. Conness :

Resolved. By the Assembly, the Senate concurring, that the Judiciary Committee of both Houses act jointly for the purpose of considering the question of whether the call for a Constitutional Convention was carried or defeated at the last election, and if, in their opinion, the question was negatived, they be instructed to report such amendments as they may deem necessary to be made to the Constitution of this State.

Adopted.

By Mr. Tilden :

Resolved, That the use of the Assembly Chamber be, and is hereby, granted to the Ladies' Washington National Monument Society for the occasion of an oration or lecture on the twenty-second of February, eighteen hundred and sixty-one.

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

On the adoption of the resolution, Messrs Showalter, Tilden, and Cherry, demanded the ayes and noes, and the resolution was adopted by the following vote: Ayes, 42—noes, 33 :

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Chandler, Cherry, Clarke, Coltrin, Conness, Councilman, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Harrison, Henderson, Hill, Hunter, Johnson, Kurtz, Lippincott, Miller, Montgomery, Morrison, Munday, O'Brien, Porter, Powell, Smith of Tulare, Spence, Tilden, Tittel, Walden, Walter, White, and Wright—42.

NOES—Messrs. Amyx, Baechtel, Bradley, Buell, Childs, Coleman, Crocker, Fargo, Flanders, Ford, Gillette, Gordon, Gregory, Hagans, Hanson, Harriman, Haun, Holman, Horrell, Kungle, Lalor, Laspeyre, Magruder, Morgan, Patrick, Percy, Showalter, Smith of Placer, Sorrel, Tilton, Willey, Wood of Plumas, and Mr. Speaker—33.

By Mr. Munday :

Concurrent Resolution fixing the twenty-fifth instant for Joint Convention to elect a Senator.

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

Upon which, Messrs. Wood of Plumas, Hagans, and Walter, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 45—noes, 30 :

AYES—Messrs. Amyx, Avery, Baechtel Banks, Blair, Buell, Campbell, Chandler, Cherry, Clark, Coltrin, Conness, Councilman, Covarrubias,

Crocker, Denniston, Durst, Eastman, Fargo, Flanders, Ford, Gillette, Green, Hanson, Harriman, Haun, Henderson, Holman, Hunter, Johnson, Kungle, Lalor, Lippincott, Magruder, Montgomery, Morgan, O'Brien, Porter, Powell, Spence, Tilden, Tilton, Tittel, Willey, and Mr. Speaker—45.

NOES—Messrs. Hdams, Bradley, Briggs, Childs, Coleman, Curtis, Dougherty, Foster, Gordon, Gregory, Hagans, Harrison, Hill, Horrell, Kurtz, Laspeyre, Miller, Munday, Patrick, Percy, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Walden, Walter, White, Wood of Plumas, Wood of Yolo, and Wright—30.

By Mr. Smith of Tulare :

Resolved, That the Secretary of State be respectfully requested to furnish the Assembly with a copy of the Census Returns, now on file in that office, as taken by authority of the Federal Government, for the year eighteen hundred and sixty.

Adopted.

By Mr. Briggs :

Resolved, That the use of this Hall be tendered to all such persons as propose to be candidates to represent the State of California in the Senate of the United States, to be used by them on Saturday evening, the twenty-sixth instant, at seven o'clock, P. M. for the purpose of enabling them to express their views upon the various subjects of national policy now agitating the country.

Mr. Showalter moved to indefinitely postpone the resolution.

Lost.

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

Upon which, Messrs. Wood of Plumas, Patrick, and Walden, demanded the ayes and noes, and the House refused by the following vote : Ayes, 31—noes, 41 :

AYES—Messrs. Amyx, Avery, Blair, Buell, Chandler, Clark, Coleman, Curtis, Flanders, Foster, Gillette, Gregory, Harris, Harrison, Haun, Holman, Horrell, Kungle, Kurtz, Lalor, Miller, Morrison, Patrick, Showalter, Sorrel, Spence, Tilton, White, Willey, Wood of Plumas, and Wood of Yolo—31.

NOES—Messrs. Adams, Banks, Bradley, Briggs, Campbell, Cherry, Childs, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Ford, Gordon, Green, Hanson, Harriman, Hill, Hunter, Johnson, Laspeyre, Lippincott, Magruder, Montgomery, Morgan, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Tilden, Tittel, Walden, Walter, Wright and Mr. Speaker—41.

On the adoption of the resolution, Messrs. Wood of Plumas, Patrick, and Walden, demanded the ayes and noes, and the resolution was adopted by the following vote : Ayes, 39—noes, 35 :

AYES—Messrs. Adams, Banks, Briggs, Campbell, Cherry, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Ford, Green, Hanson, Harriman, Hill, Hunter, Johnson, Laspeyre, Lippincott, Montgomery, Morgan, O'Brien, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Tilden, Walden, Walter, Willey, Wright, and Mr. Speaker—39.

NOES—Messrs. Amyx, Avery, Baechtcl, Blair, Bradley, Buell, Chandler,

Childs, Clark, Coleman, Curtis, Flanders, Foster, Gillette, Gordon, Gregory, Harris, Harrison, Haun, Holman, Horrell, Kungle, Kurtz, Lalor, Magruder, Miller, Morrison, Munday, Patrick, Showalter, Sorrel, Tilton, Tittel, White, Wood of Plumas, and Wood of Yolo—35.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
January 23d, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, concurred in Assembly amendment to Senate Concurrent Resolution, No. 1, Relative to appointing Michael Martin a Fireman ;

Also, concurred in Assembly Concurrent Resolution, No. 3, Granting leave of absence to William A. January ;

Also, passed Assembly Bill, No. 2, An Act to extend the time for collecting Taxes in the County of San Luis Obispo.

D. J. WILLIAMSON,
Assistant Clerk.

REPORTS.

Mr. Adams made the following report :

Mr. PRESIDENT:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill, No. 9, appropriating moneys from the Swamp Land Fund for the pay of the per diem of members and officers of the Legislature, beg leave to report the same back, and recommend that it do not pass.

The act of April twenty-first, eighteen hundred and fifty-eight, providing for the sale of the swamp and overflowed lands, specifically sets the proceeds of such sales apart as a fund for the reclamation of those lands.

The terms upon which the State received the swamp lands from Congress were, that their proceeds should be applied to their reclamation.

Your committee have grave doubts about the right of the Legislature to use those funds for other purposes than those for which they were set apart ; but conceding the right, they would regard its use for the purposes proposed in this act, as unwise, and establishing a dangerous precedent.

It is stated that there are no moneys in the General Fund to meet the expenses of the Legislature. There is now in the General Fund one hundred and forty thousand seven hundred and forty-three dollars and fifty-one cents, not specifically appropriated ; but there are warrants upon the General Fund, in accordance with the terms of settlement made by the State with McCauley & Tevis, of the State Prison affairs, amounting to one hundred and thirty-seven thousand five hundred dollars. Those warrants will not be due before the eighth day of February next, and during the month of February there will be moneys received in payment of taxes, into the General Fund, sufficient to meet the payment of all those warrants.

There is no impediment in the way of the specific appropriation of, say forty thousand dollars, of the moneys now in the General Fund for the purposes proposed by this act, and the only question to be determined is, whether the precedent shall be established now of interfering with the Swamp Land Fund, or whether McCauley & Tevis shall wait, as the members of the Legislature have already waited, for about two weeks, for the payment of their demands.

The committee respectfully recommend the latter course to be pursued.

A. ADAMS,
Chairman.

Mr. White moved to suspend the rules, and consider Assembly Bill, No. 9. above reported engrossed.

Lost.

Mr. Conness moved to indefinitely postpone the bill.

Upon which, Messrs. White, Patrick, and Chardler, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 31—noes, 43:

AYES—Messrs. Adams, Avery, Banks, Blair, Bradley, Conness, Crocker, Curtis, Dougherty, Foster, Gillette, Green, Gregory, Hanson, Harriman, Henderson, Holman, Hunter, Magruder, Miller, Montgomery, Morrison, O'Brien, Porter, Powell, Smith of Tulare, Spence, Stearns, Tilden, Wood of Plumas, and Wood of Yolo—31.

NOES—Messrs. Amyx, Baechtel, Buell, Campbell, Chandler, Cherry, Childs, Clark, Coleman, Coltrin, Covarrubias, Denniston, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Hagans, Harris, Harrison, Haun, Hill, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Morgan, Patrick, Ross, Showalter, Smith of Placer, Sorrel, Tilton, Tittel, Walden, Walter, White, Wright, and Mr. Speaker—43.

The rules were suspended, and the bill considered engrossed

Upon the passage of the bill, Messrs. Wood of Yolo, Walden, and O'Brien, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 42—noes, 33:

AYES—Messrs. Amyx, Buell, Campbell, Chandler, Cherry, Childs, Clark, Coleman, Coltrin, Covarrubias, Denniston, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Green, Hagans, Harris, Harrison, Haun, Hill, Horrell, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Morgan, Patrick, Ross, Showalter, Smith of Placer, Sorrel, Tilton, Tittel, Walden, Walter, White, Wright, and Mr. Speaker—42.

NOES—Messrs. Adams, Avery, Banks, Blair, Bradley, Conness, Crocker, Curtis, Dougherty, Foster, Gillette, Gregory, Hanson, Harriman, Henderson, Holman, Hunter, Johnson, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Porter, Powell, Smith of Tulare, Spence, Stearns, Tilden, Willey, Wood of Plumas, and Wood of Yolo—33.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Powell, for An Act to grant to certain parties the right of laying a Railroad Track along certain Streets in the City of Sacramento.

By Mr. Baechtel, for An Act relative to the construction of a Wharf at Punta Arenas, in the County of Mendocino.

By Mr. Sorrel, for An Act amendatory of An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

By Mr. Haun, for An Act for a Road Law for Yuba County.

By Mr. Flanders, for An Act granting to certain persons the right to lay down a Railroad Track in the City and County of San Francisco.

By Mr. Kurtz, An Act to amend an Act entitled An Act to grant the right to construct a Bridge across the Colorado River, at or near Fort Yuma, approved April sixteenth, eighteen hundred and fifty-nine.

By Mr. Johnson, for An Act to amend an Act entitled An Act to authorize J. C. Cissna to construct a Breakwater and Wharf at the Port of San Luis Obispo, and providing for the same, passed April twenty-fifth, eighteen hundred and sixty.

By Mr. Fargo, for An Act to amend An Act concerning Elections, and to provide for a Registry Law ;

Also, An Act to amend the Act concerning Roads and Highways in certain Counties ;

Also, An Act for the relief of Alameda County.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Powell, for An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April twenty-fourth, eighteen hundred and fifty-eight.

Read first and second times and referred to the Sacramento Delegation ;

Also, for An Act to amend an Act approved April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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.

Read first and second times and referred to Committee on Education.

By Mr. Campbell, for An Act to amend an Act approved May eighteenth, eighteen fifty-three, 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 the Judiciary Committee.

By Mr. Magruder, for An Act to provide for funding so much of the indebtedness of Yuba County as was created and incurred on account of the County Hospital of said County prior to the first day of October, eighteen hundred and sixty.

Read first and second times and referred to the Yuba Delegation.

By Mr. Curtis, for An Act to provide for the Reclamation of the Swamp and Overflowed Lands of this State.

Read first and second times, referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

By Mr. Amyx, for An Act to authorize Thomas Cutler, Administrator of the Estate of Albert Cutler, deceased, to sell Real Estate at Private Sale.

Read first and second times and referred to the Tuolumne Delegation.

By Mr. Morrison, for An Act concerning the Infant Heirs and Devisees of Bernardo Yorba, deceased.

Read first and second times and referred to Los Angeles Delegation.

By Mr. Walter, for An Act to amend an Act entitled An Act defining the time for commencing Civil Actions.

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

By Mr. Adams, for An Act to extend the time for the payment of the Principal of the Purchase Money on Lands sold by the State on a credit, where said lands are claimed to be within the boundaries of a Mexican or Spanish Grant.

Read first and second times, referred to the Committee on Swamp Lands, and ordered printed.

By Mr. Holman, for An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, approved May first, eighteen hundred and fifty-one.

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

Mr. Laspeyre verbally reported and recommended the passage of Assembly Bill, No. 15, An Act to confer further powers upon the Board of Supervisors of San Joaquin County.

REPORTS.

Reports were made as follows:

By Mr. Holman:

Mr. SPEAKER:—The Solano County Delegation, to whom was referred Assembly Bill, No. 3, having had the same under consideration, report it back, and recommend its passage.

D. B. HOLMAN.

The rules were suspended and Assembly Bill, No. 3—above reported, considered engrossed, read a third time and passed.

By Mr. Fargo:

Mr. SPEAKER:—Your committee, to whom was referred the matter of compensation to the Porters, Pages, and other attachés, doing service for the House prior to the election of a Speaker, beg leave to report—that they have examined the law and regulations of the last Session, from which it appears that there were then employed in the service of the House three Porters, at a per diem of five dollars; one Fireman, at four dollars; one Post-Office Page, one Paper Folder, and three Pages, each three dollars per diem.

They also find that the duties of Porters have been performed by Charles Hanley, Robert Powell, and J. ———, and those of Firemen, by D. McLaughlin; Post-Office Page, by G. V. Smith; and Paper Folder, by W. B. Tolls, to whom they recommend the payment of the per diem established by law.

They further find, that the duties of Pages upon the floor of the Assembly Chamber, have been performed by Masters Daniel Alexander, Charles Brown, J. M. Currier, Dan Whippley, Albert Gerry, D. W. Bosely, B. Steinman, James Kenny, and David Herring.

As the law allows three Pages at three dollars per day, or nine dollars altogether, and as there were nine volunteers for this service, your committee would recommend a *pro rata* distribution of the usual allowance to Pages to the said nine volunteers, which will be equal to one dollar per diem each.

Your committee find that the services above alluded to were rendered for a term of ten days, for which time we recommend payment as above, *provided*, the appointees of the Speaker shall not be entitled to payment for services for the same period.

All of which is respectfully submitted.

F. F. FARGO,
Chairman.

Adopted.

At forty-five minutes past two o'clock, P. M. on motion of Mr. Hunter, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 24th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Gordon had four days leave of absence.

Mr. Greene was appointed on Committee on Ways and Means, *vice* Mr. Fargo excused.

REPORTS.

Reports were made as follows :

By Mr. Tilton :

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill No. 2, An Act to extend the time for collecting Taxes in the County of San Luis Obispo.

S. S. TILTON,
Chairman.

By Mr. Magruder :

Mr. SPEAKER;—The Yuba Delegation, to whom was referred Assembly Bill No. 22, An Act to provide for Funding so much of the indebtedness of Yuba County as was created and incurred on account of the County Hospital of said County prior to the first day of October, A. D. eighteen hundred and sixty—have examined the same and report the bill back and recommend its passage.

MAGRUDER,
KUNGLE,
HANSON,
E. LALOR,
D. S. HAUN,

The rules were suspended, and Assembly Bill, No. 22—above reported, was considered engrossed, read a third time, and passed.

Mr. Conness, from the Joint Committee on Printing, reported a Concurrent Resolution Relative to printing the Governor's Message, and accompanying Documents, which was adopted.

Mr. Walden, from the Committee on Mileage, made a report, which was recommitted to that committee.

Mr. Amyx, of the Tuolumne Delegation, verbally reported and recommended the passage of Assembly Bill, No. 28, An Act to authorize Thos. Cutler, Administrator of the estate of Albert Cutler, deceased, to sell Real Estate at private sale.

Mr. Wood of Plumas, verbally reported and recommended the adoption of Assembly Concurrent Resolution, No. 11, Relative to certain Mail-Routes in this State.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Ross :

Concurrent Resolution Relative to settlement by County Treasurers.

Laid on the table.

By Mr. Holman :

WHEREAS, the Committee on Roads and Highways, as now formed, but imperfectly represents the interests of the agricultural districts of this State, there being but one member of the same on said committee, therefore be it

Resolved, That (the Speaker consenting) the name of the Hon. Murray Morrison, of Los Angeles, be added to that committee.

Adopted.

Mr. Wood of Plumas, moved that Mr. Miller be added to the Committee on Military Affairs.

Lost.

Mr. Showalter moved to suspend the rules for that purpose.

Lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Thursday, January 23d, 1861. }

Mr. SPEAKER :—The Senate this day adopted Senate Concurrent Resolution, No. 6, Relative to the establishment of Mail-Routes in the Counties of Humboldt, Del Norte, and Trinity.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate Concurrent Resolution, No. 6, as above reported.

NOTICES.

Notice of the introduction of Bills was given as follows :

By Mr. Harris, for An Act for the collection of Taxes and Delinquent Taxes in the County of Butte.

By Mr. Hagans, for An Act to regulate the number of the Attachés of the Senate and Assembly, and establish their per diem ;

Also, An Act to amend An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou, approved February twenty-second, eighteen hundred and sixty.

By Mr. Magruder, for An Act to amend an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty

By Mr. Percy, for An Act amendatory of an Act entitled An Act defining the legal Distances from each County Seat to the Capital, Lunatic Asylum, and State Prison, approved April twenty-eighth, eighteen hundred and fifty-eight

By Mr. White, for An Act to amend the seventy-fourth section of the law for the collection of the State Revenue, passed April thirtieth, eighteen hundred and sixty.

By Mr. Sorrel, for An Act to fix and define the Boundary Line between this State and the State of Oregon.

By Mr. Tilton, for An Act for the relief of William H. Brown.

By Mr. Crocker, for An Act concerning the Superintendent of Immigration.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Lalor, for An Act amendatory of an Act supplementary to An Act for securing Liens to Mechanics and others, approved March eighteenth, eighteen hundred and fifty-seven.

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

By Mr. Flanders, for An Act granting to certain persons the right to lay down and construct a Railroad Track in and through certain Streets and over a certain line in the City and County of San Francisco.

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

By Mr. Baechtel, for An Act to authorize Joseph J. Cloud to construct and maintain a Wharf at Punta Arenas, in the County of Mendocino;

Also, for An Act to grant the right to construct a Bridge across the Albion River, near its mouth, to certain persons therein named—

Also, for An Act to grant the right to construct a Bridge across the Noyo River, near its mouth, to certain parties therein named.

Were read first and second times, and referred to the Committee on Corporations.

By Mr. Campbell, for An Act to authorize William A. Piper to construct a Wharf at the foot of Third Street, in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Magruder, for An Act to authorize County Judges to hold Terms of the County Court, Court of Sessions, and Probate Courts, in other Counties than their own.

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

GENERAL FILE.

The House ordered engrossed, Assembly Bill, No. 15, An Act to confer further powers upon the Board of Supervisors of San Joaquin County.

SPECIAL ORDER.

Assembly Concurrent Resolution, No. 6, Relative to expunging Resolution censuring the late Hon. David C. Broderick—the special order of the day was taken up.

Mr. O'Brien moved to commit the resolutions to a Special Committee of three.

Upon which, Messrs. Ross, Laspeyre, and Patrick, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 34—noes, 37:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clark, Coltrin, Conness, Councilman, Covarrubias, Curtis, Denniston, Durst, Flanders, Ford, Green, Hagans, Harris, Henderson, Hunter, Lippincott, Miller, Munday, O'Brien, Porter, Powell, Smith of Placer, Spence, Tilden, Walden, Wright, and Mr. Speaker—34.

NOES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Crocker, Dougherty, Fargo, Foster, Gillette, Gordon, Gregory, Hanson, Harrison, Haun, Hill, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Morrison, Patrick, Piercy, Ross, Showalter, Sorrel, Stearns, Tittel, White, Willey, and Wood of Plumas—39.

Mr. White moved to indefinitely postpone the resolutions.

Mr. Conness moved to postpone the further consideration of the resolutions for two weeks from this day, at one o'clock, p. m.

Mr. Magruder moved a call of the House.

Lost.

Mr. Briggs moved to amend Mr. Conness' motion by inserting one week from this day.

Upon which, Messrs. Gillette, Chandler, and Showalter demanded the ayes and noes, and the House refused by the following vote: Ayes, 15—noes, 56:

AYES—Messrs. Adams, Avery, Briggs, Childs, Clark, Councilman, Curtis, Crocker, Denniston, Ford, Harriman, Munday, Porter, Tilton, and Walden—15.

NOES—Messrs. Amyx, Baechtel, Banks, Blair, Bradley, Buell, Campbell, Chandler, Cherry, Conness, Covarrubias, Durst, Fargo, Flanders, Foster, Gillette, Gordon, Green, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morgan, Morrison, O'Brien, Patrick, Percy, Powell, Ross, Showalter, Smith of Placer, Sorrel, Spence, Stearns, Tilden, Tittel, White, Willey, Wood of Plumas, Wood of Yolo, and Mr. Speaker—56.

Mr. Conness withdrew his motion to postpone.

The question recurring on Mr. White's motion to indefinitely postpone the resolution.

Mr. Conness moved a call of the House.

Sustained.

The following members were absent, viz.: Messrs. Avery, Banks, Crocker, Eastman, Holman, Ross, Showalter, and Walter.

On motion of Mr. Patrick, further proceedings under the call were dispensed with.

On the motion to indefinitely postpone, Messrs. Patrick, Chandler, and Gordon, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 36—noes, 40:

AYES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Coleman, Curtis, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Showalter, Smith of Placer, Sorrel, Stearns, White, Wood of Plumas, and Wood of Yolo—36.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Childs, Clark, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Durst, Fargo, Flanders, Ford, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, Munday, O'Brien, Porter, Powell, Spence, Tilden, Tilton, Tittel, Walden, Willey, Wright, and Mr. Speaker—40.

Mr. O'Brien moved the previous question.

Upon which, Messrs. Laspeyre, Conness, and Chandler, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 32—noes, 43:

AYES—Messrs. Adams, Avery, Blair, Briggs, Campbell, Childs, Coleman, Coltrin, Conness, Councilman, Covarrubias, Denniston, Dougherty, Durst, Ford, Green, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, Munday, O'Brien, Porter, Powell, Smith of Tulare, Tilden, Tilton, Tittel, Walden, and Mr. Speaker—32.

NOES—Messrs. Amyx, Baechtel, Banks, Bradley, Buell, Cherry, Chandler, Clark, Crocker, Curtis, Fargo, Flanders, Gillette, Gordon, Gregory, Hanson, Harriman, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Showalter, Smith of Placer, Sorrel, Spence, Stearns, White, Willey, Wood of Plumas, Wood of Yolo, and Wright—43.

Pending the consideration of the resolutions, at forty minutes past three o'clock, P. M. on motion of Mr. Smith of Placer, the House adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 25th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Cherry presented a petition of citizens of San Francisco, Relative to burning brick.

Referred to San Francisco Delegation.

REPORTS.

Reports were made as follows:

By Mr. Dougherty:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred Senate Bill, No. 9, entitled An Act concerning the Pay of Officers and Employés of the Senate—having had the same under consideration have instructed me to report the same back, without amendment, and recommend its passage.

JOHN DOUGHERTY,
Chairman.

By Mr. Tilton:

MR. SPEAKER:—The San Francisco Delegation, to which was referred Assembly Bill, No. 8, An Act amendatory of an Act entitled an Act amendatory of and supplementary to 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, approved April nineteenth, eighteen hundred and fifty-six, approved April eighteenth, eighteen hundred and fifty-seven—having duly considered the same report the bill back, and unanimously recommend its passage without amendment.

S. S. TILTON,
For Delegation.

Mr. Munday moved to recommit the bill above reported to the Committee on Corporations.

Lost.

The rules were suspended, the bill considered engrossed, read a third time, and passed.

By Mr. Walden :

MR. SPEAKER:—The Select Committee on Mileage, to whom was referred the consideration of amount of mileage due each member, report the following as correct :

Names.	Miles.	Amount.
Adams.....	30	\$6 00
Amyx.....	290	58 00
Avery.....	154	30 80
Baechtel.....	550	110 00
Banks.....	240	48 00
Blair.....	500	100 00
Bradley.....	100	20 00
Briggs.....	370	74 00
Buell.....	1,200	240 00
Burnell.....	100	20 00
Campbell.....	240	48 00
Chandler.....	280	56 00
Cherry.....	240	48 00
Childs.....	210	42 00
Clarke.....	252	50 40
Coleman.....	120	24 00
Coltrin.....	130	26 00
Conness.....	120	24 00
Councilman.....	170	34 00
Covarrubias.....	1,180	236 00
Denniston.....	300	60 00
Dougherty.....	248	49 60
Durst.....	150	30 00
Eastman.....	170	34 00
Fargo.....	256	51 20
Flanders.....	240	48 00
Ford.....	500	100 00
Foster.....	100	20 00
Gillette.....	240	48 00
Gordon.....	360	72 00
Green.....	120	24 00
Gregory.....	350	70 00
Hagans.....	860	172 00
Hanson.....	160	32 00
Harriman.....	140	28 00
Harris.....	150	30 00
Harrison.....	170	34 00
Haun.....	124	24 80
Henderson.....	150	30 00
Hill.....	110	22 00
Holman.....	150	30 00
Horrell.....	150	30 00
Hunter.....	120	24 00
Johnson.....	950	190 00
Kungle.....	200	40 00
Kurtz.....	1,600	420 00
Lalor.....	136	27 20

Names.	Miles-	Amount.
Laspeyre.....	100	20 00
Lippincott.....	120	24 00
Magruder.....	100	20 00
Miller.....	174	34 80
Montgomery.....	100	20 00
Morgan.....	370	74 00
Morrison.....	1,320	264 00
Munday.....	140	28 00
O'Brien.....	190	38 00
Patrick.....	230	46 00
Percy.....	1,510	302 00
Porter.....	280	56 00
Ross.....	370	74 00
Scott.....	230	46 00
Showalter.....	320	64 00
Smith of Tulare.....	732	146 40
Smith of Placer.....	60	12 00
Sorrel.....	900	180 00
Spence.....	130	26 00
Stearns.....	1,320	264 00
Tilden.....	200	40 00
Tilton.....	240	48 00
Tittel.....	240	48 00
Walden.....	250	50 00
Walter.....	630	126 00
White.....	400	80 00
Willey.....	240	48 00
Wood of Plumas.....	350	70 00
Wood of Yolo.....	20	4 00
Wright.....	240	48 00

WALDEN,
Chairman.

Mr. Flanders, from the Committee on Standing and Joint Rules, reported the rules as amended which were adopted, and four hundred and eighty copies ordered printed.

STANDING RULES AND ORDERS OF THE ASSEMBLY.

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. Motions and Resolutions.
6. Messages from the Senate.
7. Notices.
8. Second Reading and Reference of Bills.
9. Introduction and First Reading of Bills.
10. Business on General File, and Third Reading of Bills.
11. Unfinished Business of the Preceding Day.
12. Special Orders of the Day.

III.

It shall be in order for the Committee on Enrolled 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 this 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 subpoenas, 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 DOORKEEPER.

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 Doorkeeper 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 seven members.
2. A Committee on Corporations, to consist of seven members.
3. A Committee on Public Printing, to consist of seven members.
4. A Committee on Claims, to consist of five members.
5. A Committee on Ways and Means, to consist of nine members.
6. A Committee on Judiciary, to consist of eleven members.
7. A Committee on Military Affairs, to consist of five members.
8. A Committee on Counties and County Boundaries, to consist of seven members.
9. A Committee on Commerce and Navigation, to consist of five members.
10. A Committee on Education, to consist of five members.
11. A Committee on Agriculture, to consist of five members.
12. A Committee on Internal Improvements, to consist of five members.
13. A Committee on Public Buildings and Grounds, to consist of five members.
14. A Committee on Public Expenditures and Accounts, to consist of five members.
15. A Committee on Mines and Mining Interests, to consist of seven members.
16. A Committee on Public Lands, to consist of seven members.
17. A Committee on Federal Relations, to consist of seven members.
18. A Committee on Engrossment, to consist of five members.
19. A Committee on Enrollment, to consist of three members.
20. A Committee on State Prison, to consist of seven members.
21. A Committee on Mileage, to consist of five members.
22. A Committee on Public Morals, to consist of five members.
23. A Committee on State Hospitals, to consist of five members.
24. A Committee on Indian Affairs, to consist of five members.
25. A Committee on Swamp and Overflowed Lands, to consist of seven members.
26. A Committee on Roads and Highways, to consist of five 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 on 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 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 from time to time 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 consideration all subjects relating to the military establishment and public defense, which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in 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 Rules of the House, the Speaker shall, or any member may, call to order—in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed, but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House; but no discussion of a question of order shall be allowed unless an appeal be taken from the decision of the Chair.

XXXVII.

When two or more members shall 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 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 succeeding 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 lay 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.

LXIV.

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

- LY. -

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 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, if such notice for reconsideration the succeeding day shall be offered by any member who voted in the majority on the question. The motion to reconsider may be made by any member of the House, and shall have precedence over every other motion, except a motion to adjourn. But there shall be no reconsideration of a motion of indefinite postponement.

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, except that portion of Rule VII relating to third reading of bills.

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, or 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.

I.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committees shall meet at a convenient hour to be agreed upon by their respective Chairmen, and shall confer upon the differences between the two Houses, and shall report as early as convenient the result of their conference to their respective Houses, for their action.

II.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

III.

Messages shall be sent by the Secretary, Clerk, or by such person, 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 by the Enrolling Com-

mittee of the House in which they originate, 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 bill, make their report forthwith to the House in which the bill originated.

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 Enrolling Committee of the House in which it originated, to the Governor of the State, for his approval (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated.) The said Committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

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.

XX.

No increase of the pay of any officer or attaché of the Senate or Assembly shall be made by resolution from the Contingent Fund of either House, except by unanimous consent.

MESSAGES FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 25th, 1861.

To the Honorable the Assembly of California :

I have to inform your honorable body that I have this day approved, Assembly Bill, No. 2, An Act to extend the time for collecting Taxes in the County of San Luis Obispo.

JOHN G. DOWNEY,
Governor.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Campbell :

Resolved, That T. J. Bowers be appointed Clerk of the Judiciary Committee.

Adopted.

By Mr. Crocker :

Resolved, That the Committee on Ways and Means be authorized to employ George A. Young, as Clerk, and that his pay shall date from January twenty-fourth, eighteen hundred and sixty-one.

Adopted.

By Mr. White :

Concurrent Resolution, Relative to the Silver Region in Utah.

Adopted.

By Mr. Patrick :

Concurrent Resolution, Relative to reporting proceedings of the Legislature.

Laid on the table.

By Mr. Campbell :

Resolved, That James Sweeney be appointed Porter to attend the rooms of the Committee on Ways and Means, and the Judiciary Committee, and be allowed four dollars per diem for his services.

Mr. Briggs moved to strike out James Sweeney, and insert W. R. Tolls. Lost, and the resolution adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
January 24th, 1861. }

Mr. SPEAKER :—The Senate have, this day, concurred in Assembly Concurrent Resolution, No. 13, Relative to printing Governor's Message and other documents ;

Also, have concurred in Assembly Concurrent Resolution, No. 14, Relative to instructing Judiciary Committees of the two Houses to inquire concerning the passage of the Constitutional Convention question ;

Also, have concurred in Assembly Concurrent Resolution, No. 10, granting leave of absence to Robert McGarvey, County Judge of Stanislaus County.

C. W. TOZER,
Secretary of Senate.

NOTICES.

Notices of the introduction of bills were given as follows :

By Mr. White, 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, passed April twenty-fifth, eighteen hundred and fifty-seven.

By Mr. Cherry, for An Act to provide for the payment of the claim of Joseph S. Kern against the State of California.

By Mr. Eastman, for An Act for the better collection of Delinquent Taxes in Nevada County.

By Mr. Adams, for An Act for the better protection of Purchasers of Swamp and Overflowed Lands.

By Mr. Ross, for An Act to extend the time to the Sheriff of Sonoma County to collect Taxes ;

Also, for An Act to divide the Seventh Judicial District.

By Mr. Banks, for An Act to confer upon the Board of Supervisors of the City and County of San Francisco power to grant the right, under certain restrictions, to lay Railroad Tracks in the Streets of said City and County, and to run Cars thereon.

By Mr. Briggs, for An Act to incorporate the City of Santa Clara, and to repeal all previous Acts upon the same subject.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Tilton, for An Act for the relief of William H. Brown.

Read first and second times and referred to the Committee on Claims.

By Mr. Powell, for An Act to grant to certain parties therein named the right to lay a Railroad Track along certain Streets in the City of Sacramento.

Read first and second times and referred to the Sacramento Delegation.

By Mr. Bradley, for An Act amendatory of An Act to amend an Act entitled An Act to amend An Act providing for the permanent location of the Seats of Justice of the several Counties, passed April eleventh, eighteen hundred and fifty, passed May thirteenth, eighteen hundred and fifty-four, passed February first, eighteen hundred and fifty-five.

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

By Mr. Kurtz, for An Act making an appropriation for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June, eighteen hundred and sixty.

Read first and second times and referred to the Committee on Claims.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Friday, January 25th, 1861 }

MR. SPEAKER:—The Senate, this day, passed Assembly Bill, No. 9, An Act to transfer certain Funds, with an amendment;

Also, adopted the report of the Joint Committee on Rules.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in the amendment to Assembly Bill, No. 9, above reported.

Mr. Tilton made the following report :

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 9, An Act to transfer certain Funds.

S. S. TILTON,
Chairman.

GENERAL FILE.

Assembly Bill, No. 28, An Act to authorize Thomas Cutler, Administrator of the Estate of Albert Cutler, deceased, to sell Real Estate at Private Sale.

Rules suspended, considered engrossed, read a third time and passed.

The House adopted Assembly Concurrent Resolution, No. 11, Relative to certain Mail-Routes in this State.

UNFINISHED BUSINESS.

Assembly Concurrent Resolution, No. 6, Relative to Expunging Resolution censuring the late Hon. D. C. Broderick—was taken up.

Mr. Johnson offered a substitute for the resolution.

Lost.

Mr. Showalter moved a call of the House.

Sustained.

On motion of Mr. Laspeyre, further proceedings under the call were dispensed with.

Mr. Harris offered a substitute for the resolutions.

Mr. Briggs moved that the House adjourn.

Upon which, Messrs. Showalter, Cherry, and Clark, demanded the ayes

and noes, and the House refused by the following vote : Ayes, 17—noes, 53 :

AYES—Messrs. Adams, Amyx, Briggs, Buell, Clark, Coleman, Eastman, Gillette, Hagans, Patrick, Percy, Ross, Smith of Placer, Sorrel, Tittel, Wood of Yolo, and Wright—17.

NOES—Messrs. Avery, Baechtel, Banks, Blair, Bradley, Chandler, Cherry, Coltrin, Conness, Covarrubias, Crocker, Dougherty, Durst, Fargo, Flanders, Ford, Foster, Green, Gregory, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Kungle, Kurtz Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morgan, Morrison, Munday, O'Brien, Porter, Powell, Showalter, Smith of Tulare, Spence, Stearns, Tilden, Tilton, Walden, Willey, Wood of Plumas, and Mr. Speaker—53.

Mr. Crocker offered the following amendment, which was accepted by Mr. O'Brien :

Add : " And the Clerk of the Assembly and the Secretary of the Senate, are hereby ordered to expunge the same by drawing a black line around said resolutions, and writing across their face the words : Expunged by order of the Assembly and Senate."

Mr. Conness moved the previous question.

Sustained.

On the adoption of the resolutions, Messrs. Gregory, Hill, and Harris, demanded the ayes and noes, and they were adopted, by the following vote : Ayes, 41—noes, 32 :

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Cherry, Childs, Clark, Coltrin, Conness, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, Munday, O'Brien, Porter, Powell, Smith of Tulare, Spence, Stearns, Tilden, Tilton, Tittel, Walden, Willey, Wright, and Mr. Speaker—41.

NOES—Messrs. Amyx, Bradley, Buell, Chandler, Coleman, Curtis, Gillette, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Percy, Ross, Showalter, Smith of Placer, Sorrel, White, Wood of Plumas, and Wood of Yolo—32.

At half-past four o'clock, p. m. on motion of Mr. Miller, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 26th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Bradley had leave of absence for four days, Mr. Laspeyre for two days, and Messrs. Ross and Spence, for one day.

REPORTS.

Reports were made as follows :

By Mr. Adams :

MR. SPEAKER :—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill, No. 26, have had the same under consideration, and beg leave to report the same back, and recommend its passage as amended.

A. ADAMS,
Chairman.

The rules were suspended, and the amendments to the bill above reported adopted.

By Mr. Walden :

MR. SPEAKER :—The Committee on Claims, to which was referred Assembly Bill, No. 38, An Act making an appropriation for Deficiencies for the Eleventh Fiscal Year ending the thirtieth day of June, A. D. eighteen hundred and sixty—have considered the same, report it back with an amendment, and recommend its passage.

WALDEN,
Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 26th, 1861. }

To the Honorable the Assembly of California :

I have to inform your honorable body that I have this day approved Assembly Bill, No. 9, An Act to transfer certain Funds.

JOHN G. DOWNEY,
Governor.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Cherry :

Concurrent Resolution Relative to Census Returns.

Adopted.

By Mr. Fargo :

Resolved, That J. M. Hurd be appointed Watchman for the Assembly Chamber, at the same per diem allowed to Porters.

Mr. Wood of Plumas, moved to lay the resolution on the table.

Lost.

Mr. O'Brien moved to refer to the Committee on Ways and Means.

Lost.

Mr. O'Brien moved to amend by striking out the name of "J. M. Hurd," and inserting "Peter Monie."

Mr. Conness moved the previous question, which was sustained, the amendment of Mr. O'Brien lost, and the resolution adopted.

By Mr. White :

Concurrent Resolution On the State of the Union.

Referred to Committee on Federal Relations.

By Mr. Blair:

Concurrent Resolution on the same subject.

Referred to Committee on Federal Relations.

By Mr. Fargo:

Resolved, That the Federal Union must and shall be preserved.

Referred to Committee on Federal Relations.

By Mr. Munday:

Concurrent Resolution fixing Monday, twenty-eighth January, for the election of Senator.

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

Upon which, Messrs. Amyx, Cherry, and Wood of Plumas, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 49—noes, 20:

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Chandler, Cherry, Clarke, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gillette, Green, Hanson, Harriman, Haun, Henderson, Hill, Holman, Hunter, Johnson, Kungle, Kurtz, Lippincott, Magruder, Montgomery, Morgan, Morrison, O'Brien, Percy, Porter, Powell, Sorrel, Tilden, Tilton, Tittel, Willey, and Mr. Speaker—49.

NOES—Messrs. Briggs, Buell, Childs, Coleman, Foster, Gregory, Hagens, Harris, Harrison, Horrell, Miller, Munday, Patrick, Ross, Showalter, Smith of Tulare, Smith of Placer, Walden, White, and Wood of Plumas—20.

By Mr. Clarke:

Resolved, That all resolutions or motions in relation to the time of electing a United States Senator be, and the same are hereby, declared out of order unless three days notice of intention to move the same shall have been given.

Laid on the table.

By Mr. Baechtel:

Concurrent Resolution Relative to Mail-Routes.

Adopted.

By Mr. Morrison:

Concurrent Resolution Relative to certain Mail-Routes in this State.

Referred to Committee on Federal Relations.

By Mr. Blair:

Concurrent Resolution On the State of the Union.

Referred to Committee on Federal Relations.

By Mr. Haun:

Resolved, That the Sergeant-at-Arms of the Assembly is hereby instructed, and authorized, to receipt to the Controller of State for warrants due members of the Assembly for mileage and per diem during the present session.

Adopted.

By Mr. Morgan :

Resolved, That the Committee on Public Morals be requested to inquire into, and report, the propriety of the election of Chaplain for this House.

Mr. Showalter moved to indefinitely postpone the resolution.

Upon which, Messrs. Briggs, Morgan, and Clarke, demanded the ayes and noes, and the motion was lost by the following vote : Ayes, 30—noes, 36 :

AYES—Messrs. Amyx, Baechtel, Blair, Buell, Chandler, Conness, Covarrubias, Dougherty, Durst, Eastman, Flanders, Green, Haun, Henderson, Hill, Holman, Hunter, Johnson, Kungle, Miller, Montgomery, O'Brien, Patrick, Porter, Showalter, Sorrel, Tittel, White, Willey, and Wood of Plumas—30.

NOES—Messrs. Adams, Avery, Banks, Briggs, Cherry, Childs, Clarke, Coltrin, Curtis, Denniston, Fargo, Ford, Gillette, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Horrell, Kurtz, Lalor, Lippincott, Magruder, Morgan, Morrison, Munday, Percy, Powell, Ross, Smith of Placer, Stearns, Tilden, Tilton, Walden, Wright, and Mr. Speaker—36.

Mr. Wood of Plumas, moved to lay the resolution on the table.

Carried

The Speaker announced as the Committee on Swamp Lands, under Mr. Curtis' resolution of the nineteenth instant, Messrs. Curtis, Foster, Wood of Yolo, Morrison, and Laspeyre.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows :

By Mr. Ross, for An Act to authorize A. W. McPherson, and other Lumbermen, to construct and maintain Booms upon the several Rivers in Mendocino County.

By Mr. Patrick, for An Act to make certain Officers in the County of Tuolumne salaried Officers.

By Mr. Eastman, for An Act authorizing the Supervisors of Nevada County to levy an additional Tax of ten cents on the one hundred dollars for the benefit of the Indigent Sick Fund of said County.

By Mr. Fargo, for An Act to provide for executing the Public Printing.

By Mr. Hill, for An Act to prevent the Amalgamation of the different Races of Men in this State ;

Also, for An Act to exempt from taxation Quartz Mills and other Machinery for extracting precious metals.

By Mr. Banks, for An Act prohibiting Lotteries and Gift Entertainments, and the sale of Lottery and Gift Entertainment Tickets in this State.

By Mr. Harriman, for An Act appropriating Money to Charles A. Tuttle for services as Presidential Elector.

By Mr. Smith of Tulare, for An Act to change the time of holding Terms of Courts in the Thirteenth Judicial District.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Fargo, for An Act to fix the time of holding the County Court, Probate Court, and Court of Sessions, in and for the County of Alameda.

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

By Mr. Cherry, for An Act for the expenses incurred in the transportation of the State Arms and Munitions of War from Carson Valley to the State Armory at Sacramento

Read first and second times, and referred to the Committee on Claims with instructions to consider all claims arising out of the Carson Valley War before reporting to this House in favor of any single claim connected therewith.

By Mr. Ross, for An Act to create the Eighteenth Judicial District in this State, and to provide for the holding of Courts therein.

Read first and second times, and referred to the delegations from Sonoma, Contra Costa, Solano, Napa, Mendocino, and Marin ;

Also, for An Act to extend the time of collecting Taxes in the County of Sonoma.

By Mr. Harris, for An Act to provide for the collection of Delinquent Taxes in the County of Butte.

Rules suspended, read three times, and passed.

By Mr. Eastman, for An Act to provide for the collection of Delinquent Taxes in the County of Nevada.

Read first and second times, and referred to the Nevada Delegation.

By Mr. Crocker, for An Act concerning the Superintendent of Immigration.

Read first and second times, and referred to the Committee on Com-

By Mr. Banks, for An Act to provide compensation for certain legal Services.

merce and Navigation.

Read first and second times, and referred to the Committee on Claims.

GENERAL FILE.

Assembly Bill, No. 26, An Act to extend the time for the payment of the principal of the purchase money on Lands sold by the State on a credit where said Lands are claimed to be within the boundaries of a Mexican or Spanish Grant.

Amended, rules suspended, considered engrossed, read third time, and passed.

At twenty minutes past one o'clock, p. m. on motion of Mr. Smith of Tulare, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 28th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday last read and approved.

Messrs. Sorrel and Willey, had leave of absence for one day each.

RESOLUTIONS.

Mr. Fargo moved that three days' additional pay be made to the Porters of this House, the Post-Office Clerk, the Paper Folder, and ten days' pay to John Tingman, as Page.

Recommitted to Special Committee on that subject.

By Mr. Kurtz: .

Concurrent Resolution, fixing the first Monday of February next for Joint Convention to elect Senator.

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

Upon which, Messrs. Kurtz, Clark, and Campbell, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 38—noes, 30:

AYES—Messrs. Amyx, Avery, Banks, Blair, Campbell, Chandler, Cherry, Clark, Coltrin, Conness, Councilman, Covarrubias, Crocker, Dougherty, Durst, Flanders, Ford, Green, Hanson, Harriman, Haun, Henderson, Holman, Hunter, Kungle, Lalor, Lippincott, Magruder, Montgomery, Morgan, O'Brien, Porter, Stearns, Tilden, Tilton, Tittel, and Mr. Speaker—38.

NOES—Messrs. Adams, Baechtel, Buell, Childs, Coleman, Denniston, Eastman, Foster, Gillette, Gregory, Hagans, Harrison, Hill, Horrell, Johnson, Kurtz, Miller, Morrison, Munday, Patrick, Percy, Powell, Showalter, Smith of Placer, Walden, Walter, White, Wood of Plumas, and Wood of Yolo—30.

By Mr. Covarrubias:

Resolved, By the Assembly, the Senate concurring, that a committee of three from each House be appointed to examine and select proposals for translating the Laws of eighteen hundred and sixty-one into Spanish.

Adopted.

By Mr. Kurtz:

Resolved, That the Sergeant-at-Arms be requested to have hooks placed around the Assembly Chamber to hang hats and coats on.

Lost.

By Mr. Munday:

Resolved, That Bernhardt Steinman be, and he is hereby, appointed an additional Page of the Assembly, at the same per diem as is allowed other Pages, the same to be paid out of the Contingent Fund of the Assembly.

Laid on the table.

By Mr. Crocker:

Resolved, That the Committee on Commerce and Navigation be instructed to inquire into the manner in which the laws relating to the arrival of immigrants in this State are carried out, and to ascertain the amount of moneys collected under said laws, and what disposition is made of the same, and that the committee be authorized to send for persons and papers.

Adopted.

By Mr. Fargo:

Concurrent Resolution, Relating to printing an additional number of reports of State Officers.

Laid over under the rule.

By Mr. Gillette:

Concurrent Resolution, Granting the County Judge of Tuolumne County leave of absence.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Monday, January 28th, 1861. }

Mr. SPEAKER :—The Senate, on Saturday, adopted Assembly Concurrent Resolution, No. 17, Relative to the Census Returns.

D. J. WILLIAMSON,
Assistant Secretary of the Senate.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows :

By Mr. Hagans, for An Act for the relief of John Bell.

By Mr. Avery, for An Act concerning Roads and Highways in the County of Nevada ;

Also, for An Act concerning the Offices of Sheriff, County Clerk, County Recorder, and County Treasurer, of the County of Nevada, and fixing their compensation.

By Mr. Lippincott, for An Act to regulate Fees in Office ;

Also, for An Act to fix the compensation of the County Judge of Calaveras County.

By Mr. Holman, for An Act concerning Lawful Fences in the County of Solano.

By Mr. Briggs, for An Act to change the manner of collecting Taxes in Santa Clara County, and regulating the Duties of Treasurer and Sheriff in relation thereto.

By Mr. Crocker, for An Act repealing an Act entitled An Act supplemental to an Act approved April twenty-ninth, eighteen hundred and fifty-seven, 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 matter ;

Also, 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 twenty-ninth, eighteen hundred and fifty-seven, approved April twenty-sixth, eighteen hundred and fifty-eight, approved April twenty-third, eighteen hundred and sixty.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Holman, for An Act to change the name of the Town of Brazos del Rio, in the County of Solano, to the name of Rio Vista.

Rules suspended, read a third time and passed ;

Also, for An Act to extend An Act concerning Hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, and made applicable to the Counties of Trinity, Sonoma, Monterey, and Solano, approved April twenty-first, eighteen hundred and fifty-six.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Percy, for An Act amendatory of an Act entitled An Act de-

fining Legal Distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison, passed April twenty-fourth, eighteen hundred and fifty-eight

Read first and second times and referred to the Committee on Mileage.

GENERAL FILE.

Assembly Bill, No. 38, An Act making an appropriation for deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June, eighteen hundred and sixty—was considered in Committee of the Whole, reported and recommended. Rules suspended, considered engrossed, read a third time and passed.

Senate Bill, No. 9, An Act concerning the pay of Officers and Employés of the Senate—was read a third time and passed.

At fifteen minutes past twelve o'clock, M. on motion of Mr. Conness, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 29th, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

REPORTS.

By Mr. Tilton:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Concurrent Resolution, No. 17, Relative to the Census Returns.

TILTON,
Chairman.

By Mr. Walden:

Mr. SPEAKER:—Your Auditing Committee have examined the copying done on account of Assembly, and find the same as follows:

Purpose.	Folios.	Per Folio.	Amount.
Appendix.....	2,456	10 cts.	\$245 60
Journal for Printer.....	2,570	10 cts.	257 00
Reports and Bills.....	780	10 cts.	78 00
Total	5,806	.....	\$580 60

Your committee also recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and is hereby, authorized to draw his warrant in favor of J. M. Anderson for the sum of five hundred and eighty dollars and sixty cents, payable out of the Copying Fund of the Assembly.

Adopted.

WALDEN,
Chairman.

By Mr. Conness :

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolutions, Nos. 4 and 7, Concerning the establishment of Mail-Routes in this State—report the same back without recommendation.

Without desiring to oppose the adoption of the resolutions above referred to, your Committee respectfully recommend that all applications for additional mail service be made to the United States Mail Agent in this State, whose duty it is to inquire into the necessities of such additional service. The practice of passing resolutions of this character should be abandoned by the Legislature, as the multiplication of demands upon our Senators and Representatives in Congress, unnecessarily, only tends to cause the neglect of business of a more legitimate character.

CONNES,
Chairman.

RESOLUTIONS.

Resolutions were introduced as follows :

By Mr. Wood, of Plumas :

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reducing the salaries of Officers in general, and of changing the entire system of compensation of county officers for their services, from fees of office to be paid, and regular salaries throughout the State ; and that said committee do report by bill, or otherwise, at their earliest convenience.

Adopted.

By Mr. Briggs :

Concurrent Resolution, Relative to dedication of Public Lands for Roads.
Referred to Committee on Roads and Highways.

By Mr. Tilton :

Resolved, That a committee of three be appointed by the Speaker to be called a Committee on Change of Names, to whom shall be referred all bills introduced authorizing the change of the name of any person.

Adopted.

Messrs. Tilton, Henderson, and Harrison, were appointed such committee.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows :

By Mr. Campbell, for An Act to provide for a Railroad within the City and County of San Francisco.

By Mr. Tilton, for An Act to grant to certain parties the Right of Way for a Railroad Track within the corporate limits of the City and County of San Francisco, and to run Horse Cars thereon.

By Mr. Johnson, for An Act to fix the Compensation of the County Judge of San Luis Obispo County.

Mr. Morrison, of the Los Angeles Delegation, verbally reported and recommended the passage of Assembly Bill, No. 27, An Act concerning the Infant Heirs and devisees of Bernardo Yorba, deceased.

Recommitted to Judiciary Committee.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Walter, for An Act to repeal an Act entitled 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

By Mr. Adams, for An Act to provide for the Reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress.

Read first and second times, referred to Committee on Swamp Lands, and ordered printed

By Mr. Hill, for An Act to prevent the Amalgamation of the different Races of Men.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Durst, for An Act to change the name of Nelly H. Peters to Nelly H. Toomes.

Read first and second times, and referred to the Committee on Public Morals.

GENERAL FILE.

Assembly Concurrent Resolution, No. 4, Relative to the establishment of a Semi-Weekly Mail from San Luis Obispo to Visalia, and Assembly Concurrent Resolution, No. 7, Relative to Mail-Route in San Diego County—were adopted.

The resolution offered by Mr. Fargo, on yesterday, Relative to Printing Reports of State Officers—was adopted.

The following report was made by Mr. Lalor:

MR. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed Assembly Bill, No. 3, An Act supplemental to an Act entitled An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 15, An Act to confer further powers upon the Board of Supervisors of San Joaquin County.

E. LALOR,
Chairman.

At twelve o'clock, M. on motion of Mr. Crocker, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 30th, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

The roll was called.

Quorum present.

The journal of yesterday was read and approved.

Messrs. Morgan and Amyx had leave of absence for one day each.

PETITIONS.

Petitions were presented as follows:

By Mr. Banks, Of the Chamber of Commerce of San Francisco, in relation to change of Constitution.

Referred to Committee on Corporations.

By Mr. Laspeyre, Of citizens, relative to Public Lands.

Referred to Committee on Public Lands

By Mr. Clark, In relation to burning Bricks in the Twelfth District of San Francisco.

Referred to San Francisco Delegation.

By Mr. Patrick, Accounts of S. Washburn, for collecting Arms at Sonora, Tuolumne County.

Referred to Committee on Claims.

By Mr. Curtis, Claim of E. J. Sanders, for transporting Arms to Virginia, Utah Territory.

Referred to Committee on Claims.

REPORTS.

Reports were made as follows :

By Mr. Ross :

Mr. SPEAKER :—The Committee on Mileage, to whom was referred Assembly Bill, No. 50, An Act amendatory of an Act entitled An Act defining the Legal Distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison—respectfully report the same back, with a substitute, and recommend its passage.

W. ROSS,
Chairman.

By Mr. Briggs :

Mr. SPEAKER :—The Committee on Public Morals, to whom was referred Assembly Bill, No. 52, An Act to change the name of Nelly H. Peters to Nelly H. Toomes—have had the same under consideration, and report the bill back, and recommend its passage.

BRIGGS,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Buell :

Concurrent Resolution, Relative to Joint Convention for election of Senator.

Mr. Campbell moved to lay on the table.

Upon which, Messrs. Ross, Foster, and Wood of Plumas, demanded the ayes and noes, and the House agreed by the following vote: Ayes, 45—noes, 31 :

AYES—Messrs. Adams, Avery, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clark, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Hanson, Harriman, Haun, Henderson, Holman, Hunter, Kuugle, Lalor, Lippincott, Magruder, Montgomery, Porter, Powell, Scott, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, and Mr. Speaker—45.

NOES—Messrs. Baechtel, Buell, Childs, Coleman, Curtis, Foster, Gillette, Gordon, Gregory, Hagans, Harris, Harrison, Horrell, Johnson, Kurtz, Laspeyre, Miller, Morrison, Munday, Patrick, Percy, Ross, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Walden, White, Wood of Plumas, Wood of Yolo, and Wright—31.

By Mr. Tilton :

Resolved, That the Committee on Enrolled Bills be, and is hereby, authorized to appoint an Assistant Enrolling Clerk whenever it may become necessary, with a per diem of eight dollars, payable out of the fund for the payment of Officers and Clerks of Assembly.

Mr. Wood of Yolo moved to lay on the table.

Lost.

Mr. Tilton withdrew the resolution, which was again offered by Mr. Laspeyre, and, on motion of Mr. Campbell, was laid on the table.

By Mr. Crocker :

Resolved, That Messrs. Dougherty, Showalter, and Crocker, of the Committee on Ways and Means, be authorized to visit San Francisco and take testimony in regard to the working of the Act appointing an Inspector of Pork, Beef, and other Salt Provisions, in this State, and that they be authorized to send for persons and papers.

Mr. Sorrel moved to add to resolution the words "at their own expense."

Lost.

Mr. Wood of Plumas moved to lay the resolution on the table.

Lost.

Mr. Conness moved to strike out the committee and insert the Committee on Commerce and Navigation, which was accepted by Mr. Crocker.

Mr. Campbell offered the following substitute :

Resolved, That the Committee on Commerce and Navigation be directed to inquire into the expediency of abolishing, or materially modifying the laws relative to the Inspection of Beef and Pork—relative to Inspectors of Stamps, and Inspector of Chinese Fishermen, and that said committee be authorized to visit San Francisco, for the purpose of prosecuting their inquiries.

Mr. Lippincott moved to lay the substitute on the table.

Upon which, Messrs. Conness, Chandler, and Cherry, demanded the ayes and noes, and the House agreed by the following vote: Ayes, 44—noes, 32.

AYES—Messrs. Bradley, Chandler, Childs, Coleman, Coltrin, Covarrubias, Denniston, Durst, Foster, Gillette, Gordon, Green, Gregory, Hanson, Harris, Haun, Hill, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Lippincott, Magruder, Montgomery, Morrison, Munday, O'Brien, Patrick, Percy, Powell, Ross, Scott, Smith of Tulare, Smith of Placer, Sorrel, Walden, Walter, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—44.

NOES—Messrs. Adams, Avery, Baechtel, Banks, Blair, Briggs, Buell, Campbell, Cherry, Clark, Conness, Councilman, Crocker, Curtis, Dougherty, Eastman, Fargo, Flanders, Ford, Harriman, Harrison, Holman, Laspeyre, Miller, Porter, Showalter, Spence, Stearns, Tilden, Tilton, Titel, and Willey—32.

By Mr. Johnson :

Concurrent Resolution on the State of the Union :

Referred to Committee on Federal Relations.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Monday, January 28th, 1861. }

Mr. SPEAKER:—The Senate, on January twenty-sixth, eighteen hundred and sixty-one, passed Assembly Bill, No. 8, An Act amendatory of an Act entitled An Act amendatory of, and supplementary to, 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, approved April nineteenth, eighteen hundred and fifty-six, approved April eighteenth, eighteen hundred and fifty-seven.

D. J. WILLIAMSON,
Assistant Secretary of Senate.

SENATE CHAMBER,
Wednesday, January 30th, 1861. }

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 56, An Act to extend the time for the payment of the principal of the purchase money on Lands sold by the State on a credit where said Lands are claimed to be within the boundaries of a Mexican or Spanish Grant, with amendments;

Also, Senate Bill, No. 56, An Act to grant the right to certain parties to supply the people of Red Bluff with Gas;

Also, Senate Bill, No. 30, An Act to change the name of Elise Clara Audin, and to regulate the distribution of certain Property.

D. J. WILLIAMSON,
Assistant Secretary.

The House refused to concur in Senate amendments to Assembly Bill, No. 26, above reported, and appointed Messrs. Conness, Curtis, and Smith of Tulare, a Committee of Free Conference on the part of the House.

Senate Bill, No. 30—above reported, read twice, and referred to Judiciary Committee.

Senate Bill, No. 56—above reported, read twice, and referred to Committee on Corporations, with instructions to report to-morrow morning.

SENATE CHAMBER,
Tuesday, January 29th, 1861. }

Mr. SPEAKER:—The Senate on yesterday adopted Senate Concurrent Resolution, No. 10, Relative to translation of the Laws into Spanish;

Also, passed substitute for Senate Bill, No. 3, An Act supplementary to an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five;

Also, Senate Bill, No. 14, An Act to appropriate money for Postage and Express purposes for the Present session of the Legislature;

Also, Senate Bill, No. 47, An Act to authorize Encarnacion Carrillo de Robbins to sell certain Lands in Santa Barbara County belonging to her infant Children.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 3—above reported, read twice, and referred to the Committee on Roads and High Ways.

Senate Bill, No. 14—above reported, read first and second times, and placed on file.

Senate Bill, No. 47—above reported, read first and second times, and referred to the Judiciary Committee.

SENATE CHAMBER,
Wednesday, January 30th, 1861. }

Mr. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 40, An Act to fix the times of holding the County Court, Probate Court, and Court of Sessions, for the County of Alameda, with amendments;

Also, adopted Assembly Concurrent Resolution, No. 18, Relative to certain Mail-Routes in this State;

Also, Assembly Concurrent Resolution, No. 11, Relative to certain Mail-Routes in this State;

Also, Assembly Concurrent Resolution No. 22, Granting leave of absence to Green T. Martin, County Judge of Tuolumne County;

Also, Assembly Concurrent Resolution, No. 21, Relative to the translation of the Laws into Spanish—and have appointed Messrs. Irwin, Pico, and Shafter, to act with the House Committee.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 40, and Assembly Concurrent Resolution, No. 11.

Mr. Tilton made the following report:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 8, An Act amendatory of an Act entitled An Act amendatory of, and supplementary to, 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, approved April nineteenth, eighteen hundred and fifty-six, approved April eighteenth, eighteen hundred and fifty-seven.

TILTON,
Chairman.

Mr. Durst offered a Concurrent Resolution, Relative to certain Mail-Routes.

Referred to Committee on Federal Relations.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Kurtz, for An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May third, eighteen hundred and fifty-two.

By Mr. Fargo, for An Act to amend An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-nine, eighteen hundred and fifty-one.

By Mr. Coleman, for An Act concerning Roads and Highways in the County of El Dorado.

By Mr. Councilman, for An Act concerning Mining Companies, defining certain rights and liabilities.

By Mr. Spence, for An Act to provide for the construction of a Bridge in the City of Nevada.

By Mr. Campbell, for An Act authorizing James O'Neill and John Mallon, to construct Wharfs at the foot of Greenwich and Filbert Streets in the City and County of San Francisco.

By Mr. Hanson, for An Act amendatory of the fourth clause of section sixteenth of 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 April twenty-eighth, eighteen hundred and sixty, for the Counties of Yuba and Butte.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Campbell, for An Act to provide for a Railroad within the City and County of San Francisco.

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

By Mr. Curtis, for An Act for the relief of J. H. Stewart, late Deputy District Attorney of the City and County of Sacramento.

Read first and second times, and referred to Sacramento Delegation.

By Mr. Tilton, for An Act to grant to certain persons the Right of Way for a Railroad Track within the corporate limits of the City and County of San Francisco and to run Horse Cars thereon.

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

By Mr. White, 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.

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

By Mr. Lippincott, for An Act to fix the Compensation of the County Judge of Calaveras County.

Read first and second times, and referred to the Calaveras Delegation.

At two o'clock, P. M. on motion of Mr. Johnson, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 31, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Amyx and Councilman, had one day leave of absence, each.

Mr. Magruder presented an account of T. R. Eldredge for balance due for translating laws into Spanish.

Referred to Committee on Claims.

REPORTS.

Reports were made as follows :

By Mr. Campbell :

MR. SPEAKER :—The Judiciary Committee, to whom was referred Senate Bill, No. 47, entitled An Act to authorize Encarnacion Carrillo de Robbins to sell certain Lands in Santa Barbara County belonging to her

Infant Children—having considered the same, report it back, and recommend its passage;

Also, Senate Bill, No. 30, entitled An Act to change the name of Eliza Clara Audin, and to regulate the distribution of certain Property—having had the same under consideration, report it back, and recommend its passage;

Also, Assembly Bill, No. 24, entitled An Act to amend An Act approved May eighteenth, eighteen hundred and fifty-three, amendatory of, and supplementary to, the Act entitled An Act to regulate Proceedings in Civil Cases—having considered the same, report it back, and recommend its passage;

Also, Assembly Bill, No. 17, An Act to authorize the Courts of Record of this State to admit Joseph Rodrigues Brandon as an Attorney and Counselor-at-Law—having considered the same, report it back, with a substitute, and recommend the passage of the substitute.

ALEX. CAMPBELL,
Chairman.

Senate Bill, No. 47—above reported, read third time and passed.

Mr Childs verbally reported and recommended the passage of Assembly Concurrent Resolution, No. 23, Relative to donation of Lands by Congress for Roads in this State.

By Mr. Lippincott:

MR. SPEAKER:—The Calaveras Delegation, to whom was referred Assembly Bill, No. 58—beg leave to report it back, and recommend its passage.

LIPPINCOTT.

By Mr. Tilton:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Concurrent Resolution, No. 11, Relative to certain Mail-Routes in this State;

Also, Assembly Concurrent Resolution, No. 18, Relative to certain Mail-Routes in this State.

TILTON,
Chairman.

Mr. Hunter offered the following resolution:

Resolved, That R. K. Weston, Journal Clerk of the Assembly be, and he is hereby, allowed pay as Journal Clerk, from January seventh to the sixteenth, inclusive, at the per diem allowed by law, and the Controller is hereby authorized and directed to draw his warrant for the same, payable out of the Contingent Fund of the Assembly.

Adopted.

The Committee on Corporations had further time to report upon Senate Bill, No. 50.

Mr. Morrison gave notice of the introduction of a bill for An Act to regulate the Fees of Office within and for the County of Los Angeles.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ross, for An Act to authorize and empower A. W. McPherson and others to construct and maintain Booms on certain Rivers in the County of Mendocino.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Avery, for An Act concerning Roads and Highways in the County of Nevada.

Read first and second times, and referred to the Nevada Delegation.

By Mr. Campbell, for An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Scott, for An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou, approved February twenty-second, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Fargo, for An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

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

GENERAL FILE.

Substitute for Assembly Bill, No. 17, An Act to amend an Act entitled An Act concerning Attorneys and Counselors-at-Law, passed February nineteenth, eighteen hundred and fifty-one—was adopted, rules suspended, read third time, and passed.

Assembly Bill, No 52, An Act to change the name of Nelly H. Peters to Nelly H. Toomes—was considered engrossed, read third time, and passed.

Assembly Bill, No. 50, An Act amendatory of an Act entitled An Act defining the legal distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison, passed April twenty-fourth, eighteen hundred and fifty-eight—substitute adopted, and ordered engrossed.

Senate Bill, No. 14, An Act to appropriate money for Postage and Express purposes for the present session of the Legislature—was considered in Committee of the Whole, reported, recommended, read third time, and passed.

Assembly Bill, No. 15, An Act to confer further powers upon the Board of Supervisors of San Francisco County—was read third time and passed.

The House adopted Assembly Concurrent Resolution, No. 4, Relative to the establishment of a Semi-Weekly Mail from San Luis Obispo to Visalia;

Also, Assembly Concurrent Resolution, No. 7, Relative to Mail-Routes in San Diego County;

Also, Assembly Concurrent Resolution, No. 23, Relative to donation of lands by Congress for Roads, etc in this State.

Assembly Bill, No. 58, An Act to fix the Compensation of the County Judge of Calaveras County—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 24, An Act to amend an Act, approved May eighteenth, eighteen hundred and fifty-three, amendatory of, and supplementary to, the Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State—was ordered engrossed.

Senate Bill, No. 30, An Act to change the name of Elise Clara Audin, and to regulate the distribution of certain Property—was read third time, and passed.

The following report was made by Mr. Conness from the Committee on Free Conference :

MR. SPEAKER :—The Committee on Free Conference, appointed to confer with a like committee of the Senate on the disagreement of the two Houses on Assembly Bill, No. 26, beg leave to report as follows :

The House concurs in Senate's first amendment.

The House concurs in Senate's third amendment.

The Senate recedes from Senate's second amendment.

The committee recommends the adoption of the report.

CONNESS,

Chairman of House Committee.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,

Thursday, January 31st, 1861. }

MR. SPEAKER :—The Senate this day adopted the report of the Committee on Free Conference on Assembly Bill, No. 26, An Act to extend the time for the payment of the principal of the purchase money on lands sold by the State on a credit where said lands are claimed to be within the boundaries of a Mexican or Spanish Grant.

D. J. WILLIAMSON,

Assistant Secretary.

At fifteen minutes past twelve o'clock, M. on motion of Mr. Tilton, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,

Friday, February 1st, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Tilton had three days leave of absence, and Mr. Amyx indefinite leave.

Mr. O'Brien presented a petition of citizens of Calaveras County, for a division of the county.

Referred to the Calaveras Delegation.

REPORTS.

Reports were made as follows :

By Mr. Curtis :

MR. SPEAKER :—The Committee on Corporations, to whom was referred Senate Bill, No. 56, An Act to grant the right to certain parties to supply the people of Red Bluff with Gas—beg leave to report the same back, and recommend its passage.

N. GREENE CURTIS,

Chairman.

Mr. Banks made a verbal minority report.

By Mr. Powell:

Mr. SPEAKER:—The Sacramonta Delegation, to whom was referred Assembly Bill, No. 36, An Act to grant to certain parties therein named, the right to lay a Railroad Track along certain Streets in the City of Sacramento—having considered the same, report it back to the House, with certain amendments, and recommend its passage.

POWELL.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, January 31st, 1861. }

To the Honorable the Assembly of California:

I have to inform your honorable body, that I have this day approved Assembly Bill, No. 8, An Act amendatory of an Act entitled An Act amendatory of, and supplementary to, 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, approved April nineteenth, eighteen hundred and fifty-six, approved April eighteenth, eighteen hundred and fifty-seven.

JOHN G. DOWNEY,
Governor.

OFFICE BOARD OF EXAMINERS, }
Sacramento, January 31st, 1861. }

To the Honorable the Assembly of California:

I herewith transmit to your honorable body, a list of claims which have been passed upon by the Board of Examiners, together with the papers and decisions of the Board on each case:

Number of Claim.	Am't Claimed.	Am't Allowed.
Claim No. 194, of Joseph Kern.....	\$2,500 00	\$1,725 00
Claim No. 195, of Gregory Yule	1,100 00	1,100 00
Claim No. 196, of I. & S. Wormser.....	3,747 85	3,747 85
Total.....	\$7,347 85	\$6,572 85

JOHN G. DOWNEY,
Pres't Board of Examiners.

RESOLUTIONS.

Resolutions were introduced as follows:

By Mr. Fargo:

Concurrent Resolution, in relation to the stand taken in the United States Senate by Hon E. D. Baker.

Mr. Patrick offered the following substitute:

Resolved, That the Hon. E. D. Baker, in voting in the Senate of the United States to postpone indefinitely the Pacific Railroad Bill, did not represent the wishes of the Pacific coast.

Mr. Ross moved to lay on the table.

Upon which, Messrs. Fargo, White, and Banks, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 45—noes, 27:

AYES—Messrs. Baechtel, Bradley, Buell, Chandler, Childs, Coltrin, Covarrubias, Dougherty, Eastman, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harrison, Haun, Henderson, Hill, Holman, Horrell, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Munday, O'Brien, Patrick, Percy, Porter, Ross, Scott, Showalter, Smith of Placer, Sorrel, Stearns, Walden, Walter, White, Wood of Yolo, and Wright—45.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clark, Conness, Councilman, Crocker, Denniston, Durst, Fargo, Flanders, Ford, Green, Harriman, Harris, Hunter, Morgan, Smith of Tulare, Spence, Tilden, Tittel, Willey, and Wood of Plumas—27.

By Mr. Coleman :

Resolved, That the Committee on Military Affairs be instructed to inquire into, and ascertain, what number of small arms, field ordnance, and also, what amount of military stores, now belong to this State, in whose custody they are, and whether the State has received her full quota of arms from the General Government, and report to this House at an early day.

Adopted.

By Mr. Walden :

Resolved, That the Committee on State Printing be instructed to inquire into, and report to the House, the cost to the State of all printing for the past year, and that they also report on the expediency of repealing the present law, and letting the printing of the State to the lowest bidder.

Adopted.

On motion of Mr. Wood of Plumas, Mr. Miller was added to the Committee on Military Affairs.

By Mr. Gillette :

Resolved, That there shall be appointed by the Speaker an additional Standing Committee of seven, on the Culture and Improvement of the Grape-Vine.

Adopted.

Messrs. Gillette, Morrison, Ross, Briggs, Piercy, Adams, and Walter, were appointed such committee.

NOTICES OF BILLS.

Notices of the introduction of bills was given as follows :

By Mr. Ross, for An Act to extend the time allowed to the City of Petaluma to improve the Navigation of Petaluma Creek ;

Also, An Act to legalize the Survey of the City of Petaluma, made by William A. Eliason, in the year eighteen hundred and sixty.

By Mr. Chandler, for An Act to abolish An Act creating the office of Coroner of Tuolumne County.

By Mr. Smith of Tulare, for An Act to legalize certain Acts of the Board of Supervisors of Tulare County.

By Mr. Holman, for An Act to regulate the Fees of the County Officers of Solano County ;

Also, for An Act respecting Roads and Highways in the County of So-lano.

By Mr. Blair, for An Act conferring additional and special powers upon the Board of Supervisors of the County of Monterey.

By Mr. Harris, for An Act to amend the law relating to Crimes and Punishments.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Durst, for An Act to extend the time for collecting Taxes in the County of Colusa.

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

By Mr. Patrick, for An Act to make certain Offices in the County of Tuolumne salaried Offices.

Read first and second times, and referred to the Tuolumne Delegation.

By Mr. Briggs, for An Act to provide for the establishment, maintenance, and protection of Public and Private Roads in certain Counties therein mentioned.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Kurtz, for An Act to amend an Act entitled An Act to create the Board of Supervisors for the County of San Diego, and define their Duties, approved May three, eighteen hundred and fifty-two.

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

By Mr. Munday, for An Act to amend an Act entitled An Act to establish an Asylum for the Insane of the State of California, passed May seventeen, eighteen hundred and fifty-three.

Read first and second times and referred to the Committee on State Hospitals.

By Mr. Crocker, for An Act to repeal An Act herein named.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Hill, for An Act to exempt from Taxation the Property herein named.

Read first and second times, and referred to the Committee on Ways and Means.

At ten minutes past twelve o'clock, P. M. on motion of Mr. Cherry, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 2d, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Clark, Montgomery, and Wood of Yolo, had one day leave of absence each.

REPORTS.

Reports were made as follows :

By Mr. Campbell :

Mr. SPEAKER :—The Judiciary Committee, to whom was referred Assembly Bill, No. 21, entitled An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, approved May, eighteen hundred and fifty-one—have had the same under consideration, report it back with a substitute, and recommend the passage of the substitute.

The same committee, to whom was referred the petition of Emily Tracy, Executrix, and James L. Tracy, Executor, of the last will and testament of Frederick P. Tracy, deceased, having had the same under consideration, report it back and recommend the passage of the accompanying bill in order to accomplish the object of the petition.

ALEX. CAMPBELL,
Chairman.

By Mr. Conness :

Mr. SPEAKER :—The Committee on Federal Relations, to whom was referred various resolutions on the State of the Union, have had the same under consideration, and report them back with a substitute, the adoption of which is respectfully recommended.

In presenting the accompanying resolutions the undersigned were guided solely by a desire to meet the grave issues now before the country, in language so simple as to be incapable of misconstruction ; while at the same time they should truly represent the patriotism of the people of California.

The time has arrived in our history when every man must take position unmistakably, and be for his country, for the Union and the Constitution as they are, or be against them.

The heart of California beats true to the Union, and it only remains for those who are charged with the conduct of public affairs to give direction to its action, and effect to its will.

CONNESS,
WRIGHT,
CAMPBELL,
FORD.

By Mr. Sorrel, from minority of said committee :

Mr. SPEAKER :—The undersigned members of the Committee on Federal Relations, beg leave to offer the following preamble and resolutions as a minority report on the subject under consideration, and earnestly recommend their adoption.

FRANCIS SORREL,
JOHN WHITE,
LLOYD MAGRUDER.

The reports were made special order for Wednesday, February sixth, eighteen hundred and sixty-one, at one o'clock, P. M. and ordered printed.

By Mr. Patrick :

Mr. SPEAKER :—The Tuolumne Delegation have had under consideration Assembly Bill, No. 71, An Act to make certain Offices in the County of Tuolumne, salaried Offices—and report the same back with amendments, and recommend its passage as amended.

PATRICK,
For Delegation.

COMMUNICATION FROM THE SECRETARY OF STATE.

The following communication was received from the Secretary of State :

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }
Sacramento, February 2d, 1861. }

To the Honorable Speaker of the Assembly :

SIR: I have the honor to transmit herewith, a statement of the votes polled at the election he'd November sixth, A. D. eighteen hundred and sixty, for Senators and members of Assembly. Also, the vote "for and against a Convention."

Very respectfully, your ob't servant,

JOHNSON PRICE,

Secretary of State.

Referred to the Judiciary Committee.

Mr. Fargo moved to take from the table Assembly Concurrent Resolution, No. 28, Relative to commendation of course of Hon. E. D. Baker.

Lost.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Percy :

Resolved, as the sense of this House, That the troubles existing in the Atlantic States are justly chargeable to the sectional doctrines advocated by the Republican party.

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

Upon which, Messrs. Showalter, Percy, and Holman, demanded the ayes and noes, and the House refused by the following vote: Ayes, 28—noes, 41 :

AYES—Messrs. Adams, Avery, Banks, Briggs, Campbell, Coltrin, Councilman, Crocker, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Lippincott, Morgan, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Tilden, Tittel, Walter, Willey, and Mr. Speaker—28.

NOES—Messrs. Amyx, Baechtel, Blair, Bradley, Buell, Chandler, Childs, Coleman, Conness, Covarrubias, Foster, Gillette, Gordon, Gregory, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Patrick, Percy, Ross, Scott, Showalter, Sorrel, Stearns, Walden, White, and Wright—41.

Mr. Showalter moved the previous question.

Upon which, Messrs. Powell, Morgan, and Wood of Plumas, demanded the ayes and noes, and the House refused by the following vote: Ayes, 28—noes, 43 :

AYES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Covarrubias, Gillette, Gordon, Gregory, Hagans, Hanson, Harrison, Haun, Holman, Johnson, Kurtz, Lalor, Laspeyre, Magruder, Miller, Munday, Patrick, Percy, Ross, Scott, Showalter, Sorrel, and White—28.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Coleman, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Harriman, Harris, Henderson, Hill, Hunter, Kungle, Lippincott, Morgan, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tittel, Walden, Walter, Willey, Wright, and Mr. Speaker—43.

Mr. Conness offered the following amendment :

"And that the United States forts and arsenals recently taken at Charleston and elsewhere, have undoubtedly been taken by Black Republicans in disguise."

Mr. Coleman moved to indefinitely postpone.

Lost.

Mr. Foster moved to adjourn.

Lost.

On the adoption of the amendment, Messrs. Showalter, Patrick, and Magruder, demanded the ayes and noes, and the amendment was lost by the following vote: Ayes, 22—noes, 37 :

AYES—Messrs. Adams, Avery, Campbell, Cherry, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Henderson, Hill, Hunter, Porter, and Tittel—22.

NOES—Messrs. Amyx, Bacchtel, Banks, Blair, Bradley, Buell, Chandler, Childs, Coleman, Coltrin, Gillette, Gordon, Gregory, Hagans, Hanson, Harriman, Harris, Haun, Holman, Horrell, Johnson, Kynge, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Miller, Morgan, Morrison, Munday, O'Brien, Patrick, Percy, Powell, Ross, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Stearns, Tilden, and White—37.

Mr. O'Brien offered the following amendment :

"Strike out Republican party and insert Republican and Breckinridge parties."

Mr. Curtis offered the following substitute :

Resolved, That we have an abiding confidence in the justice and patriotism of the people of the United States, and that the unhappy domestic difficulties now existing between the North and the South is not chargeable to the great masses of the people of the United States, but is justly chargeable to the Abolitionists of the North and the secession leaders of the South.

Mr. Campbell moved to lay on the table.

Carried.

By Mr. Smith of Tulare :

Resolved, That the Paper-Folder, and Post-Office Page of the Assembly be allowed each the sum of five dollars per day for their services to be paid out of the Contingent Fund of the Assembly.

Mr. Magruder moved to amend by striking out five and inserting three dollars, which was lost, and the resolution adopted.

By Mr. Wood of Plumas :

Resolved, That his Excellency, the Governor, is hereby respectfully requested to communicate to this House, at his earliest convenience, any and all information in his possession in relation to the extent to which the law requiring the enrollment of the militia of this State, has been complied with; together with the number and strength of the several divisions, brigades, regiments, and companies, organized in accordance with the existing law, and from which returns have been made to the Adjutant and Quartermaster-General, within the last year. Also, his Excellency is requested to furnish any information in his possession, or at

his command, in relation to the number and kind of arms, accouterments, and munitions of war, of every description, received from the Federal Government, or purchased by the State, or which have in any other manner come into the possession of the State of California, since her organization as a State.

Adopted.

By Mr. Gillette :

Concurrent Resolution, Relative to Pony Express.

Adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows :

By Mr. O'Brien, for An Act fixing the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Calaveras, and the manner of summoning Jurors for the County Court of said County.

By Mr. Amyx, for An Act to amend the Fourteenth Section of An Act to establish the Insane Asylum, passed May seventeen, eighteen hundred and fifty-three.

By Mr. Adams, for An Act for the erection of a Branch State Prison at Folsom, Sacramento County.

By Mr. Ford, for An Act to extend the time for collecting Taxes in the County of Santa Cruz.

Mr. Durst moved that when the House adjourn, it adjourn to meet on Tuesday next, at eleven o'clock.

Mr. Showalter moved to amend by inserting Monday.

Lost.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Amyx, for An Act to provide a Fund for the redemption of, and prescribing the manner of redeeming, the outstanding County Warrants drawn upon the treasury of Tuolumne County, and further to provide for the Payment of all the current expenses of said Tuolumne County in Cash.

Read first and second times, and referred to the Tuolumne Delegation.

By Mr. Ross, for An Act to extend the time to the City of Petaluma, or Assigns, to improve the Navigation of Petaluma Creek.

Read first and second times, and referred to the Committee on Commerce and Navigation.

At one o'clock, p. m. on motion of Mr. Showalter, the House adjourned until Tuesday next.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 5th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday last was read and approved.

Messrs. Green, Hanson, Morgan, and Stearns, had leave of absence for two days each.

REPORTS.

Reports were made as follows :

By Mr Tilton :

Mr. SPEAKER :—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 26, An Act to extend the time for the payment of the principal of the purchase money on Lands sold by the State on a credit ;

Also, Assembly Bill, No. 40, An Act to fix the times of holding the County Court, Probate Court, and Court of Sessions, for the County of Alameda ;

Also, Assembly Bill, No. 65, An Act to extend the time for collecting Taxes in the County of Colusa ;

Also, Assembly Bill, No. 1, An Act to confirm and legalize the Tax List and Assessment Roll of the County of Solano, for the Fiscal Year ending June thirtieth, eighteen hundred and sixty-one, and to extend the time for the Sheriff of Solano County to collect the Delinquent Taxes due thereon.

TILTON,
Chairman.

By Mr. Amyx :

Mr. SPEAKER :—Your Select Committee, to whom was referred Assembly Bill, No 72—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

AMYX,
Chairman.

The rules were suspended, the amendments adopted, bill considered engrossed, read a third time, and passed, and title amended.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Childs :

Concurrent Resolution indorsing the course of Hon. S. A. Douglas.

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

Upon which, Messrs. Laspeyre, Gregory, and Wood of Plumas, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 43—noes, 29:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Harri-man, Harrison, Henderson, Hill, Hunter, Johnson, Munday, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Tilden, Tilton, Tit-tel, Walden, Walter, Willey, Wright, and Mr. Speaker—43.

NOES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Gil-lette, Gordon, Gregory, Hagans, Harris, Haun, Holman, Horrell, Kungle, Kurtz, Lalor, Lippincott, Magruder, Miller, Montgomery, Patrick, Percy, Ross, Showalter, Sorrel, White, Wood of Plumas, and Wood of Yolo—29.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
February 1st, 1861. }

Mr. SPEAKER :—The Senate on yesterday passed Senate Bill, No. 51, substitute for Assembly Bill, No. 4, An Act to extend the time for the collection of State and County Taxes in the County of Butte;

Also, have concurred in Assembly Concurrent Resolution, No. —, Relative to Printing, with an amendment;

Also, passed Assembly Bill, No. 3, An Act supplemental to an Act entitled An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof, approved April eighteenth, eighteen hundred and fifty-nine;

Also, adopted Senate Concurrent Resolution, No. 13, Relative to the Report of the Surveyor-General on the Eastern Boundary Survey.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Substitute for Assembly Bill, No. 4, above reported—read first and second times, and placed on file.

The House concurred in Senate amendments to Assembly Concurrent Resolution, above reported.

The House concurred in Senate Concurrent Resolution, No. 13, above reported.

SENATE CHAMBER,
Monday, February 4th, 1861. }

Mr. SPEAKER :—The Senate on Saturday, February second, passed Senate Bill, No. 34, An Act to amend an Act entitled An Act prescribing the duties of Constables;

Also, Senate Bill, No. 21, An Act to audit and allow the claim of Peyton, Duer, Lake, and Rose, or their assigns;

Also, Senate Bill, No. 46, An Act to ratify and approve Ordinance number ninety-six of the Board of Supervisors of the City and County of Sacramento, approved May the twenty-ninth, eighteen hundred and sixty;

Also, Assembly Bill, No. 28, An Act to fix the Compensation of the County Judge of Calaveras County;

Also, Assembly Bill, No. 28, An Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell Real Estate at private sale, with amendments;

Also, Assembly Bill, No. 15, An Act to confer further powers upon the Board of Supervisors of San Joaquin County.

DAVID J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 34, above reported—read first and second times, and referred to Judiciary Committee.

Senate Bill, No. 21, above reported—read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 46, above reported—read first and second times, and referred to the Sacramento Delegation.

The House concurred in Senate amendments to Assembly Bills, Nos. 15 and 28, above reported.

SENATE CHAMBER,
Saturday, February 2d, 1861. }

Mr. SPEAKER :—The Senate on yesterday passed Assembly Bill, No. 43, An Act to extend the time for collecting Taxes in the County of Sonoma, with amendments;

Also, Assembly Bill, No. 65, An Act to extend the time for collecting Taxes in the County of Colusa.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Tuesday, February 2d, 1861. }

Mr. SPEAKER :—The Senate, on yesterday, passed Senate Bill, No. 20, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, 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 thirtieth, eighteen hundred and fifty-five, and an Act entitled An Act supplementary to an Act entitled An Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, passed March twenty-seventh, eighteen hundred and fifty-seven, and an Act 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 fourteenth, eighteen hundred and fifty-three, 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 fourteenth, eighteen hundred and fifty-three, passed April tenth, eighteen hundred and fifty-eight, and an Act entitled An Act amendatory and supplemental to an Act entitled An Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-nine;

Also, have passed Senate Bill, No. 70, An Act authorizing the Placerville Turnpike Company to have and maintain a Bridge across Weber Creek, in El Dorado County;

Also, Assembly Bill, No. 1, An Act to confirm and legalize the Tax List and Assessment Roll of the County of Solano for the fiscal year ending June thirty, eighteen hundred and sixty-one, and to extend the time for the Sheriff of Solano County to collect the Delinquent Taxes due therein;

Also, Assembly Bill, No. 22, An Act to provide for the Funding of so much of the Indebtedness of Yuba County as was created and incurred on account of the County Hospital of said County prior to the first day of October, A. D. eighteen hundred and sixty;

Also, Assembly Bill, No. 49, An Act to change the name of Brazos del Rio, in the County of Solano, to the name of Rio Vista.

Also, Assembly Bill, No. 52, An Act to change the name of Nelly H. Peters to Nelly H. Toombs, with amendments;

Also, have concurred in Assembly Concurrent Resolution, No. 7, Relative to Mail-Routes in San Diego County.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill, No. 20, above reported—was read first and second times, and referred to the Committee on Corporations.

Senate Bill, No. 70, above reported—was read first and second times, and referred to the El Dorado Delegation.

The House concurred in Senate amendments to Assembly Bills, Nos. 43 and 52.

SENATE CHAMBER,
Tuesday, February 5th, 1861. }

Mr. SPEAKER :—The Senate, on yesterday, passed Senate Bill, No. 29, An Act regulating the sale of Poisons;

Also, this day, passed Assembly Bill, No. 38, An Act making Appropriation for deficiencies for the eleventh fiscal year ending the thirtieth day of June, eighteen hundred and sixty.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 29, above reported—was read first and second times, and referred to the Committee on State Hospitals.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Tilton, for An Act conferring further powers upon the Board of Education of the City and County of San Francisco.

By Mr. Counnilman, for An Act to amend Section Fifty-eight of an Act entitled An Act to provide Revenue for the support of the Government of this State, passed April thirty, eighteen hundred and sixty.

By Mr. Ross, An Act to amend An Act relating to Jurors.

By Mr. Tittel, for An Act to change the name of Moses Moses to Moses Mayer.

By Mr. Kurtz, for An Act to create an additional fund for Jail Purposes in the County of San Diego.

By Mr. Percy, for An Act to fund the outstanding Warrants of the County of San Bernardino, and provide for their redemption;

Also, for An Act making the County Clerk of said County *ex officio* Superintendent of Public Schools of the County;

Also, for An Act making the Sheriff of San Bernardino County, *ex officio* Public Administrator of said County;

Also, for An Act regulating the Fees of Officers of said County;

Also, for An Act regulating the manner of electing the Board of Supervisors of said County, and the time for which they shall hold Office, and place them under Bonds for the faithful performance of their duties;

Also, for An Act regulating the time for which the Board of Water Commissioners of said County shall be elected, defining their Duties, and placing them under Bonds for the performance of the same.

By Mr. Bacchtel, for An Act concerning Roads and Highways in Mendocino County;

Also, An Act exempting the County Judge of Mendocino County from the Law compelling him to reside at the County Seat;

Also, An Act to extend the terms of Office of the Board of Supervisors of Mendocino County.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Conness, for An Act to change the name of Sullivan Milton Farrer to Sullivan Milton Farren.

Read first and second times, and referred to the Committee on Names.

Also, for An Act amendatory of, and supplemental to, an Act entitled

An Act to provide for the Location and Sale of the unsold portion of the five hundred thousand acres of land granted to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of Learning, approved February third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine.

Read first and second times, referred to the Committee on Education, and ordered printed

By Mr. Smith of Tulare, for An Act amendatory of An Act to provide for the sale of Swamp and Overflowed Lands belonging to this State.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Also, An Act to amend an Act entitled An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said District, approved, January thirteenth, eighteen hundred and sixty

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

Also, An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved January fourth, eighteen hundred and fifty-seven, and to extend its provisions to Tulare County.

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

By Mr. O'Brien, for An Act fixing the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Calaveras, and the manner of summoning Jurors for the County Court of said County.

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

By Mr. Morrison, for An Act to regulate Fees in Office in the County of Los Angeles.

Read first and second times, and referred to Los Angeles Delegation.

By Mr. Kungle, for An Act to amend an Act entitled An Act concerning the Office of Reporter, passed April thirteenth, eighteen hundred and fifty, and other Acts amendatory thereto.

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

By Mr. Ross, for An Act to authorize the sale of certain Real Estate by Guardians.

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

Also, An Act to legalize the Survey of the City of Petaluma.

The rules were suspended, bill read three times, and passed.

By Mr. Smith of Placer, for An Act to amend an Act entitled An Act to provide revenue for the Government of this State, approved April thirtieth, eighteen hundred and sixty.

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

By Mr. Spence, for An Act to provide for a Special Tax for building a Bridge in the City of Nevada.

Read first and second times, and referred to the Nevada Delegation.

By Mr. Morrison, for An Act to provide for the Recordation of a certain Deed, and to make the same Notice and Evidence.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Fargo, for An Act extending the time for the completion of a Contract made under An Act to provide for the opening of a channel across the Bar at the mouth of the San Antonio Creek, passed April tenth, eighteen hundred and sixty.

Rules suspended, read three times, and passed.

By Mr. Ford, for An Act to extend the time for collecting Taxes in the County of Santa Cruz.

Rules suspended, read three times, and passed.

By Mr. Blair, for An Act declaring the Salinas River, in the County of Monterey, a navigable stream.

Read first and second times, and referred to the Committee on Commerce and Navigation.

GENERAL FILE.

Assembly Bill, No. 36, An Act to grant to certain parties therein named the right to lay a Railroad Track along certain Streets in the City of Sacramento—amendments adopted, and ordered engrossed.

Senate Bill, No. 56, An Act to grant the right to certain parties to supply the people of Red Bluff with Gas—recommitted to the Judiciary Committee.

Assembly Bill, No. 71, An Act to make certain Officers in the County of Tuolumne salaried Offices—amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 21, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, approved May first, eighteen hundred and fifty-one—substitute adopted, and ordered engrossed.

Assembly Bill, No. 90, An Act to authorize the Executrix and Executor of the estate of Frederick P. Tracy, deceased, to sell the Real Estate of said deceased at public or private sale—rules suspended, read three times, and passed.

Mr. Crocker offered the following resolution :

Resolved, That the Controller of State be requested to furnish this House with a statement of the amount collected by the Stamp Inspectors appointed by the law, approved April twenty-third, eighteen hundred and sixty, and also the amount of salaries and other expenses paid under the law, and the increase, (if any,) of the revenue by reason of said law.

Adopted.

Mr. Eastman made the following report :

MR. SPEAKER:—The Nevada Delegation, to whom was referred Assembly Bill, No. 45, An Act to provide for the collection of Delinquent Taxes in the County of Nevada—beg leave to report the same back with an amendment, and unanimously recommend its passage.

Amendments to Assembly Bill, No. 45, above reported—adopted, and ordered engrossed.

At thirty minutes past one o'clock, P. M. on motion of Mr. Smith of Tulare, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 6th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Chandler had leave of absence for one day.

REPORTS.

Reports were made as follows:

By Mr. Dougherty:

MR. SPEAKER:—Your Committee of Ways and Means, to whom was referred Assembly Bill, No. 67, entitled An Act to exempt from taxation the property therein named—having considered the same, I am instructed to report the bill back to the House, and recommend its indefinite postponement.

JOHN DOUGHERTY,
Chairman.

By Mr. Campbell:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 31, entitled An Act to authorize County Judges to hold terms of the County Courts, Courts of Sessions, and Probate Courts in other Counties than their own—having had the same under consideration report it back, and recommend that it do not pass.

ALEX. CAMPBELL,
Chairman.

Mr. O'Brien, from the Committee on Public Expenditures and Accounts, made a report.

By Mr. Childs:

MR. SPEAKER:—The Committee on Roads and Highways have had under consideration Assembly Bill, No. 61, An Act to amend An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou—and beg leave to report. They find this bill makes no other change in the existing statute, except that it reduces the amount of property tax which the Supervisors are empowered to levy for road purposes in the county of Napa. This is believed to be in accordance with the wishes of the citizens of that county, and the committee therefore recommend the passage of the bill without amendment;

Also, have had under consideration An Act supplementary to an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five—and recommend its passage without amendment.

W. CHILDS,
Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 5th, 1861. }

To the Honorable the Assembly of California:

I have to inform your honorable body that I have this day approved the following bills, viz:

Assembly Bill, No. 65, An Act to extend the time for collecting Taxes in the County of Colusa;

Also, Assembly Bill, No. 1, An Act to confirm and legalize the Tax List and Assessment Roll of the County of Solano for the year ending thirti-

eth June, eighteen hundred and sixty-one, and to extend the time for the Sheriff of Solano County to collect the Delinquent Taxes, etc.;

Also, Assembly Bill, No. 49, An Act to fix the time of holding the County Court, Probate Court, and Court of Sessions, for the County of Alameda, etc.;

Also, Assembly Bill, No. 26, An Act to extend the time for the payment of the Principal of the purchase money on lands sold by the State on a credit.

JOHN G. DOWNEY,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Wednesday, January 6th, 1861. }

MR. SPEAKER:—The Senate on yesterday passed Senate Bill No. 39, An Act appropriating Money for the pay of copying done for the Legislature;

Also, this day adopted Assembly Concurrent Resolution, No. 29, Relative to the Pony Express.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 39, above reported—read first and second times, considered in Committee of the Whole, (Mr. Patrick in the Chair,) read third time, and passed.

Mr. Councilman presented a claim of John Valentine, which was referred to the Committee on Claims.

NOTICES.

Notices of the introduction of Bills were given as follows:

By Mr. Powell, for An Act to prohibit Lotteries and Gift Enterprises in this State.

By Mr. Johnson, for An Act to provide for the laying out and construction of a Public Road from the town of San Luis Obispo, in the County of San Luis Obispo, to Visalia, in Tulare County.

By M. Blair, for An Act to grant the right to construct and maintain a Ferry across the Salinas River at the City of St. Paul in the County of Monterey;

Also, An Act to authorize the Guardian of Policarpiia Chebolla to sell and convey certain Real Estate.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cherry, for An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grade of Union Street in said City and County.

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

By Mr. Tilton, for An Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned.

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

By Mr. Tittel, for An Act to change the name of Moses Moses to Moses Mayher.

Read first and second times, and referred to the Committee on Names.

By Mr. Holman, for An Act concerning Lawful Fences in the County of Solano.

Read first and second times, and referred to the Committee on Agriculture.

GENERAL FILE.

Senate Substitute, No. 51 for Assembly Bill, No. 4, An Act to extend the time for the collection of State and County Taxes in the County of Butte—was read third time and passed.

Mr. Banks introduced an additional Joint Standing Rule.

Laid over.

SPECIAL ORDER.

On motion of Mr. Sorrel, the consideration of the special order of the day, being the resolutions on the State of the Union, was postponed until Friday next at twelve o'clock, M.

At twelve o'clock, M. on motion of Mr. Cherry, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 7th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Wood of Yolo had two days' leave of absence.

PETITIONS.

Petitions were presented as follows :

By Mr. Lippincott, Of citizens of Calaveras County, for division of County.

Referred to Calaveras Delegation.

By Mr. Blair, Of citizens of Monterey, for a charter for a Ferry.

Referred to the Committee on Corporations.

REPORTS.

Reports were made as follows :

By Mr. Laspeyre :

MR. SPEAKER :—The Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 62, An Act to authorize and empower H. W. McPherson and others to construct and maintain Booms on certain Rivers in the County of Mendocino—have had the same under consideration, and report the bill back, with a substitute, and recommend the adoption of the substitute.

They have also considered Assembly Bill, No. 73, An Act to extend the time to the City of Petaluma, or Assigns, to improve the navigation of Petaluma Creek;

Also, Assembly Bill, No. 83, An Act declaring the Salinas River navigable—and beg leave to report the same to the House, and recommend their passage.

T. LASPEYRE,
Chairman.

Mr. Blair verbally reported and recommended the passage of Assembly Bill, No. 5, An Act relative to the Office of Superintendent of Common Schools in the County of San Mateo.

Rules suspended, considered engrossed, read third time and passed.

By Mr. O'Brien :

MR. SPEAKER :—Your Committee on Public Expenditures and Accounts, beg leave to report—that they have had again under consideration the report they presented on yesterday, and which was recommitted to them, and would state, in reply to the objections raised against their report, that it is the invariable custom of all weekly papers to receive subscriptions in advance, and the committee do not feel disposed to object to this arrangement. We therefore respectfully ask the adoption of our report, which we here present without alteration :

Purpose.	Amount.
Account of James Anthony & Co. for Daily and Weekly Unions, furnished to members of the Assembly to Feb. 2d, 1861...	\$202 00
Account of George I. Lytle, for Newspapers furnished to members of the Assembly to February 4th, 1861.....	89 00
Account of William Dougherty, for Newspapers furnished to members of the Assembly to February 4th, 1861.....	68 50
Account of Yreka Union, furnishing twenty-six copies of said paper to members of the Assembly during the Session....	78 00
Account of Spirit of the Times, furnishing fifty-one copies of said paper to members of the Assembly during the Session	153 00
Account of Daily and Weekly S. F. Times, furnishing to members of the Assembly thirteen copies of the Daily, ten weeks, from January 26th, 1861, \$32 50, and three copies of Weekly for same time, \$3.....	35 50
Account of Calaveras Chronicle, for furnishing four copies of said paper to members of the Assembly during the Session	10 00
Account of Joseph Genella, for articles furnished for committees of the Assembly, as follows :	
One Lamp and Shade.....	\$3 25
Three extra Chimneys and Wicks.....	1 00
One Water Pitcher and half a dozen Tumblers.....	3 50
One Match Safe and Matches	50
One Gallon of Oil and Can.....	3 00
One pair of Lamp Scissors.....	75
One Tray.....	1 75
	13 75
Total.....	\$649 25

All of which is respectfully submitted.

THOMAS O'BRIEN,
Chairman.
W. J. HARRISON,
D. J. HAUN,
O. F. WILLEY.

Adopted.

By Mr. Lalor:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 17, An Act to amend an Act entitled An Act concerning Attorneys and Counselors-at-Law, passed February nineteenth, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 24, An Act to amend an Act approved May eighteenth, eighteen hundred and fifty-three, 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. 50, An Act amendatory of an Act entitled An Act defining the Legal Distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison, passed April twenty-fourth, eighteen hundred and fifty-eight.

LALOR,
Chairman.

By Mr. Tilton:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 22, An Act to provide for funding so much of the indebtedness of Yuba County as was created and incurred on account of the County Hospital of said County, prior to the first day of October, A. D. eighteen hundred and sixty.

TILTON,
Chairman.

By Mr. Conness:

MR. SPEAKER:—The El Dorado Delegation, to whom was referred Senate Bill, No. 70, An Act authorizing the Placerville Turnpike Company to have and maintain a Bridge across Weber Creek, in El Dorado County—have had the same under consideration, and report it back, recommending its passage.

CONNESS,
HUNTER,
T. FOSTER,
SAMUEL HILL,
JAMES J. GREEN,
ROBERT HENDERSON.

By Mr. Coleman, from minority:

MR. SPEAKER:—The minority of the El Dorado Delegation, to whom was referred Senate Bill, No. 70, An Act authorizing the Placerville Turnpike Company to have and maintain a Bridge across Weber Creek, in El Dorado County—beg leave to report the same back, and recommend its indefinite postponement, for reasons which will be made apparent when the bill comes up on its passage.

COLEMAN.

By Mr. Cherry:

MR. SPEAKER:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 16, An Act to amend an Act entitled An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco—having had the same under consideration, report the

bill back to the House, with amendments, and recommend its passage as amended ;

Also, Assembly Bill, No 91, An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grade of Union Street in said City and County—with amendments, and recommend its passage as amended.

CHERRY,

For the Delegation.

The rules were suspended and the amendments to Assembly Bill, No. 91—above reported, adopted, bill considered engrossed, read a third time and passed.

House adopted the amendment to Assembly Bill, No. 16—above reported, and ordered the bill engrossed.

By Mr. Banks, from minority :

Mr. PRESIDENT :—The undersigned, a minority of the San Francisco Delegation, to whom was referred Assembly Bill, No. 16—having considered the same, would respectfully report—that in his opinion to the Board of Supervisors of the City and County of San Francisco appropriately belongs the duty of making minor municipal rules and regulations for said city and county ; and, he would therefore recommend the passage of the accompanying substitute.

J. A. BANKS.

By Mr. Tilton :

Mr. SPEAKER :—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 3, An Act supplementary to an Act entitled An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof, approved April eighteenth, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No. 38, An Act making an appropriation for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June, eighteen hundred and sixty ;

Also, Assembly Bill, No. 58, An Act to fix the compensation of the County Judge of Calaveras County ;

Also, Assembly Bill, No. 52, An Act to change the name of Nelly H. Peters to Nelly Helen Toomes ;

Also, Assembly Bill, No. 49, An Act to change the name of the Town of Brazos del Rio, in the County of Solano, to the name of Rio Vista ;

Also, Assembly Bill, No. 15, An Act to confer further powers upon the Board of Supervisors of San Joaquin County ;

Also, Assembly Concurrent Resolution, No. 7, Relative to Mail-Routes in San Diego County.

TILTON,

Chairman.

A communication was received from the Controller in reference to the Inspectors of Stamps.

Referred to Committee on Ways and Means.

Mr. Powell offered the following resolution :

Resolved, By the Assembly, the Senate concurring, that the Senate and Assembly will meet in Joint Convention in the Assembly Chamber, on Friday, February fifteenth, at twelve o'clock, M. for the purpose of electing one United States Senator, to succeed the Hon. William M. Gwin.

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

Upon which, Messrs. Miller, Powell, and Wood of Plumas, demanded the ayes and noes, and the motion prevailed by the following vote : Ayes, 51—noes, 22 :

AYES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Chandler, Cherry, Childs, Clark, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Durst, Fargo, Flanders, Ford, Green, Gregory, Hanson, Harriman, Haun, Henderson, Holman, Hunter, Johnson, Kungle, Lalor, Lippincott, Magruder, Montgomery, Morgan, O'Brien, Patrick, Percy, Porter, Scott, Sorrel, Spence, Stearns, Tilden, Tilton, Tittel, and Willey—51.

NOES—Messrs. Adams, Coleman, Curtis, Eastman, Foster, Gillette, Gordon, Harris, Harrison, Hill, Kurtz, Laspeyre, Miller, Morrison, Munday, Powell, Ross, Smith of Tulare, Smith of Placer, Walter, White, and Wood of Plumas—22.

NOTICES.

Notices of the introduction of bills were given as follows :

By Mr. Curtis, for An Act granting to certain parties the right to lay a Railroad Track along certain Streets in the City of Sacramento.

By Mr. Holman, for An Act to create the Office of County Recorder in and for the County of Solano.

By Mr. Fargo, for An Act authorizing and empowering Juana M. Estudillo to sell and convey the interest in certain Real Estate of her Infant Child.

By Mr. Kurtz, for An Act to amend an Act entitled An Act concerning the Organization of the Militia, approved April twenty-fifth, eighteen hundred and fifty-five.

By Mr. Powell, for An Act to amend An Act defining the duties of the State Librarian.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Eastman, for An Act to provide for the better maintenance of the Indigent Sick in the County of Nevada.

Read first and second times and referred to the Nevada Delegation.

By Mr. Ross, for An Act to provide for the payment of the Fees of Jurors in the County of Sonoma.

Read first and second times and referred to the Sonoma Delegation.

By Mr. Scott, for An Act to authorize the Administrator of L. W. Boggs, deceased, to sell and convey Real Estate.

Read first and second times and referred to Napa Delegation.

By Mr. Powell, for An Act to prohibit Lotteries and Gift Enterprises in this State.

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

GENERAL FILE.

Assembly Bill, No. 61, An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou ;

Also, Assembly Bill, No. 67, An Act to exempt from taxation the property therein named—were ordered engrossed.

Senate Bill, No. 3, An Act supplementary to an Act entitled An Act concerning Public Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five ;

Also, Assembly Bill, No. 24, An Act to amend an Act approved May eighteenth, eighteen hundred and fifty-three, 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. 59, An Act amendatory of an Act entitled An Act defining the Legal Distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison, passed April twenty-fourth, eighteen hundred and fifty-eight—were read a third time and passed.

Assembly Bill, No. 31, An Act to authorize County Judges to hold terms of the County Courts, Courts of Sessions, and Probate Courts, in other Counties than their own—was recommitted to Judiciary Committee.

Mr. Walden made the following report:

Mr. SPEAKER:—Your Auditing Committee have examined the copying done on account of Assembly, and find the same as follows:

Four thousand two hundred and thirty-one folios, at ten cents per folio, four hundred and twenty-three dollars and ten cents.

Your committee also recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and is hereby, authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of four hundred and twenty-three dollars and ten cents, payable out of the Copying Fund of the Assembly.

Adopted.

WALDEN,
Chairman.

At twenty minutes past twelve, P. M. on motion of Mr. Tilton, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 8th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs Chandler and Lalor had one day leave of absence each.

Mr. Adams presented a remonstrance of citizens of Sacramento County against the passage of Senate Bill, Relative to increase of Officers and Salary in said County.

Referred to Sacramento Delegation.

The Speaker appointed as the committee on the part of the House on the Senate Concurrent Resolution Relative to Boundary Commission Messrs. Tilden, Fargo, and Gordon.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Fargo:

Resolved, That the Committee on Public Expenditures and Accounts be

instructed to investigate the matter of copying for the Assembly, and report whether or not the expense of the same can be materially reduced.

Adopted.

By Mr. Powell:

Concurrent Resolution fixing Wednesday, February twenty, for meeting of Joint Convention to elect United States Senator.

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

Upon which, Messrs. Amyx, Powell, and Clarke, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 38—noes, 39:

AYES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Ford, Gillette, Gordon, Gregory, Hanson, Harriman, Haun, Holman, Johnson, Kungle, Kurtz, Laspeyre, Magruder, Montgomery, Morgan, Patrick, Porter, Ross, Scott, Sorrel, Spence, Tilton, Tittel, and Willey—38.

NOES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Showalter, Smith of Tulare, Smith of Placer, Stearns, Tilden, Walden, Walter, White, Wood of Plumas, Wright, and Mr. Speaker—39.

Mr. Showalter moved to indefinitely postpone the whole subject matter.

Upon which, Messrs. Showalter, Foster, and Munday, demanded the ayes and noes, and the House refused by the following vote: Ayes, 19—noes, 59:

AYES—Messrs. Amyx, Baechtel, Bradley, Chandler, Councilman, Crocker, Flanders, Gillette, Hanson, Harriman, Haun, Holman, Kungle, Laspeyre, Montgomery, Morgan, Scott, Showalter, and Willey—19.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Campbell, Cherry, Childs, Clarke, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Gordon, Green, Gregory, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Johnson, Kurtz, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Patrick, Percy, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Wood of Plumas, Wright, and Mr. Speaker—59.

On the adoption of the resolution, Messrs. Amyx, Gregory, and Kungle, demanded the ayes and noes, and the resolution was lost by the following vote: Ayes, 36—noes, 40:

AYES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Percy, Powell, Smith of Tulare, Smith of Placer, Stearns, Tilden, Walden, Walter, White, Wood of Plumas, and Mr. Speaker—36.

NOES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Ford, Gillette, Gordon, Gregory, Hanson, Harriman, Haun, Holman, Johnson, Kungle, Kurtz, Laspeyre, Magruder, Montgomery, Morgan,

Patrick, Porter, Ross, Scott, Showalter, Sorrel, Spence, Tilton, Tittel, and Willey—40.

NOTICES.

Notices of the introduction of bills were given as follows :

By Mr. Morrison, for An Act legalizing the Assessment Roll for the Taxes of Los Angeles County.

By Mr. Hagans, for An Act to amend an Act entitled An Act to provide revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

By Mr. Willey, for An Act to provide for a Railroad within the City and County of San Francisco.

By Mr. Durst, for An Act to authorize the citizens of Colusa County to construct Canals and Ditches for Agricultural purposes.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Wood of Plumas, for An Act to amend An Act to extend the time for collecting Taxes in the County of Plumas.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Buell, for An Act concerning the County Judge of Klamath County.

Rules suspended, read three times, and passed.

By Mr. Curtis, for An Act granting the right to lay a Railroad Track through certain Streets in the City of Sacramento, and to use and maintain the same.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Powell, for An Act to amend An Act defining the duties of State Librarian.

Read first and second times, and referred to the Committee on Education.

By Mr. Fargo, for An Act authorizing and empowering Juana M. Estudillo to sell and convey the interest in certain Real Estate of her infant Child.

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

By Mr. Holman, for An Act concerning the Office of County Recorder in the County of Solano.

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

By Mr. Kurtz, for An Act to amend An Act concerning the organization of the Militia.

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

By Mr. Campbell, for An Act to authorize the Guardian of John H. M. Townsend, a Minor, to sell Real Estate.

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

By Mr. Baechtel, for An Act to extend the provisions of An Act to extend the terms of Office of the Board of Supervisors of certain Counties of this State, and to fix the Compensation of the Board of Supervisors of Mendocino County ;

Also, An Act to amend section forty-seven of An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three—

Were read first and second times, and referred to the Judiciary Committee.

By Mr. Willey, for An Act to provide for the issuing of Licenses to Hotel and Tavern Brokers in the City of San Francisco.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Ross, for An Act to amend An Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one.

Read first and second times, and referred to Committee on Agriculture.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
Friday, February 8th, 1861. }

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 88, An Act transferring certain Funds;

Also, Senate Bill, No. 58, An Act amendatory of, and supplementary to, An Act entitled An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for crossing of Brockliss Bridge on the Sacramento and El Dorado Wagon Road, approved April 5th, eighteen hundred and sixty.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 88, above reported—read first and second times, and placed on file

Senate Bill, No. 58, above reported—read first and second times, and referred to El Dorado and Sacramento delegations.

SENATE CHAMBER,
Thursday, February 7th, 1861. }

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 32, An Act to pay for volumes fourteen and fifteen of the Reports of the Supreme Court of the State of California;

Also, Assembly Bill, No. 87, An Act extending the time for the completion of a contract made under an Act entitled An Act to provide for the opening of a channel across the Bar at the mouth of the San Antonio Creek;

Also, Senate Bill, No. 74, An Act to amend An Act creating a Board of Commissioners, and the Office of Overseer in each Township in the several Counties of this State to regulate Water-Courses within their respective limits, passed May fifteenth, eighteen hundred and fifty-four, and the several acts amendatory thereto.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 32, above reported—read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 74, above reported—read first and second times, and placed on file.

Mr. Powell presented a communication from the members of the Bar of Sacramento, relative to the payment of salaries to Deputies in the Courts.

Referred to the Sacramento Delegation.

REPORTS.

Reports were made as follows :

By Mr. Coleman :

MR. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed Assembly Bill, No. 21, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, approved May first, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 45, An Act to provide for the collection of Delinquent Taxes in the County of Nevada;

Also, Assembly Bill, No. 72, An Act to provide a Fund for the redemption of, and prescribing the manner of redeeming the outstanding County Warrants drawn upon the Treasury of Tuolumne County, and further to provide for the payment of all the current expenses of said Tuolumne County in Cash;

Also, Assembly Bill, No. 71, An Act to make certain Offices in the County of Tuolumne, Salaried Offices;

Also, Assembly Bill, No. 90, An Act to authorize the Executrix and Executor of the estate of Frederick P. Tracy, deceased, to sell the Real Estate of said deceased at public or private sale;

Also, Assembly Bill, No. 36, An Act to grant to certain parties therein named the right to lay a Railroad Track along certain Streets in the City of Sacramento;

Also, An Act to amend an Act entitled An Act to prohibit the burning of bricks within certain limits in the City and County of San Francisco, approved March thirteenth, eighteen hundred and sixty;

Also, Assembly Bill, No. 91, An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grade of Union Street in said City and County.

COLEMAN.

By Mr. Tilton:

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 28, An Act to authorize Thomas Cutler, Administrator of the estate of Aloert Cutler, deceased, to sell Real Estate at private sale;

Also, Assembly Bill, No. 43, An Act to extend the time for collecting Taxes in the County of Sonoma;

Also, Assembly Concurrent Resolution, No. 22, Granting leave of absence to Green T. Martin, County Judge of Tuolumne County;

Also, Assembly Concurrent Resolution, No. 29, Relative to the Pony Express.

TILTON,
Chairman.

Mr. Wood of Plumas, introduced a Concurrent Resolution relative to Mail-Routes.

Adopted.

GENERAL FILE.

Assembly Bill, No. 62, An Act to authorize and empower A. W. McPherson and others to construct and maintain Booms on certain Rivers in the County of Mendocino—substitute adopted, rules suspended, read a third time, and passed.

Assembly Bill, No. 16, An Act to amend an Act entitled An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco, approved March thirteenth, eighteen hundred and sixty—was read third time, and passed.

Assembly Bill, No. 73, An Act to extend the time to the City of Petaluma or Assigns to improve the Navigation of Petaluma Creek;

Also, Assembly Bill, No. 33, An Act declaring the Salinas River navigable—were ordered engrossed.

SPECIAL ORDER.

Assembly Concurrent Resolutions, Nos. 26 and 27, On the State of the Union, the special order of the day—were taken up.

Pending the consideration of which, at two o'clock, P. M. on motion of Mr. Munday, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 9th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs Willey and Walden had two days' leave of absence each, Mr. Holman for three days, and Mr. White for one day.

REPORTS.

Reports were made as follows :

By Mr. Dougherty :

MR. SPEAKER :—Your Committee of Ways and Means, to whom was referred Assembly Bill, No. 69, entitled An Act to repeal an Act therein named ;

Also, Assembly Bill, No. 99, entitled An Act to amend An Act to extend the time for collecting Taxes in the County of Plumas—having had the same under consideration have instructed me to report the same back to the House, and recommend their passage.

JOHN DOUGHERTY,

Chairman.

By Mr. Campbell :

MR. SPEAKER :—The Judiciary Committee, to whom was referred Senate Bill, No. 32, entitled An Act to pay for volumes fourteen and fifteen of the Reports of the Supreme Court of California, having had the same under consideration report it back and recommend its passage ;

Also, Assembly Bill, No. 27, entitled An Act concerning the infant Heirs and Devisees of Bernando Yorba, deceased—having had the same under consideration report it back and recommend its passage ;

Also, Assembly Bill, No. 29, entitled An Act amendatory of an Act supplementary to An Act for securing Liens to Mechanics and others, approved March eighteenth, eighteen hundred and fifty seven—having had the same under consideration report it back and recommend its reference to the Committee on Mines and Mining Interests ;

Also, Assembly Bill, No. 78, entitled An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to Tulare County—having had the same under consideration report it back and recommend its passage ;

Also, Assembly Bill, No. 80, entitled An Act to amend an Act entitled

An Act to provide revenue for the Government of the State, approved April thirtieth, eighteen hundred and sixty—having had the same under consideration report it back with a substitute, and recommend the passage of the substitute;

Also, Senate Bill, No. 54, entitled An Act to amend an Act entitled An Act prescribing the duties of Constables, passed April nineteenth, eighteen hundred and fifty—having had the same under consideration report it back with amendments, and recommend its passage as amended;

Also, Assembly Bill, No. 77, entitled An Act fixing the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Calaveras, and the manner of summoning Jurors for the County Court of said County—having had the same under consideration report it back and recommend that it be referred to the delegation from Calaveras;

Also, Assembly Bill, No. 86, entitled An Act to amend an Act entitled An Act concerning the Office of Reporter, passed April thirteenth, eighteen hundred and fifty, and other acts amendatory thereto—having had the same under consideration report it back with a substitute, and recommend the passage of the substitute.

ALEX. CAMPBELL,
Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 9th, 1861. }

To the Honorable the Assembly:

I have to inform your honorable body that I have approved Assembly Bill, No. 22, An Act to provide for Funding so much of the indebtedness of Yuba County as was created and incurred on account of the County Hospital of said County prior to the first day of October, A. D. eighteen hundred and sixty;

Also, Assembly Bill, No. 49, An Act to change the name of the Town of Brazos Del Rio, in the County of Solano, to the name of Rio Vista;

Also, Assembly Bill, No. 52, An Act to change the name of Nelly H. Peters to Nelly Helen Toomes;

Also, Assembly Bill, No. 15, An Act to confer further powers upon the Board of Supervisors of San Joaquin County;

Also, Assembly Bill, No. 38, An Act making an appropriation for deficiencies for the Eleventh Fiscal Year ending the thirtieth day of June, eighteen hundred and sixty.

JOHN G. DOWNEY,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
Saturday, February 9th, 1861. }

Mr. SPEAKER:—The Senate on yesterday adopted Senate Concurrent Resolution, No. 17, Relative to a Joint Convention for the purpose of electing a United States Senator.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Concurrent Resolution, No. 17, above reported—was taken up.
Mr. Cherry moved a call of the House.
Sustained.

Messrs. Eastman and Baechtel were absent.

Messrs. Eastman and Baechtel appeared and were excused, and further proceedings under the call were dispensed with.

Mr. Crocker moved to postpone the further consideration of the resolution until Wednesday next at twelve o'clock.

Upon which the ayes and noes were called with the following result: Ayes, 26—noes, 49:

AYES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Gillette, Gordon, Harriman, Johnson, Kurtz, Montgomery, Morgan, Porter, Sorrel, Spence, and Tittel—26.

NOES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Hill, Horrell, Hunter, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Patrick, Percy, Powell, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Stearns, Tilden, Walter, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—49.

Mr. Campbell moved to amend by inserting the "first day of March," in place of "twentieth of February."

Mr. Conness moved the previous question.

Upon which, Messrs. Crocker, Tittel, and Campbell, demanded the ayes and noes, and the House agreed by the following vote: Ayes, 46—noes, 28:

AYES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Flanders, Foster, Gillette, Green, Hagans, Hanson, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Percy, Powell, Ross, Smith of Tulare, Smith of Placer, Stearns, Tilden, Walter, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—46.

NOES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clarke, Councilman, Crocker, Fargo, Gordon, Gregory, Harriman, Haun, Johnson, Montgomery, Morgan, Patrick, Porter, Scott, Showalter, Sorrel, Spence, Tittel—28.

On the amendment of Mr. Campbell, Messrs. Campbell, Tittel, and Wood of Plumas, demanded the ayes and noes, and the amendment was lost by the following vote: Ayes, 27—noes, 48:

AYES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Gregory, Harriman, Johnson, Kungle, Lalor, Morgan, Patrick, Porter, Scott, Sorrel, Spence, and Tittel—27.

NOES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Gillette, Gordon, Green, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Hill, Horrell, Hunter, Kurtz, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Percy, Powell, Ross, Showalter, Smith of Tulare, Smith of Placer, Stearns, Tilden, Walter, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—48.

On concurring in the Senate resolution, Messrs. Cherry, Campbell and Kurtz demanded the ayes and noes, and the House refused by the following vote: Ayes, 36—noes, 37:

AYES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, First, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Perry, Powell, Smith of Tulare, Smith of Placer, Stearns, Tilden, Walter, White, Wood of Plumas, and Mr. Speaker—36.

NOES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Campbell, Chandler, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Gillette, Gordon, Gregory, Hanson, Harman, Haun, Johnson, Kingle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Patrick, Porter, Ross, Scott, Showalter, Sorrel, Spence, Tittel, and Wood of Yolo—37.

Mr. Showalter gave notice of reconsideration.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Cherry, for An Act to define the duties and liabilities of Pawn-brokers and Pledgees.

By Mr. Ross, for An Act to provide for holding an Election in the City of Petaluma.

REPORTS.

Reports were made as follows:

By Mr. Powell:

MR. SPEAKER:—The Sacramento Delegation, to whom was referred An Act to provide for the recordation of a certain Deed, and to make the same notice and evidence—have had the same under consideration and report the same with the following amendment, and recommend its passage:

Amend the title by striking out the word "a" after the word "of," and insert the word "two," and the addition of the letter "s" to word "deed;"

Also, the undersigned, a member of the Sacramento Delegation, to whom was referred Senate Bill, No. 46, An Act to ratify and approve Ordinance No. 96, of the Board of Supervisors of the City and County of Sacramento—begs leave to report that he has examined the written opinion of the District Attorney, and the opinion of Justice Baldwin that "the salary is inadequate," and the communication signed by nearly every member of the bar of Sacramento City; and therefore asks to return the bill and recommend its passage

JOSEPH POWELL.

By Mr. Crocker:

MR. SPEAKER:—The undersigned, members of the Sacramento Delegation, to whom was referred Senate Bill, No. 46, respectfully report, that they have had the same under consideration, and recommend that the bill do not pass. The city and county of Sacramento have a large floating debt in addition to a large funded debt; the expenses and interest on the debt of the city and county are largely in excess of the income of the city and county under our present legal rates of salaries; and the city and county cannot, in justice to their creditors, consent to any increase of expenses until just liabilities already incurred are paid

C. CROCKER,
A. ADAMS.

By Mr. Eastman :

MR. SPEAKER:—The Nevada Delegation, to whom was referred Assembly Bill, No. 95, entitled An Act to provide for the better maintenance of the Indigent Sick of the County of Nevada—report the same back and recommend its passage.

EASTMAN,
For Delegation.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Ross, for An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes therein mentioned.

Read first and second times, and referred to the Committee on Education.

By Mr. Morrison, for An Act to legalize the Assessment Roll, and extend the time for the collection of Taxes in the County of Los Angeles.

Read first and second times, and referred to the Los Angeles Delegation ;

Also, An Act amendatory of, and supplementary to, the Act defining the rights of Husband and Wife.

Read first and second times, and referred to the Judiciary Committee, and ordered printed

By Mr. Hagans, for An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Ways and Means ;

Also, An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa and Siskiyou.

Read first and second times, and referred to the Committee on Roads and Highways.

GENERAL FILE.

Senate Bill, No. 88, An Act transferring certain Funds—was considered in Committee of the Whole, amended, reported, recommended and read a third time.

On its passage, Messrs. Wood of Yolo, Smith of Tulare, and Powell, demanded the ayes and noes, and the bill was lost by the following vote : Ayes, 25—noes, 42 :

AYES—Messrs. Blair, Buell, Childs, Coltrin, Covarrubias, Denniston, Eastman, Flanders, Ford, Foster, Gordon, Hagans, Harrison, Haun, Henderson, Hunter, Lippincott, Munday, Patrick, Percy, Ross, Tittel, Walter, White, and Wright—25.

NOES—Messrs. Adams, Amyx, Avery, Banks, Bradley, Briggs, Campbell, Chandler, Clarke, Coleman, Conness, Crocker, Curtis, Dougherty, Durst, Gillette, Gregory, Hanson, Harriman, Hill, Horrell, Johnson, Kurtz, Magruder, Miller, Montgomery, Morgan, O'Brien, Porter, Powell, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Tilden, Tilton, Wood of Plumas, Wood of Yolo, and Mr. Speaker—42.

Mr. Showalter gave notice of reconsideration.

Senate Bill, No. 70, An Act authorizing the Placerville Turnpike Company to have and maintain a Bridge across Weber Creek, in El Dorado County—amendments adopted, bill read third time.

On its passage, Messrs. Conness, O'Brien, and Lippincott, demanded the ayes and noes, and the bill was lost by the following vote: Ayes, 26—noes, 36:

AYES—Messrs. Banks, Blair, Covarrubias, Dougherty, Durst, Fargo, Flanders, Ford, Foster, Gillette, Hagans, Maun, Henderson, Hill, Hunter, Johnson, Lippincott, Montgomery, O'Brien, Ross, Stearns, Tilden, Tittel, Wright, and Mr. Speaker—26.

NOES—Messrs. Adams, Amyx, Avery, Bradley, Buell, Campbell, Chandler, Childs, Coleman, Coltrin, Conness, Crocker, Curtis, Eastman, Gordon, Hanson, Harriman, Harrison, Lorrell, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Morgan, Morrison, Patrick, Percy, Porter, Powell, Showalter, Smith of Placer, Sorrel, Walter, Wood of Plumas, and Wood of Yolo—36.

The vote by which the bill was lost was reconsidered, and the bill referred to the Judiciary Committee.

On motion of Mr. Showalter, Assembly Concurrent Resolutions, Nos. 26 and 27, were made the special order for Monday, February eleventh, at twelve M.

At fifteen minutes past two o'clock, P. M. on motion of Mr. Chandler, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 11th, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Leave of absence was granted to Messrs. Cherry and Green for two days' each, and to Mr. Tilton for one day.

PETITIONS.

Petitions were presented as follows:

By Mr. Dougherty, Of citizens of Sierra County for creation of Alturas County.

Referred to Committee on Counties and County Boundaries.

By Mr. Morrison, Of citizens of Los Angeles and Tulare for new County, and—

By Mr. Smith of Tulare, remonstrance on same subject.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows:

By Mr. Curtis:

MR. SPEAKER:—The Committee on Corporations have had under consideration Senate Bill, No. 20, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the formation of Corporations

for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, 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 fourteenth, eighteen hundred and fifty-three, passed April thirtieth, eighteen hundred and fifty-five, and an Act entitled An Act supplementary to an Act entitled An Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, passed March twenty-seventh, eighteen hundred fifty-seven, and an Act 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 fourteenth, eighteen hundred fifty-three, 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 fourteenth, eighteen hundred and fifty-three, passed April thirteenth, eighteen hundred and fifty-five, passed April tenth, eighteen hundred and fifty-eight, and an Act entitled An Act amendatory and supplemental to an Act entitled An Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, passed March seventh, eighteen hundred and fifty-nine—and report the same back and recommend its passage.

N. GREENE CURTIS,

Chairman.

By Mr. Lalor:

MR. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed Assembly Bill, No. 73, An Act to extend the time to the City of Petaluma, or Assigns, to improve the Navigation of Petaluma Creek;

Also, Assembly Bill, No. 83, An Act declaring the Salinas River Navigable.

E. LALOR,

Chairman.

By Mr. Piercy:

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 87, An Act extending the time for the completion of a Contract made under an Act entitled An Act to provide for the opening of a Channel across the Bar at the mouth of the San Antonio Creek, passed April 10th, eighteen hundred and sixty;

Also, substitute to Assembly Bill, No. 62, An Act to authorize and empower A. W. McPherson and others to construct and maintain Booms on certain Rivers in the County of Mendocino.

C. W. PIERCY,

Chairman.

By Mr. Briggs:

MR. SPEAKER:—Your Committee on Public Morals, to whom was referred Assembly Bill, No. 53, entitled An Act to repeal An Act to prohibit the collection of accounts for Liquor sold at retail—have had the matter under consideration, and being unable to perceive that any public good could result from the passage of said act, beg leave to report the bill back and recommend that it do not pass.

H. W. BRIGGS,

Chairman.

Mr. O'Brien verbally reported and recommended the passage of Assembly Bill, No. 77, An Act fixing the time of holding the Court of Sessions,

County Court, and Probate Court, in the County of Calaveras, and the manner of summoning Jurors for the County Court of said County.

Mr. Morrison verbally reported and recommended the passage of Assembly Bill, No. 89, An Act to regulate Fees of Office in the County of Los Angeles—rules suspended, bill read third time, and passed.

On motion of Mr. Showalter, the vote by which the House on Saturday last refused to pass Senate Bill, No. 88, An Act transferring certain Funds, was reconsidered.

Mr. Showalter moved to strike out the amendment adopted by the House.

On which, Messrs. Conness, Smith of Tulare, and Foster, demanded the Ayes and noes, and the motion prevailed by the following vote: Ayes, 42—noes, 26:

AYES—Messrs. Adams, Amyx, Avery, Campbell, Chandler, Clarke, Coltrin, Crocker, Denniston, Dougherty, Durst, Fargo, Flanders, Gregory, Hagans, Hanson, Harris, Haun, Hill, Horrell, Johnson, Kungie, Kurtz, Lalor, Magruder, Miller, Morgan, Munday, Patrick, Percy, Ross, Scott, Showalter, Smith of Placer, Sorrel, Stearns, Tittel, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—42.

NOES—Messrs. Baechtel, Banks, Blair, Bradley, Briggs, Buell, Childs, Conness, Covarrubias, Curtis, Eastman, Ford, Foster, Gillette, Gordon, Harriman, Harrison, Lippincott, Montgomery, O'Brien, Porter, Powell, Smith of Tulare, Spence, Tilden, and Walter—26.

On the question, Shall the bill pass, Messrs. Clarke, Curtis, and Campbell, demanded the ayes and noes, and the House refused by the following vote: Ayes, 24—noes, 44:

AYES—Messrs. Amyx, Blair, Buell, Covarrubias, Denniston, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gregory, Hagans, Harris, Harrison, Horrell, Munday, Ross, Showalter, Sorrel, Tittel, White, Wright, and Mr. Speaker—24.

NOES—Messrs. Adams, Avery, Baechtel, Banks, Bradley, Briggs, Campbell, Chandler, Childs, Clarke, Coltrin, Conness, Crocker, Curtis, Dougherty, Gillette, Gordon, Hanson, Harriman, Haun, Hill, Johnson, Kungie, Kurtz, Lalor, Lippincott, Magruder, Miller, Montgomery, Morgan, Morrison, O'Brien, Patrick, Percy, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Walter, Wood of Plumas, and Wood of Yolo—44.

Mr. Fargo offered the following resolution:

Resolved, That B. Steinman be, and he is hereby, appointed Assistant Paper-Folder, at the per diem allowed the Pages upon the floor of the Assembly.

Mr. Conness moved to amend by authorizing the Speaker to appoint.

Mr. Fargo moved to amend by authorizing the Paper-Folder to appoint his Assistant.

Carried.

The resolution as amended was adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Saturday, February 9th, 1861. }

MR. SPEAKER:—The Senate this day received the Report of the Board of State Prison Commissioners, and as there is but one report I am directed by the Senate to notify the Assembly accordingly.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Saturday, February 9th, 1861. }

MR. SPEAKER:—The Senate this day passed Assembly Bill, No. 62, An Act to authorize and empower A. W. McPherson and others to construct and maintain Booms on certain Rivers in the County of Mendocino.

D. J. WILLIAMSON,
Assistant Secretary.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Gordon, for An Act for the relief of Marin County;

Also, for An Act concerning Wild Animals in Marin County;

Also, for An Act to authorize the County of Marin to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund which shall be collected in said County for the years eighteen hundred and sixty-one, and eighteen hundred and sixty-two, to be applied for Road purposes in said County;

Also, An Act concerning State Prison Convicts.

By Mr. Horrell, for An Act for the relief of Horace Killham.

Mr. Showalter moved to reconsider the vote by which the House, on Saturday last, refused to concur in Senate Concurrent Resolution, No. 17, relative to a Joint Convention for the purpose of electing a United States Senator.

Upon which, Messrs. Conness, Campbell, and Montgomery, demanded the ayes and noes.

Mr. Sorrel moved a call of the House.

Lost

Mr. Laspeyre moved to postpone the consideration of the motion to reconsider, until Wednesday next at one o'clock

Upon which, Messrs. Conness, Campbell, and Smith of Tulare, demanded the ayes and noes.

Pending the consideration of the motion, the hour having arrived for considering the special order of the day, Assembly Concurrent Resolutions on the State of the Union, on motion of Mr. Magruder, were taken up.

After spending some time in the consideration thereof, the Resolutions were made the special order for to-morrow at twelve o'clock.

Mr. Showalter moved to adjourn.

Lost.

Mr. Magruder moved a call of the House.

Sustained.

Absent—Messrs. Baechtel, Briggs, Councilman, Crocker, Donniston, Harris, Hunter, Lippincott, Morrison, Patrick, Piercy, Smith of Placer, Sorrel, Stearns, Walter, White, and Wood of Yolo.

Further proceedings under the call were dispensed with.

The question recurred on the motion of Mr. Laspeyre to postpone the

consideration of Mr. Showalter's motion to reconsider the vote upon Senate Concurrent Resolution No. 17, and the House refused by the following vote: Ayes, 24—nays, 32:

AYES—Messrs. Amyx, Avery, Bradley, Chandler, Clarke, Fargo, Foster, Gillette, Gordon, Gregory, Hanson, Haun, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Ross, Scott, Showalter, and Smith of Tulare—24.

NOES—Messrs. Adams, Banks, Blair, Buell, Campbell, Childs, Coleman, Coltrin, Conness, Covarrubias, Crocker, Curtis, Dougherty, Durst, Eastman, Flanders, Hagans, Harriman, Harrison, Hill, Horrell, Munday, O'Brien, Piercy, Porter, Powell, Spence, Tilden, Tittel, Wood of Plumas, and Mr. Speaker—32.

Mr. Gregory moved to adjourn.

Lost.

Mr. Conness moved the previous question.

Upon which, Messrs. Showalter, Gregory, and Conness, demanded the ayes and noes, and the House agreed by the following vote: Ayes, 34—Noes, 23:

AYES—Messrs. Adams, Avery, Blair, Buell, Campbell, Childs, Coleman, Coltrin, Conness, Covarrubias, Crocker, Dougherty, Durst, Eastman, Flanders, Foster, Hagans, Harriman, Harrison, Hill, Horrell, Laspeyre, Munday, O'Brien, Porter, Powell, Smith of Tulare, Tilden, Tittel, White, Wood of Plumas, Wright, and Mr. Speaker—34.

NOES—Messrs. Amyx, Banks, Bradley, Chandler, Clarke, Curtis, Fargo, Gillette, Gordon, Gregory, Hanson, Haun, Johnson, Kungle, Kurtz, Lalor, Magruder, Montgomery, Morgan, Piercy, Ross, Scott, Showalter, and Spence—23.

The House refused to reconsider by the following vote: Ayes, 26—noes, 33:

AYES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Dougherty, Durst, Eastman, Foster, Hagans, Harrison, Henderson, Hill, Munday, O'Brien, Powell, Smith of Tulare, Smith of Placer, Tilden, White, Wood of Plumas, Wright, and Mr. Speaker—26.

NOES—Messrs. Amyx, Avery, Banks, Blair, Bradley, Campbell, Chandler, Clarke, Crocker, Fargo, Flanders, Gillette, Gordon, Gregory, Hanson, Harriman, Haun, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Piercy, Porter, Ross, Scott, Showalter, Spence, and Tittel—33.

At four o'clock, p. m. the House, on motion of Mr. Haun, adjourned.

HOUSE OF ASSEMBLY,
Tuesday, February 12th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Patrick and Fargo had one day leave of absence each.

PETITIONS.

Petitions were presented as follows :

By Mr. Spencer, Of citizens of Nevada for reconstruction of Bridge ;
Also, Remonstrance of Citizens on same subject.

Referred to the Nevada Delegation.

By Mr. Smith of Tulare, Remonstrance of Citizens of Tulare County
against division of County.

Referred to the Committee on Counties and County Boundaries.

By Mr. Dougherty, Of Citizens of Sierra, Plumas, and Yuba Counties,
for division of Counties.

Referred to the Committee on Counties and County Boundaries.

By Mr. Gregory, Of Citizens of Hornitos for Incorporation of Town.

Referred to the Committee on Corporations.

REPORTS.

Reports were made as follows :

By Mr. Lalor :

Mr. SPEAKER:—The Engrossing Committee have examined and found correctly engrossed, Assembly Bill, No. 61, An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa and Siskiyou, approved February twenty-second, eighteen hundred and sixty ;

Also, Assembly Concurrent Resolution, No. 4, Relative to the establishment of a Semi-Weekly Mail from San Luis Obispo to Visalia ;

Also, Assembly Concurrent Resolution, No. 23, Relative to donation of Lands, by Congress, for Roads, etc. in this State.

E. LALOR,
Chairman.

By Mr. Curtis :

Mr. SPEAKER:—The Sacramento Delegation, to which was referred Assembly Bill, No. 55, An Act for the relief of J. K. Stewart, late Deputy District Attorney of the City and County of Sacramento—beg leave to report the same back with an amendment, and recommend the passage of the bill as amended.

Respectfully submitted.

CURTIS,
POWELL.

By Mr. Adams :

Mr. SPEAKER:—The undersigned, members of the Sacramento Delegation, to whom was referred Assembly Bill, No. 55, for the relief of J. H. Stewart, beg leave to report, that after diligent inquiry they have become satisfied that the said Stewart has no just claim, either in law or equity, against the City and County of Sacramento, but that his claim, if any, is against Robert Morrison, under whom said Stewart acted. We therefore recommend that the said bill do not pass.

AMOS ADAMS,
C. CROCKER.

Also—

Mr. SPEAKER:—The Sacramento Delegation, to which was referred Assembly Bill, No. 36, An Act to grant certain parties the right to lay a Railroad Track along certain Streets in the City of Sacramento—report the same back with amendments, as instructed by the House, and recommend its passage as amended.

They have also had under consideration Assembly Bill, No. 110, An Act granting the right to lay a Railroad Track through certain Streets in the City of Sacramento, and to use and maintain the same—and beg leave to report the same back without amendment, and recommend its passage.

AMOS ADAMS,
C. CROCKER,
N. GREENE CURTIS.

By Mr. Curtis :

Mr SPEAKER :—The undersigned, one of the Sacramento Delegation, to whom was referred Senate Bill, No. 46, has had the same under consideration ; also, the remonstrance to the passage of the same, together with a petition from the members of the Sacramento Bar recommending the passage of the bill, stating that they are daily transacting business in the various offices and courts, through the deputies, and that the salary they receive, and have been receiving, of one hundred dollars per month, is not sufficient remuneration for the services performed. Some of the signatures to the remonstrance, I think, have been obtained through a misapprehension of the facts as to the provision of the bill. I therefore concur with my colleague, Mr. Powell, in recommending the passage of the bill.

Respectfully submitted,

N. GREENE CURTIS.

A communication was received from the Sergeant-at-Arms, and referred to the Committee on Accounts and Expenditures.

Mr. Conness verbally reported and recommended the passage of Senate Bill, No. 58, An Act amendatory of, and supplementary to, an Act entitled An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for crossing of Brockliss Bridge on the Sacramento and El Dorado Wagon Road, approved April fifth, eighteen hundred and sixty.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }
Sacramento, February 11th, 1861. }

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No. 43, An Act to extend the time for collecting Taxes in the County of Sonoma ;

Also, Assembly Bill, No. 28, An Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell Real Estate at private sale ;

Also, Assembly Bill, No 3, An Act supplemental to an Act entitled An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

JOHN G. DOWNEY,
Governor.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Wood of Plumas :

Concurrent Resolution indorsing the plan of John J. Crittenden.

Mr. Dougherty moved to refer the resolution to the Committee on Federal Relations.

Mr. Wood of Plumas, moved the previous question.

Upon which, Messrs Wood of Plumas, Gillette, and Chandler, demanded the ayes and noes, and House agreed by the following vote: Ayes, 44—noes, 26:

AYES—Messrs. Adams, Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Conness, Curtis, Dougherty, Eastman, Foster, Gillette, Gordon, Gregory, Hagans, Harris, Harrison, Haun, Horrell, Hunter, Johnson, Kurtz, Lalor, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Piercy, Powell, Scott, Showalter, Smith of Placer, Sorrel, Stearns, Tilton, Walden, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—44.

NOES—Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Coleman, Coltrin, Councilman, Crocker, Denniston, Durst, Flanders, Ford, Hanson, Harriman, Henderson, Hill, Kungle, Montgomery, Morgan, Spence, Tilden, Tittel, Walter, and Willey—26.

On the reference to the Committee on Federal Relations, Messrs Conness, Dougherty, and Banks, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 38—noes, 34:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Clarke, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Durst, Eastman, Flanders, Ford, Hanson, Harriman, Henderson, Hill, Hunter, Lippincott, Montgomery, Morgan, Munday, O'Brien, Porter, Powell, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, Wright, and Mr. Speaker—38.

NOES—Messrs Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Curtis, Foster, Gillette, Gordon, Gregory, Hagans, Harris, Harrison, Haun, Horrell, Johnson, Kungle, Kurtz, Lalor, Magruder, Miller, Morrison, Piercy, Ross, Scott, Showalter, Smith of Placer, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—34.

By Mr. Piercy:

Concurrent Resolution providing for Joint Convention for election of United States Senator.

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

Upon which, Messrs Powell, Buell, and Walter, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 38—noes, 35:

AYES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Clarke, Councilman, Crocker, Flanders, Ford, Gillette, Gordon, Gregory, Hanson, Harriman, Haun, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Porter, Ross, Scott, Sorrel, Spence, Tilton, Tittel, Willey, Wood of Yolo, and Wright—38.

NOES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Morrison, Munday, O'Brien, Piercy, Powell, Showalter, Smith of Tulare, Smith of Placer, Stearns, Tilden, Walden, Walter, White, and Mr. Speaker—35.

By Mr. Harris:

Concurrent Resolution indorsing the course of John J. Crittenden, Stephen A. Douglas, and John C. Breckinridge.

Mr. Harrison moved the previous question.

Lost

Mr. Dougherty moved to refer to the Committee on Federal Relations.

Mr. Councilman offered a substitute on the value and preservation of the Union.

Mr. Dougherty moved to refer the substitute to the Committee on Federal Relations.

On referring the resolution and substitute, Messrs. Showalter, Ross, and Piercy, demanded the ayes and noes, and the House refused by the following vote: Ayes, 34—noes, 41:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Clarke, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Flanders, Ford, Harriman, Henderson, Hill, Hunter, Lippincott, Morgan, Munday, O'Brien, Porter, Smith of Tulare, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, Wright, and Mr. Speaker—34.

NOES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Coltrin, Councilman, Crocker, Curtis, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morrison, Piercy, Powell, Ross, Scott, Showalter, Smith of Placer, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—41.

Mr. Conness moved to lay on the table.

Upon which, Messrs. Wood of Plumas, Gordon, and Tilton, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 31—noes, 44:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Clarke, Conness, Denniston, Dougherty, Durst, Eastman, Flanders, Ford, Harriman, Henderson, Hill, Hunter, Lippincott, O'Brien, Porter, Powell, Smith of Tulare, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, and Mr. Speaker—31.

NOES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Coltrin, Councilman, Covarrubias, Crocker, Curtis, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morgan, Morrison, Munday, Piercy, Ross, Scott, Showalter, Smith of Placer, Sorrel, Walden, White, Wood of Plumas, Wood of Yolo and Wright—44.

Mr. Showalter moved the previous question.

Sustained.

On the adoption of the substitute, Messrs. Ross, O'Brien, and Councilman, demanded the ayes and noes, and the substitute was lost by the following vote: Ayes, 5—noes, 69:

AYES—Messrs. Banks, Councilman, Crocker, Harriman, and Morgan—5.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Blair, Bradley, Briggs, Buell, Campbell, Chandler, Childs, Clark, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Flanders, Ford, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Hill, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morrison,

Munday, O'Brien, Piercy, Porter, Powell, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Tilden, Tittel, Walden, Walter, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—69.

On the adoption of the resolution, Messrs Horrell, Harris, and Gillette, demanded the ayes and noes, and the resolution was adopted by the following vote: Ayes, 44—noes, 29:

AYES—Messrs. Adams, Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Conness, Covarrubias, Curtis, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Horrell, Johnson, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Piercy, Ross, Scott, Showalter, Smith of Placer, Sorrel, Stearns, Walden, White, Wood of Plumas, Wood of Yolo, and Wright—44.

NOES—Messrs. Avery, Banks, Blair, Briggs, Campbell, Clarke, Coltrin, Councilman, Crocker, Dougherty, Durst, Eastman, Flanders, Ford, Harri-man, Henderson, Hill, Hunter, Morgan, Porter, Powell, Smith of Tulare, Spence, Tilden, Tilton, Tittel, Walter, Willey, and Mr. Speaker—29.

Mr. Conness gave notice of reconsideration.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Tuesday, February 11th, 1861. }

MR. SPEAKER:—The Senate, on Saturday, February ninth, eighteen hundred and sixty-one, passed Assembly Bill, No. 71, An Act to make certain Offices in the County of Tuolumne salaried Offices;

Also, Assembly Bill, No. 91, An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grade of Union Street, in said City and County;

Also, Assembly Bill, No. 72, An Act to provide a Fund for the redemption of, and prescribing the manner of, redeeming the outstanding County Warrants drawn upon the Treasury of Tuolumne County; and further, to provide for the payment of all the current expenses of said Tuolumne County, in Cash;

Also, concurred in Assembly Concurrent Resolution, No. 31, Relative to appropriations for certain Mail-Routes;

Also, adopted Assembly amendments to the Joint Rules of both Houses.

D. J. WILLIAMSON,
Assistant Secretary of Senate.

SPECIAL ORDER.

The special order of the day, being the consideration of the Resolutions on the State of the Union, was postponed until to-morrow, at one o'clock, P. M.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Gillette, for An Act to organize a new County east of the Sierra Nevada, to be called Esmeralda County, and to define the Boundaries thereof.

By Mr. Crocker, for An Act to amend An Act to provide Revenue for

the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty,

Also, An Act prescribing a certain duty of the Auditor of the City and County of Sacramento.

By Mr. Horrell, for An Act to establish and more definitely define the Boundaries of Amador County.

By Mr. Briggs, for An Act to amend Article seven hundred and seventeen, Section one hundred and seven, of the General Act in reference to Courts of Justice.

By Mr. Tilton, for An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the official term of certain Offices therein mentioned.

By Mr. Ford, for An Act concerning Roads and Highways in the County of Santa Cruz.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Ross, for An Act to authorize and require the Trustees of the City of Petaluma to call an Election for certain purposes therein named.

Read first and second times, and referred to Sonoma Delegation.

By Mr. Gordon, for An Act to authorize the County of Marin to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said County for the year eighteen hundred and sixty-one, and for the year eighteen hundred and sixty-two, to be applied for Road purposes in said County.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Tittel, for An Act in relation to the Militia of the State.

Read first and second times, referred to the Committee on Military Affairs, and ordered printed.

By Mr. Dougherty, for An Act to create the County of Alturas, define the Boundaries, and provide for the organization thereof.

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

By Mr. Blair, for An Act to grant the right to construct and maintain a Ferry across the Salinas River, at the City of Saint Paul, in the County of Monterey.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Durst, for An Act to authorize the citizens of Colusa County to construct Canals and Ditches for agricultural purposes.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Banks, for An Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco.

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

By Mr. Hanson, for An Act amendatory of an Act entitled An Act amendatory of, and supplementary to, An Act to establish, support and regulate Common Schools; and to amend the fourth clause of Section Sixteen of Acts concerning the same, approved April twenty-eight, eighteen hundred and sixty.

Read first and second times, and referred to the Yuba Delegation.

By Mr. Morrison, for An Act concerning certain Officers in the County of Los Angeles.

Read first and second times, and referred to the Los Angeles Delegation.

By Mr. Horrell, for An Act for the Relief of Horace Killham.

Read first and second times, and referred to the Committee on Claims.

By Mr. Willey, for An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of San Francisco

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

GENERAL FILE.

Assembly Bill. No. 45, An Act to provide for the Collection of Delinquent Taxes in the County of Nevada; also, Senate Bill, No. 58, An Act amendatory of, and supplementary to, an Act entitled An Act authorizing the Board of Supervisors of El Dorado County to levy a toll for crossing Brockliss Bridge, on the Sacramento and El Dorado Wagon Road, approved April fifth, eighteen hundred and sixty—were read third time and passed.

Senate Bill No. 74, An Act to amend An Act creating a Board of Commissioners, and the office of Overseer in each Township in the several Counties of this State, to regulate Water-Courses within their respective limits, passed May fifteenth, eighteen hundred and fifty-four, and the several acts amendatory thereto—amended, read third time, and passed.

Senate Bill. No. 46, An Act to ratify and approve Ordinance No. 96, of the Board of Supervisors of the City and County of Sacramento, approved May twenty-ninth, eighteen hundred and sixty.

Mr Crocker moved to indefinitely postpone the bill

Upon which, Messrs Crocker, Clarke, and Powell, demanded the ayes and noes, and the House refused by the following vote: Ayes, 17—noes, 45:

AYES—Messrs Adams, Amyx, Avery, Banks, Buell, Clarke, Coltrin, Crocker, Eastman, Flanders, Harriman, Hill, Morgan, Porter, Spence, Tilton, and Tittel—17.

NOES—Messrs. Baechtcl, Blair, Bradley, Campbell, Chandler, Childs, Coleman, Conness, Covarrubias, Curtis, Dougherty, Ford, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Horrell, Hunter, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Munday, O'Brien, Piercy, Powell, Ross, Showalter, Smith of Tulare, Sorrel, Stearns, Tilden, Walden, Wood of Plumas, Wright, and Mr. Speaker—45.

On the passage of the bill, Messrs. Powell, Crocker, and Adams, demanded the ayes and noes, and the bill was passed by the following vote: Ayes, 40—noes, 19:

AYES—Messrs Baechtcl, Blair, Campbell, Chandler, Coleman, Conness, Covarrubias, Curtis, Dougherty, Ford, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Horrell, Hunter, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Munday, O'Brien, Piercy, Powell, Ross, Showalter, Sorrel, Stearns, Tilden, Walden, Wood of Plumas, Wright, and Mr. Speaker—40.

NOES—Messrs. Adams, Amyx, Avery, Banks, Buell, Childs, Clarke, Coltrin, Crocker, Eastman, Flanders, Harriman, Hill, Morgan, Porter, Spence, Tilton, Tittel, and Willey—19.

At fifteen minutes after three o'clock, P. M. on motion of Mr. Tilton the House adjourned.

IN . ASSEMBLY.

HOUSE OF ASSEMBLY,
 Wednesday, February 13th, 1861. }

The House met pursuant to adjournment

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Fargo and Patrick had one day's leave of absence each.

PETITIONS.

Petitions were presented as follows :

By Mr. Morrison, Of Catholic Priest at San Diego for grant and Land,
 and—

By Mr. Kurtz, on same subject.

Referred to Committee on Indian Affairs.

By Mr. Dougherty, Of citizens of Sierra County for new County.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows :

By Mr. Curtis :

MR. SPEAKER:—The Committee on Corporations, to whom was referred Assembly Bill, No. 9, An Act to grant the right to construct a Bridge across Big River in Mendocino County to certain parties therein named—have had the same under consideration, and report the bill back and recommend its passage ;

Also, Assembly Bill, No. 30, An Act to authorize Joseph J. Cloud to construct and maintain a Wharf at Punta Arena, in the County of Mendocino—is reported back, and its passage recommended ;

Also, Assembly Bill, No. 34, An Act to grant the right to construct a Bridge across Albion River, near its mouth, to certain parties therein named—is reported back, and its passage recommended ;

Also, Assembly Bill, No. 32, An Act to grant the right to construct a Bridge across the Nayo River, near its mouth, to certain parties therein named—was amended, and its passage recommended as amended.

N. GREENE CURTIS,
 Chairman.

By Mr. Dougherty :

MR. SPEAKER—Your Committee of Ways and Means, to whom was referred Assembly Bill, No. 11, entitled An Act to repeal certain Acts creating Inspectors of Pork, Beef, and Salt Provisions in this State—have had the same under consideration. A majority of your committee believing the laws sought to be repealed to be founded in wisdom beneficial to the people, and effective for the objects of their creation, beg leave to report the same back and recommend that it do not pass.

JOHN DOUGHERTY,
 Chairman,
 DAN SHOWALTER,
 M. BAECHEL,
 LLOYD MAGRUDER,
 JAS. J. GREEN.

By Mr. Miller, from minority :

MR. SPEAKER :—The undersigned members of the Committee of Ways and Means, to whom was referred Assembly Bill, No. 11, An Act to provide for the repeal of the Laws of eighteen hundred and fifty six, and eighteen hundred and sixty, in relation to the Inspection of Pork, Beef, and Salt Provisions in this State—have had the same under consideration, and concur with a majority of said committee in their report, that this bill do not pass. They believe, however, that the Act amendatory of, and supplemental to, the Act of eighteen hundred and fifty-six, approved March twenty-second, eighteen hundred and sixty, is a burden upon the people of this State, without corresponding benefits, that it should be repealed, and therefore beg leave to submit to the Assembly the accompanying bill as a substitute, and recommend its consideration.

W. C. MILLER,
J. C. EASTMAN,
C. CROCKER.

By Mr. Walden :

MR. SPEAKER :—Your Auditing Committee have examined the copying done on Account of Assembly and find the same as follows :

Purpose.	Folios.	Per Folio.	Amount.
For Assembly.....	2,572	10 cts.	\$257 20

Your committee also recommend the adoption of the following resolution :

Resolved, That the Controllor of State be, and is hereby, authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of two hundred and fifty-seven dollars and twenty cents, payable out of the Copying Fund of the Assembly.

Adopted.

WALDEN,
Chairman.

COMMUNICATION FROM THE SERGEANT-AT-ARMS.

The following communication was received from the Sergeant-at-Arms :

SACRAMENTO, February 13th, 1861.

To the Honorable the Speaker and Members of the Assembly :

I am requested by the Postmaster to state to your honorable body that he has received a communication from Postmaster Weller, by direction of the Post-Office Agent, stating that it is unlawful to write the name of parties sending papers or documents, on the wrapper; and he is directed to stop all papers or documents coming through his office, having anything written on them but the address of the person to whom they may be directed.

M. GRAY,
Sergeant-at-Arms.

Mr. Dent verbally reported a substitute for Assembly Bill, No. 70, An Act to amend an Act entitled An Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, eighteen hundred and fifty-three.

Mr. Conness moved to reconsider the vote by which the House, on

yesterday, adopted Assembly Resolution, No 33, indorsing the Crittenden Compromise, and the positions of Douglas and Breckinridge, introduced by Mr Harris

Motion withdrawn by Mr. Conness, who moved to reconsider the vote by which the House, on yesterday, referred the resolutions offered by Mr. Wood of Plumas, indorsing the Crittenden Compromise, to the Committee on Federal Relations

Mr. Showalter renewed the motion made by Mr. Conness, and which was withdrawn by him.

The motion was ruled out of order by the Speaker.

Mr. O'Brien in the Chair.

From which ruling Mr Showalter appealed

Upon which, Messrs. Showalter, Laspeyre, and Wood of Plumas, demanded the ayes and noes, and the House sustained the Chair by the following vote: Ayes, 40—noes, 32:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Durst, Eastman, Flanders, Ford, Green, Harriman, Henderson, Hill, Hunter, Johnson, Lippincott, Miller, Morgan, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, and Wright—40.

NOES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Covarrubias, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Horrell, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Ross, Scott, Showalter, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—32.

Mr. Laspeyre moved to indefinitely postpone the motion of Mr. Conness to reconsider.

Mr. Conness moved the previous question.

Sustained.

On the motion to indefinitely postpone the motion to reconsider, Messrs. Green, O'Brien, and Conness, demanded the ayes and noes, and the House refused by the following vote: Ayes, 36—noes, 40:

AYES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Covarrubias, Curtis, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Piercy, Ross, Scott, Showalter, Smith of Placer, Sorrel, Walden, White, Wood of Yolo—36.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Durst, Eastman, Flanders, Ford, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, O'Brien, Porter, Powell, Smith of Tulare, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, Wood of Plumas, Wright, and Mr. Speaker—40.

Mr. Laspeyre offered the following amendment:

And that we, the Representatives of California, in Senate and Assembly, indorse the patriotism and wisdom of the Hon John C. Breckinridge and Hon. Stephen A. Douglas, manifested by them in their indorsement of this compromise—and in their condemning the use of Military force to coerce the Southern States, which have seceded, or may secede, from the Federal Union—recommending conciliation and concession rather than war, and compromise rather than disunion.

Mr. Smith of Tulare, offered as a substitute :

And as the sense of the People of the State of California, be it further *Resolved*, That it is the duty of the people of all the States to assist the Federal Government in all its legitimate and Constitutional efforts to execute the Constitutional Laws of Congress.

Mr. Montgomery moved to lay the substitute on the table.

Lost

Mr. Cherry moved to postpone the further consideration of the subject until Tuesday next.

Lost.

SPECIAL ORDER.

Mr. Haun moved to take up the special order of the day—being Resolutions on the State of the Union.

Mr. Conness moved to postpone for one hour.

Upon which, Messrs. Montgomery, Haun, and Hanson, demanded the ayes and noes, and the House refused by the following vote : Ayes, 36—noes, 39 :

AYES—Messrs. Avery, Blair, Briggs, Campbell, Clarke, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Durst, Eastman, Flanders, Ford, Green, Harriman, Hill, Lippincott, Miller, Morgan, Munday, O'Brien, Porter, Powell, Smith of Tulare, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, Wood of Plumas, Wright, and Mr. Speaker—36.

NOES—Messrs. Amyx, Baechtel, Banks, Bradley, Buell, Chandler, Cherry, Childs, Coleman, Covarrubias, Curtis, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Piercy, Ross, Scott, Showalter, Smith of Placer, Sorrel, Walden, White, and Wood of Yolo—39.

Mr. Conness renewed his motion to reconsider the vote by which the House, on yesterday, adopted resolutions indorsing the Crittenden Compromise, and the positions of Douglas and Breckinridge, offered by Mr. Harris.

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

Upon which, Messrs. Sorrell, White, and Spence, demanded the ayes and noes, and the motion to indefinitely postpone prevailed by the following vote : Ayes, 39—noes, 38 :

AYES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Covarrubias, Curtis, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morrison, Piercy, Ross, Scott, Showalter, Smith of Placer, Sorrel, Stearns, Walden, White, Wood of Plumas, and Wood of Yolo—39.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Durst, Eastman, Flanders, Ford, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Morgan, Munday, O'Brien, Porter, Powell, Smith of Tulare, Spence, Tilden, Tilton, Tittel, Walter, Willey, Wright, and Mr. Speaker—38

The consideration of the special order was again resumed; after spending some time thereon, the further consideration was postponed until to-morrow, at one o'clock.

The resolutions offered by Mr. Wood of Plumas, were ordered to be considered, with the Union Resolutions, the special order for to-morrow, at one o'clock.

Mr. Baechtel moved to adjourn

Upon which, Messrs. Showalter, Ross, and Gregory, demanded the ayes and noes, and the House refused by the following vote: Ayes, 6—noes, 40:

AYES—Messrs. Baechtel, Kungle, Smith of Placer, Tilton, Tittel, and Walden—6.

NOES—Messrs. Adams, Avery, Banks, Blair, Bradley, Briggs, Buell, Cherry, Clarke, Coleman, Councilman, Covarrubias, Crocker, Curtis, Durst, Gillette, Green, Hagans, Hanson, Harriman, Harrison, Henderson, Hill, Hunter, Johnson, Magruder, Miller, Montgomery, Morgan, Munday, O'Brien, Porter, Ross, Showalter, Smith of Tulare, Spence, Stearns, White, Wood of Plumas, Wright—40.

Mr. Curtis gave notice of the introduction of a bill for An Act to pay the claim of B. F. Hastings.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ross, for An Act to provide for the Publication of the General Laws in force at the expiration of the Thirteenth Session of the Legislature

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Gordon, for An Act concerning Wild Animals in the County of Marin.

Read first and second times, and placed on file.

By Mr. Blair, for An Act authorizing James P. Sarjeant, the Guardian of Policarpiia Chebollo, a minor, to sell, at private sale, the Lands and Real Estate of said Minor

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

By Mr. Briggs, for An Act to amend Article seven hundred and seventeen, Section one hundred and seven, of the General Act in reference to Courts of Justice.

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

By Mr. Banks, for An Act to amend an Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco, passed May third, eighteen hundred and fifty-two

Read first and second times, and referred to the Committee on Ways and Means;

Also, An Act to repeal an Act entitled An Act amendatory of, and supplemental to, an Act entitled An Act to create Inspectors of Beef, Pork, and Salt Provisions, in this State, approved April twenty-first, eighteen hundred and fifty-six.

Read first and second times, and placed on file.

By Mr. Crocker, for An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Harriman, for An Act making appropriations for the Payment of the Per Diem and Mileage of Presidential Electors.

Read first and second times, and referred to the Committee on Claims.
By Mr. Buell, for An Act to authorize James Camp and James M Fry
to remove certain Remains

Read first and second times, and referred to the Committee on Public
Morals

At half-past two o'clock, P. M on motion of Mr. Gregory, the House
adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 14th, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

The roll was called.

Quorum present.

The journal of yesterday was read and approved.

Messrs Fargo and Percy had one day leave of absence each.

PETITIONS.

Petitions were presented as follows :

By Mr. Ross, Of Citizens of Petaluma for the repeal of City Charter.
Placed on file.

Also, Of Citizens of Mendocino County relative to relinquishment of
State Tax for Road purposes.

Referred to Committee on Roads and Highways.

By Mr. Baechtel, Of the Bar of Mendocino County in relation to County
Judge.

Referred to Judiciary Committee.

REPORTS.

Reports were made as follows :

By Mr. Munday :

MR. SPEAKER :—The Committee on Counties and County Boundaries to
which was referred Assembly Bill, No 39, An Act amendatory of an Act
to amend an Act entitled An Act to amend An Act providing for the per-
manent location of the Seats of Justice of the several Counties, passed
May thirteenth, eighteen hundred and fifty-four, passed February first,
eighteen hundred and fifty-five—has had the same under consideration,
report it back to the House without amendment, and recommend its pas-
sage.

MUNDAY,
Chairman.

By Mr. Ross :

MR. SPEAKER :—The Sonoma Delegation, to whom was referred Assem-
bly Bill, No 97, An Act to provide for the payment of the Fees of Jurors
in the County of Sonoma—have had the same under consideration and re-
port the bill back without amendment, and recommend its passage.

ROSS.

Also—

MR. SPEAKER :—The Sonoma Delegation, to whom was referred Assem-

bly Bill, No 26, An Act to authorize and require the Trustees of the City of Petaluma to call an Election for certain purposes therein named—have had the same under consideration and report the same back without amendment accompanied by a petition, and recommend its passage
ROSS.

The rules were suspended, and Assembly Bill, No. 126, above reported—was considered engrossed, read third time, and passed.

By Mr. Scott:

MR. SPEAKER:—The undersigned member of the Napa Delegation, to whom was referred the bill authorizing the Administrator of the estate of L W Boggs, deceased—beg leave to report the same back without amendment, and recommend its adoption

JOHN B. SCOTT.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. White:

Concurrent Resolution fixing the twentieth of February for Joint Convention for election of United States Senator

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

Upon which, Messrs. Crocker, Buell, and White, demanded the ayes and noes, and the House refused by the following vote: Ayes, 33—noes, 37:

AYES—Messrs. Amyx, Avery, Baechtel, Banks, Bradley, Campbell, Chandler, Cherry, Clarke, Councilman, Crocker, Flanders, Ford, Gillette, Gordon, Gregory, Hanson, Harriman, Haun, Helman, Kungle, Lalor, Magruder, Montgomery, Morgan, Porter, Ross, Scott, Sorrel, Spence, Tilton, Tittel, and Wood of Plumas—33

NOES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Powell, Showalter, Smith of Tulare, Smith of Placer, Stearns, Tilden, Walden, Walter, White, Wright, and Mr. Speaker—37.

Mr. Showalter moved a call of the House.

Sustained.

Messrs. Briggs, Johnson, Laspeyre, and Scott, were absent.

The absentees appeared, were admitted, and excused.

Messrs Briggs and Laspeyre had leave of absence for one hour each.

On motion of Mr. Sorrel, further proceedings under the call were dispensed with.

Mr. Ross moved to amend the resolution by inserting the "twenty-fifth" instead of the "twentieth" of February.

Lost

On the adoption of the resolution, Messrs Tilton, Kungle, and Haun, demanded the ayes and noes, and the resolution was lost by the following vote: Ayes, 34—noes, 39:

AYES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Hornell, Hunter, Lippincott, Miller, Morrison, Munday, O'Brien, Powell, Smith of Tulare, Smith of Placer, Stearns, Tilden, Walter, Wood of Plumas, Wright, and Mr. Speaker—34.

NOES—Messrs Amyx, Avery, Baechtel, Banks, Blair, Bradley, Campbell, Chandler, Cherry, Clark, Councilman, Crocker, Fargo, Flanders, Ford, Gillette, Gordon, Gregory, Hanson, Harriman, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Magruder, Montgomery, Morgan, Porter, Ross, Scott, Showalter, Sorrel, Spence, Tilton, Tittel, Willey, and Wood of Yolo—39

By Mr. Haun :

Resolved, That this Chamber be, and is hereby, tendered to Mr. Pickett on Saturday evening, sixteenth instant, for the purpose of delivering a lecture on revolutions.

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

Carried.

By Mr. Harriman :

Resolved, That a select committee of three be appointed, whose duty it shall be to investigate the matter of the copying for the Assembly, with a view to ascertain if more economy cannot be introduced into that department of our Legislative expenditures, and to report to this House as early as practicable.

Mr. Powell moved to lay on the table.

Lost

Mr. Conness moved to amend by substituting the Committee on Accounts and Expenditures, with instructions to report at their earliest convenience.

Carried.

And the resolution as amended was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Wednesday, February 13th, 1861. }

MR. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 37, An Act to fix the Compensation of the District Attorney of Napa County ;

Also, Senate Bill, No. 57, An Act to appropriate Money for the payment of the Salary of the additional Clerk in the State Land Office ;

Also, Senate Bill, No. 98, An Act to amend an Act entitled An Act to repeal the Act passed March twenty-ninth, eighteen hundred and fifty-one, 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 ;

Also, Assembly Concurrent Resolution, No. 23, Relative to donation of Lands by Congress for Roads, etc. in this State.

DAVID J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 37, above reported—read first and second times, and placed on file.

Senate Bill, No. 57, above reported—read first and second times, and referred to the Committee on Public Lands.

Senate Bill, No. 98, above reported—read first and second times, and referred to the Sacramento Delegation.

The House concurred in Senate amendments to Assembly Concurrent Resolution, No 23, above reported.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Baechtel, for An Act to amend Section third of An Act, approved April nineteenth, eighteen hundred and fifty-nine, in reference to a Wagon Road from Cloverdale to Yreka

Mr. Munday gave notice that he would on to-morrow move to amend the first standing rule of the House.

By Mr. Kurtz, for An Act to amend the Criminal Practice Act of this State.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Curtis, for An Act to pay the Claim of B. F. Hastings.

Read first and second times, and referred to the Committee on Claims.

By Mr. Hagans, for An Act for the relief of John Bell for services rendered in the Humboldt and Klamath Indian War

Read first and second times, and referred to the Committee on Claims.

GENERAL FILE.

Senate Bill, No. 20, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the formation of Corporations for certain purposes, and the Acts amendatory of and supplementary thereto—made special order for Thursday, twenty first February, at one o'clock, and ordered printed.

SPECIAL ORDER

Assembly Concurrent Resolutions, On the State of the Union, the special order of the day—was taken up, considered for some time, and postponed until to-morrow at one o'clock, P. M.

At half past three o'clock, P. M. on motion of Mr. Crocker, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 15th, 1861 }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

REPORTS.

Reports were made as follows:

By Mr. Blair :

Mr. SPEAKER:—The Committee on Education, to whom was referred Assembly Bill, No. 101, entitled An Act to amend An Act defining the duties of State Librarian—hereby return the same, and recommend that it do not pass; because, your committee can see no reason why Notaries Public should have the use of the Library more than county and other

officers residing at Sacramento, and to give them such use would be making a bad precedent.

BLAIR,
Chairman.

By Mr. Briggs:

Mr. SPEAKER:—The Committee on Public Morals, to whom was referred Assembly Bill, No. 127, entitled An Act to authorize James Camp and James M. Fry to remove certain Remains—have had the matter under consideration, and deem the action asked, to be just and proper, they therefore report the bill back, and respectfully recommend its passage.

BRIGGS,
Chairman.

By Mr. Tilton:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 91, An Act to authorize the Board of Supervisors of the City and County of San Francisco, to modify the Grade of certain Streets, in said City and County;

Also, Assembly Concurrent Resolution, Relative to appropriations for certain Mail-Routes.

TILTON,
Chairman.

A communication was received from the Governor, relative to the return of the Quartermaster-General; and also, as to the number of Arms, Accouterments, and muniments of War, received from the Federal Government.

Referred to the Committee on Military Affairs.

[For Communication, see Appendix]

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Wood of Plumas:

Concurrent Resolution, Relative to appropriation for Improvement of Roads.

Referred to Delegation from Plumas and Butte Counties.

By Mr. Horrell:

Concurrent Resolution, fixing February twentieth, eighteen hundred and sixty one, as the time for a Joint Convention.

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

Upon which, Messrs Horrell, Haun, and White, demanded the ayes and noes, and the House refused by the following vote: Ayes, 37—noes, 40:

AYES—Messrs Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Ford, Gillette, Gordon, Hanson, Harriman, Haun, Holman, Johnson, Kungle, Kurtz, Lator, Laspeyre, Magruder, Montgomery, Morgan, Porter, Ross, Scott, Spence, Tilton, Tittel, and Willey—37.

NOES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Gregory, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Lippincott, Miller, Morrison,

Munday, O'Brien, Piercy, Powell, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Stearns, Tilden, Walden, Walter, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—40.

On the adoption of the resolution, Messrs. Sorrel, Wood of Yolo, and Foster, demanded the ayes and noes, and it was lost by the following vote: Ayes, 36—noes, 41:

AYES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Lippincott, Miller, Morrison, Munday, O'Brien, Piercy, Powell, Smith of Tulare, Smith of Placer, Stearns, Tilden, Walden, Walter, White, Wood of Plumas, Wright, and Mr. Speaker—36.

NOES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Ford, Gillette, Gordon, Gregory, Hanson, Harriman, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Porter, Ross, Scott, Showalter, Sorrel, Spence, Tilton, Tittel, Willey, and Wood of Yolo—41.

Mr. Munday, pursuant to previous notice, offered the following amendment to the First Standing Rule of the House:

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

Referred to the Committee on Public Morals.

On motion of Mr. Morrison the vote by which Assembly Bill, No. 89, An Act to regulate Fees in Office, in the County of Los Angeles, was passed, was reconsidered, and the bill was recommitted to the Los Angeles Delegation.

By Mr. Conness:

Resolved, By the Assembly, the Senate concurring, that the Legislature adjourn *sine die*, on Friday, April fifth, eighteen hundred and sixty-one, at twelve o'clock, M.

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

Upon which, Messrs. Conness, Gregory and Crocker, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 41—noes, 34:

AYES—Messrs. Adams, Amyx, Baechtel, Banks, Briggs, Chandler, Cherry, Childs, Clarke, Coleman, Councilman, Fargo, Flanders, Gordon, Green, Harriman, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Johnson, Kungle, Kurtz, Lippincott, Magruder, Montgomery, Munday, O'Brien, Porter, Powell, Ross, Showalter, Stearns, Tilton, Tittel, Walden, and White—41.

NOES—Messrs. Avery, Blair, Bradley, Buell, Coltrin, Conness, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Ford, Foster, Gillette, Gregory, Hagans, Hanson, Hunter, Miller, Morgan, Morrison, Piercy, Scott, Smith of Placer, Sorrel, Spence, Tilden, Walter, Willey, Wood of Plumas, Wood of Yolo, and Mr. Speaker—34.

Mr. Briggs gave notice of the introduction of a bill, for An Act to define and punish Adultery, Seduction, and Fornication.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Kurtz, for An Act to amend the Criminal Practice Act of this State.

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

By Mr. Gillette, for An Act to create the County of Esmeralda, to define its Boundaries, and provide for its Organization.

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

By Mr. Kungle, for An Act to provide for a Convention to revise the Constitution of this State.

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

By Mr. Fargo, for An Act to enable a Minor therein named, to convey certain Property

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

Also, for An Act to provide for the collection of Delinquent Taxes in the City of Oakland.

Read first and second times, and referred to the Alameda Delegation.

Also, for An Act amendatory of, and supplementary to, an Act entitled An Act to Incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.

Read first and second times, and referred to the Alameda Delegation.

By Mr. Crocker, for An Act prescribing a certain duty of the Auditor of the City and County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Scott, for An Act concerning the Offices of County Recorder and County Auditor, in the County of Napa.

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

GENERAL FILE.

Assembly Bill, No. 99, An Act to amend An Act to extend the time for collecting Taxes in the County of Plumas—rules suspended, considered engrossed, read third time, and passed

Senate Bill, No. 32, An Act to pay for Volumes Fourteen and Fifteen, of the Reports of the Supreme Court of the State of California—considered in Committee of the Whole, read third time, and passed

Senate Bill, No. 34, An Act to amend an Act entitled An Act prescribing the Duties of Constables, passed April nineteenth, eighteen hundred and fifty—amendments adopted, bill read third time, and passed

Assembly Bill, No. 55, An Act for the Relief of J. H. Stewart, late Deputy District Attorney of the City and County of Sacramento—amendments adopted, rules suspended, considered engrossed, and read third time.

On its passage, Messrs Crocker, Scott, and Adams, demanded the ayes and noes, and the bill was passed by the following vote: Ayes, 35—noes, 20:

AYES—Messrs Amyx, Avery, Baechtel, Bradley, Campbell, Chandler, Childs, Coleman, Covarrubias, Curtis, Gillette, Green, Gregory, Henderson, Horrell, Hunter, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Montgomery, Morrison, Munday, O'Brien, Powell, Ross, Scott, Showalter, Smith of Tulare, Spence, Walden, White, Wood of Plumas, and Wright—35.

NOES—Messrs. Adams, Banks, Blair, Briggs, Buell, Clarke, Coltrin, Councilman, Crocker, Flanders, Ford, Harriman, Holman, Kungle, Miller, Morgan, Smith of Placer, Tilden, Tittel, and Willey—20.

SPECIAL ORDER.

Concurrent Resolutions, On the State of the Union—the special order for this day, were taken up, considered, and the further consideration postponed until to-morrow, at one o'clock, P. M.

At half past two o'clock, P. M. on motion of Mr. Dougherty, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 16th, 1861 }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present

Journal of yesterday read and approved.

Mr Montgomery had leave of absence for two days, and Mr. Smith of Placer, for one day.

Mr Baechtel presented a petition Of citizins of Mendocino for change of route of Road.

Referred to the Committee on Roads and Highways.

REPORTS.

Reports were made as follows:

By Mr. O'Brien:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts having had under consideration sundry bills for Newspapers, etc. beg leave to report that they have acted upon them, amended some, report them correct as amended, and recommend their payment out of the Contingent Fund of the Assembly, viz:

Purpose.	Amount
Account of San Francisco Monitor, for thirty-five copies of said paper furnished members of the Assembly for the Session, at three dollars per copy.....	\$105 00
Account of San Joaquin Republican, for nineteen copies of said paper furnished members of the Assembly, from January 7th, to February 4th, 1861	38 50
Account of San Francisco Mercury, for seven copies of said paper furnished members of the Assembly, for the Session.....	21 00
Account of Scientific Press and Mining Advocate, for one copy of said paper furnished a member of the Assembly, for Session, at three dollars	3 00
Account of C. Rave, for Keys and Locks furnished the Sergeant-at-Arms for the use of the Assembly, and for repairing Desks, Locks, etc....	20 00
Total.....	\$187 50

All of which is respectfully submitted.

Adopted.

By Mr Tilton :

THOS. O'BRIEN,
Chairman

MR. SPEAKER.—Your special Committee on Change of Names, to whom was referred Assembly Bill, No. 76, An Act to change the name of Sullivan Milton Farrer to Sullivan Milton Farren ;

Also, Assembly Bill, No 94, An Act to change the name of Moses Moses to Moses Mayers—have had the same under consideration and report them back, and recommend their passage.

TILTON,
HENDERSON,
HARRISON.
Committee.

Mr Wood of Plumas verbally reported and recommended the adoption of Assembly Concurrent Resolution, No. 34, Asking an appropriation by Congress for continuing the Honey Lake Road.

Mr Morrison verbally reported and recommended the passage of Assembly Bill, No 112, An Act to legalize the Assessment Roll and extend the time for the collection of Taxes in the County of Los Angeles.

Rules suspended, bill considered engrossed, read a third time, and passed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 15th, 1861.

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Substitute for Assembly Bill, No. 62, An Act to authorize and empower A. W. McPherson and others to construct and maintain Booms on certain Rivers in the County of Mendocino ;

Also, Assembly Bill, No. 87, An Act extending the time for the completing of a Contract made under an Act entitled An Act to provide for the opening of a Channel across the Bar at the mouth of the San Antonio Creek, passed April tenth, eighteen hundred and sixty.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 14th, 1861.

To the Honorable the Assembly of California :

I herewith return Assembly Bill, No. 58, entitled An Act to fix the Compensation of the County Judge of Calaveras County, with the following objections thereto :

The County Judge of Calaveras County was elected at the last General Election. His compensation is fixed by law at twenty-five hundred dollars per annum. Article six, section fifteen, of the State Constitution, in relation to County Judges, says : "The County Judges shall also severally, at stated times, receive for their services a compensation to be paid out of the county treasury of their respective counties, which shall not be increased or diminished during the term for which they shall have been elected."

It appears to me that the proposed increase of salary in this bill comes within the meaning and spirit of the clause referred to; and whether the object was to diminish or increase the salary it would be equally objectionable. The framers of our Constitution desired to protect the judiciary and maintain its complete independence of the popular branch of the government, and therefore provided, and wisely too, that after their election their compensation could not be touched during the term for which they were elected.

The County Judge of Calaveras County was fully aware, at the time he offered himself as a candidate for the suffrages of the electors of Calaveras County for the office of County Judge, of the compensation fixed by law for the office. He accepted it, and is bound, by implied contract with the people, to be satisfied with the salary as it then stood. If there were no constitutional objections this latter reason would be sufficient for me to withhold from it my approval.

JOHN G. DOWNEY,
Governor.

On the question, Shall the bill pass notwithstanding the objections of the Governor, the roll was called with following result: Ayes, none—Noes, 69:

AYES—None.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Chandler, Cherry, Childs, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Henderson, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Magruder, Miller, Morgan, Morrison, Munday, Piercy, Porter, Powell, Ross, Scott, Showalter, Smith of Tulare, Sorrel, Spence, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—69.

MESSAGE FROM THE SENATE.

The following message were received from the Senate:

SENATE CHAMBER,
Friday, February 15th, 1861. }

MR. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 110, An Act to authorize the Administrator of the estate of H. Meredith, deceased, to sell Real Estate at public or private sale;

Also, have concurred in Assembly Concurrent Resolution, No. 4, Relative to the establishment of a Semi-Weekly Mail-Route from San Luis Obispo to Visalia.

D. J. WILLIAMSON,
Assistant Secretary.

The rules were suspended, and Senate Bill, No. 110, above reported—read three times, and passed.

Mr. Horrell gave notice of the introduction of a bill for An Act enabling poor Persons to sue without paying costs.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Banks, for An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for the payment of the expenses of Surveying the Harbor of San Francisco.

Read first and second times, and referred to the San Francisco Delegation

By Mr. Briggs, for An Act to define and punish Adultery, Seduction, and Fornication.

Read first and second times, and referred to the Committee on Public Morals.

GENERAL FILE.

Assembly Bill, No. 134, An Act to repeal an Act entitled An Act amendatory of, and supplemental to, an Act entitled An Act to create Inspectors of Beef, Pork, and Salt Provisions, in this State, approved March, twenty-second, eighteen hundred and sixty, and amendatory of an Act entitled An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State, passed April twenty-first, eighteen hundred and fifty-six.

Mr. Showalter moved to indefinitely postpone the bill.

On motion of Mr. Sorrel, the bill was made the special order for Tuesday next at twelve o'clock, m.

Mr. Lalor made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed Assembly Bill, No. 55, An Act for the relief of J. H. Stewart, lato Deputy District Attorney for the City and County of Sacramento.

E. LALOR,
Chairman.

SPECIAL ORDER.

Assembly Concurrent Resolutions, On the State of the Union, the special order of the day—were taken up, and made special order for Monday at one o'clock, p. m.

At forty-five minutes past two o'clock, p. m. on motion of Mr. Dougherty, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 18th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday last read and approved.

Mr. Walden made the following report:

MR. SPEAKER:—Your Committee to whom was referred Assembly Bill, No. 129, entitled An Act appropriating Money for the payment of the Per Diem and Mileage of Presidential Electors—have had the same under consideration and report it back without amendment, and recommend its passage.

WALDEN,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Tittel :

Concurrent Resolution declaring the Office of Quartermaster and Adjutant-General vacant.

Referred to the Military Committee.

By Mr. Morrison :

Resolved, That the Speaker be, and he is hereby, authorized to appoint a Porter to take charge of the Door, and to take charge of the Gallery.

Laid on the table.

NOTICES.

Notices of the introduction of bills were given as follows :

By Mr. Banks, for an amendment to the fifty-seventh Standing Rule of the Assembly.

By Mr. Harriman, for An Act to amend Section Two Hundred and Thirty-six of An Act to regulate proceedings in Civil Cases, approved April twentieth, eighteen hundred and fifty-one.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Ross, for An Act to amend An Act concerning Forcible Entries and Unlawful Detainers.

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

By Mr. Councilman, for An Act concerning Mining Companies in this State.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

By Mr. Baechtel, for An Act to amend An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said Counties for the year eighteen hundred and fifty-nine, and for the year eighteen hundred and sixty, to be applied to the construction of a Wagon Road from Cloverdale to Yreka, approved April nineteenth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Bradley, for An Act concerning Agricultural Societies.

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

By Mr. Cherry, for An Act to define the Duties and Liabilities of Pawnbrokers and Pledges.

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

Mr. Morrison verbally reported Assembly Bill, No. 89, An Act to regulate Fees in Office in the County of Los Angeles with amendment.

Amendment adopted, bill read third time, and passed.

Mr. Amyx made the following report :

MR. SPEAKER :—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 71, An Act to make certain Offices in the County of Tuolumne County salaried Offices ;

Also, Assembly Bill, No. 72 An Act to provide a Fund for the redemption of, and prescribing the manner of, redeeming the Outstanding County Warrants drawn upon the Treasury of Tuolumne County, and

further provide for the payment of all current expenses of said Tuolumne County in Cash.

AMYX,
For the Committee.

GENERAL FILE.

Assembly Bill, No. 95, An Act to provide for the better maintenance of the Indigent Sick of the County of Nevada ;

Also, Assembly Bill, No. 77, An Act fixing the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Calaveras, and the manner of summoning Jurors for the County Court of said County ;

Also, Assembly Bill, No. 78, An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved January fourth, eighteen hundred and fifty-seven, and to extend its provisions to Tulare County ;

Also, Assembly Bill, No. 27, An Act concerning the Infant Heirs and Devisees of Bernardo Yorba, deceased—were taken up, the rules suspended, considered engrossed, read third time, and passed

Assembly Bill, No. 86, An Act to amend an Act entitled An Act concerning the Office of Reporter, passed April thirteenth, eighteen hundred and fifty, and other Acts amendatory thereto—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 80, An Act to amend an Act entitled An Act to provide Revenue for the Government of the State, approved April thirtieth, eighteen hundred and sixty—recommitted to the Judiciary Committee.

Assembly Bill, No. 36, An Act to grant certain parties therein named the right to lay a Railroad Track along certain Streets in the City of Sacramento—amendments adopted, read third time and passed.

Reconsidered and made special order for February twenty-third eighteen hundred and sixty-one, at twelve o'clock, M.

Assembly Bill, No. 110, An Act granting the right to lay a Railroad Track through certain Streets in the City of Sacramento and to use and maintain the same—was made special order for February twenty-third, at twelve o'clock, M.

Senate Bill, No. 83, An Act declaring the Salinas River navigable ;

Also, Assembly Bill, No. 73, An Act to extend the time to the City of Petaluma, or Assigns, to improve the navigation of Petaluma Creek ;

Also, Assembly Bill, No. 61, An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou, approved February twenty-second, eighteen hundred and sixty ;

Also, Assembly Bill, No. 21, An Act to amend an Act entitled An Act to regulate the settlement of the estates of Deceased Persons, approved May first, eighteen hundred and fifty-one—were read third time, and passed.

Assembly Bill, No. 69, An Act to repeal An Act herein named—title amended, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 84, An Act to provide for the Recordation of a certain Deed, and to make the same Notice and Evidence—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

SPECIAL ORDER.

Assembly Concurrent Resolutions, On the State of the Union—after be-

ing considered for some time, were made the special order for February nineteenth, at one o'clock, P. M.

At half past two o'clock, P. M. on motion of Mr. Smith of Tulare, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 19th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present

Journal of yesterday read and approved.

Mr. Councilman had one day leave of absence.

REPORTS.

Reports were made as follows:

By Mr. Smith of Tulare:

MR. SPEAKER:—The Committee on Public Lands, to whom was referred Senate Bill, No. 57—having had the same under consideration, report it back and recommend its passage

SMITH of Tulare,
Chairman.

Mr. Fargo verbally reported, and recommended the passage of Assembly Bill, No. 138, An Act amendatory of, and supplementary to, an Act entitled An Act to Incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four;

Also. Assembly Bill, No. 139, An Act to provide for the collection of Delinquent Taxes in the City of Oakland

By Mr. Hanson:

MR. SPEAKER:—The Butte and Yuba delegations, to whom was referred Assembly Bill, No. 118, An Act amendatory of an Act entitled An Act amendatory of, and supplemental to, An Act to Establish, Support, and Regulate, Common Schools, and to amend the twenty-first clause of Section Sixteen, of acts concerning the same, approved April twenty-eighth, eighteen hundred and sixty—have had the same under consideration, report it back with a substitute, and recommend the passage of the substitute.

JAMES H. HANSON,
For Yuba Delegation.
P. HARRIS,
Butte Delegation.
WILLIAM P. TILDEN.

The following resolution was offered by Mr. Banks:

Resolved, That the Committee on Buildings and Grounds be, and they are hereby, instructed, to inquire into, and report upon, the condition of the Furnace by which this House is supplied with Hot Air.

Adopted.

Mr Wood of Yolo, gave notice of a Bill for An Act to locate the County Seat of Yolo.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. White, for An Act to amend an Act entitled An Act fixing the time for holding the Courts of Sessions and County Courts, in the County of Shasta, and to change the manner of summoning Juries for the County Court of said County, approved March eighteenth, eighteen hundred and fifty-nine.

Read first and second times, and placed on file.

By Mr. Fargo, for An Act amendatory of, and supplementary to, an Act entitled An Act supplementary to An Act to provide for the Outstanding Debt of the City of Oakland, and to prevent the creation of new Debts by said City

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

By Mr. Holman, for An Act to appropriate Money to pay for services rendered, under the Act creating the State Land Office, approved April tenth, eighteen hundred and fifty-eight, in the segregation of certain Swamp Lands of this State.

Read first and second times, and referred to the Committee on Claims.

By Mr. Horrell, for An Act to enable Poor Persons to sue without paying Costs

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

By Mr. Smith of Tulare, for An Act amendatory of an Act to amend An Act concerning the Office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four, passed March twenty-sixth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Haun, for An Act to amend an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty.

Read first and second times, and referred to the Yuba Delegation.

By Mr. Flanders, for An Act to provide for Street Railroads within the City and County of San Francisco

Read first and second times, and referred to the San Francisco Delegation

By Mr. Banks, for An Act to Prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Monday, February 18th, 1861. }

MR. SPEAKER:—The Senate, on this day, passed Senate Bill, No. 83, An Act making an appropriation for Deficiencies for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one;

Also, Senate Bill, No. 82, An Act authorizing the Mayor and Common Council of the City of Marysville, to provide certain Moneys for the

Agricultural, Horticultural, and Mechanics' Society, of the Northern District of California.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 83, above reported—read first and second times, considered in Committee of the Whole, read third time, and passed

Senate Bill, No. 82, above reported—read first and second times, and placed on file.

SENATE CHAMBER,
Tuesday, February 19th, 1861 }

MR. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 18, An Act to provide a Commission to co-operate with one appointed on behalf of the United States, to ascertain, and mark a portion of the Eastern Boundary Line of this State;

Also, Assembly Bill, No. 81, An Act to legalize a Survey of the City of Petaluma;

Also, Senate Bill, No. 71, An Act for the Relief of John T. Carey, Treasurer of Klamath County;

Also, Senate Bill, No. 77, An Act to change the Name of Andreas Christian Michelson, to William Smith;

Also, Senate Bill, No. 106, An Act to amend an Act entitled An Act amendatory of, and supplemental to, An Act to Establish, Support, and Regulate, Common Schools, and repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty;

Also, have concurred in Assembly amendment to Senate Bill, No. 34, An Act to amend an Act entitled An Act prescribing the Duties of Constables, passed April nineteenth, eighteen hundred and fifty;

Also, passed Assembly Bill, No. 99, An Act to amend An Act to extend the time for collecting Taxes in the County of Plumas

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 18, above reported—read first and second times, and referred to special committee, consisting of Messrs Lippincott, Fargo, Ross, Wright, and Green

Senate Bill, No. 71, above reported—read first and second times, and referred to the Committee on Claims;

Senate Bill, No. 77, above reported—read first and second times, rules suspended, read third time, and passed.

Senate Bill, No. 106, above reported—read first and second times, and referred to the Committee on Education.

SPECIAL ORDER.

Assembly Bill, No. 11, An Act to repeal certain Acts creating Inspectors of Pork, Beef, and Salt Provisions, in this State—and the substitute therefor, the special order of the day, were taken up, and made the special order for February twentieth, eighteen hundred and sixty-one, at one o'clock, P. M.

Assembly Concurrent Resolutions On the State of the Union, also special order of the day, were taken up, considered, and made special order for February twentieth, at half past twelve o'clock

On motion of Mr. Conness, at two o'clock, P. M. the house adjourned

IN ASSEMBLY.

HOUSE OF ASSEMBLY.

Wednesday, February 20th, 1861 }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called

Quorum present.

Journal of yesterday read and approved.

REPORTS.

Reports were made as follows :

Mr. HANN verbally reported and recommended the passage of Assembly Bill, No. 159, An Act to amend an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty.

By Mr. Blair :

MR. SPEAKER:—Your Committee on Education, to whom was referred Senate Bill, No. 116, entitled An Act amendatory of, and supplementary to, An Act to establish, support and regulate Common Schools, etc etc. to examine and give certificates to Teachers on appeal from County Superintendents—have had the same under consideration and report it back without amendments, and recommend its passage

BLAIR,

Chairman.

The rules were suspended, and the bill, above reported—read third time, and passed.

By Mr. Powell :

MR. SPEAKER:—The Committee on Public Buildings, to whom was referred Assembly Resolution, instructing inquiry as to the condition of the furnace in the basement of the capitol, have had the same under consideration, and beg leave to report that they have examined said furnace with the aid of an expert, and that they are informed, and believe, that the difficulty complained of is owing to apertures or cracks in the surrounding wall, and would therefore recommend the passage of the following resolution :

Resolved, That the Sergeant-at-Arms of the Assembly be authorized to employ a suitable Mason to repair the same, and that said service be paid for out of the Contingent Fund of the Assembly.

POWELL,

Chairman.

The resolution above reported was adopted.

By Mr. Morrison :

MR. SPEAKER:—The Special Committee appointed to examine into the growth, culture, and improvement, of the grape-vine in California, beg leave to make the following report :

“To sit down under our own vine and fig-tree with no one to make us afraid,” is the most ancient and sacred idea of a life of security, contentment, and peace.

If there is any part of this globe where this picture of worldly happi-

ness can and will be realized, ere long, it is here in our land. Well did the good and wise framers of our admirable State Constitution adopt the motto of "Eureka."

Yes, *we have found it*, the land of the vine and the fig, the olive, and the orange, the apple, and the peach, and of every variety of tree, fruit, and flower, of wheat, of corn, and barley—the land flowing with milk and honey.

Before the acquisition of California, the pious missionaries, who had effected a spiritual conquest over the miserable barbarians, introduced the grape, and taught its culture to the reduced natives. Each mission had its vineyard and orchard. Some of these vineyards of considerable extent were planted, and extensive dams and canals built for the purposes of irrigation. Some of these works, now in ruins, considering the then limited resources of labor and capital, challenge admiration for their extent, and the ability shown in their design and execution. From San Diego to Sonoma, though these works, and many of their buildings, have fallen to ruin, yet many of the vineyards planted by them yet remain as monuments of their usefulness. From these vines, and from the vineyards planted at the pueblo of Los Angeles, and a few others, planted many years ago, we have derived most of our best wines. All these vineyards were planted, it is believed, with the same variety of grape, though the fruit is somewhat modified and changed in size and flavor, by the various changes of soil, locality, and culture; and the wine from them and the other causes of difference of treatment of the expressed juice, in the manufacture of wine, will account for the numerous varieties, and great difference in the wines. The old Spanish fathers, it is said, understood the art of making good wine, and also knew how to dispense it hospitably to their visitors; but these have long passed away, and with the frequent revolutions, the culture of the vine and manufacture of wine was neglected and almost abandoned. For several years after the acquisition of California, such was the universal rush after gold, that the peaceful art of agriculture was almost lost sight of. But three or four persons seemed to have kept a watchful eye upon the vine-growing interest of California. Vigne and Wolfskill, in Los Angeles, and a few others, could not be drawn away from under their vine and fig-tree, by all the wonderful stories of the rich placers. These have been followed by Sanseverines, and Frohling, Keller, Hoover, White, Wilson, and others, bringing with them capital and science.

In San José and Sonoma, Delmas and Haraszthy, and others, have demonstrated the fact that the northern are as well suited to the vine as the southern countries. But, another and most important fact has been established by some few of the enterprising citizens of the Sierra Madre counties. At the late District and State fairs we have seen exhibited beautiful bunches of the well known American varieties, and all the foreign varieties which are cultivated in England and the Eastern States, for the table, under glass, numbering not less than one hundred. Many of these have fruited for the first time last season, and many new varieties will fruit the ensuing season, for the first time. Wherever the vine has been planted beyond the reach of the cold winds and fog of the sea coast, it has taken root and flourished astonishingly well. In the dry valleys of the Sacramento and San Joaquin, irrigation has been found necessary, but upon reaching the timbered foot-hills of the mountains, and extending up to an altitude of about twenty-five hundred feet above the level of the sea, from every experiment thus far made we are convinced the vine will flourish.

When we consider the fact that in these hills, that experience has proved that no irrigation is necessary if *rooted* vines are planted, and that the growth of the vine is vigorous, and the fruit abundant, and the wine, judging from the few specimens made, promises to be of a surpassing excellence, we might well inquire more closely into this most important matter.

France, now one of the greatest nations of the earth, with its population of thirty-five millions, with an area of two hundred thousand square miles, has been called *one vast vineyard*. It taxes our credulity to believe that over five millions of acres are planted in vines, and that they produce wines and brandies annually of the home value of one hundred and sixty millions of dollars, and that the government derives a revenue by severe taxation upon this branch of agricultural produce of about thirty-two millions of dollars per annum—yet such is the fact. But we should be still more surprised when we consider that this home valuation is about one-fourth only of the foreign price, and that about one-half of this vast crop is sent abroad to be sold to the consumer for four times its home valuation, which would amount to about three hundred and twenty millions of dollars, one-half of which, it may be safely estimated, is returned to the French people. Thus we see that they consume at home one-half of their crop, and get for the other half a return of about one hundred and sixty millions of dollars annually. The foreign consumer is made to pay a price sufficient to pay the home valuation and heavy taxes, as well as the large profits of the French merchants and carriers. About one-fourth of the entire vast revenue of France is derived from this one source. We should also consider that this is not all the profit made by the French out of her foreign consumers of her wines and brandies. She manufactures and exports annually a vast quantity of spurious liquors—many of them made from our cheap whisky—which she largely imports for this purpose, and they are fraudulently palmed off upon the uninitiated consumer for genuine articles. We have no means to ascertain the exact quantity so made and sent abroad; but we may safely put the amount down at about one-half of the genuine. This would give the people a further revenue from abroad of about eighty millions of dollars, annually, which foots up the immense sum of two hundred and twenty millions of dollars as her annual revenue from abroad from this one product alone. It would be an interesting fact to publish, if one possessed it, the amount of gold drawn from our soil never more to be returned, by the French wine and liquor merchants. We may venture the assertion, that since eighteen hundred and forty-nine, the people of California have paid, and the gold has gone into the public and private coffers of France enough to build the Atlantic and Pacific Railroad, to say nothing of the thousands of lives destroyed by the drinking of such as were unhealthy and poisonous.

In the Atlantic States after about half a century of experiments in the culture of the foreign grape, by practical vine-growers who knew the art, and of wine merchants who had the capital, their efforts have met with signal success. In no part of those States is the climate adapted to the vineyard culture of the foreign grape; there were, however, two men who believed that good wine could be made there. Maj. Adlum, of Georgetown, District of Columbia, was the pioneer, and he was ably succeeded by Mr. Longworth, of Cincinnati, Ohio. Adlum made the first wine from the Catawba grape about thirty years ago; his vineyard was small and he made but little wine; yet he felt the importance of this great interest, and said before he died that in introducing this grape to the public atten-

tion, he had done more for the benefit of the country than if he had paid off our then existing national debt. To this sentiment we subscribe.

Longworth with his large fortune has demonstrated the truth of Major Adlum's saying. Ten years ago there were within twenty miles of Cincinnati seven hundred and forty three acres in vines, belonging to two hundred and sixty-four proprietors and tenants, of which Longworth owned one hundred and twenty-two acres. In eighteen hundred and forty eight, each acre yielded three hundred gallons, but this was considered very large; the next year, the worst ever known, the yield was only one hundred gallons per acre. One vineyard there, of two acres only, has yielded thirteen hundred gallons in a season. New Catawba wine brings seventy-five cents per gallon; when ready for sale it readily commands one dollar and twenty-five cents per gallon. Longworth has made from the Catawba grape, after many years of undaunted efforts, backed by the most liberal expenditures, a sparkling wine that has already awakened surprise among the best wine judges abroad. At home many have learned its great excellence, as compared with the foreign sparkling wines. The Roman poets have immortalized the Falernian, and so has the Catawba been immortalized by our great Longfellow, who sings:

"There grows no vine
By the haunted Rhine
By Danube or Guadalquivir,
Not an island or cape,
That bears such a grape
As grows by the beautiful river.
Very good in their way
Are the Verzeney,
And the Silvery-soft and creamy,
But Catawba wine
Has a taste divine,
More dulcet, delicious, and dreamy."

The Isabella, another American grape, it is believed, produces a delicious wine, under the able superintendence of Longworth. These wines command a ready market at very handsome profits, and the cellars of Mr. Longworth contain about one million of bottles, with other stock. This at the home valuation may be estimated at about one million of dollars. If this splendid result can be accomplished by one citizen of Ohio, under many disadvantages, what may not the enterprise of our citizens accomplish with our incomparable soil and climate.

These vineyards, however, require to be trenched two or three feet deep; this is a heavy expense which is wholly unnecessary, and costs more than the land, fencing and plowing, would cost in California. In some localities in the valleys it would be necessary to irrigate, but in the timbered hills of the Sierra Nevada and the Coast Range, at an elevation of about six hundred feet above the plains, this is not required.

In eighteen hundred and fifty-seven, the Commissioner of Patents, sensible of the importance of the subject upon which we report, employed an intelligent agent, H. C. Williams, Esq. to make a thorough experiment with the native grape of Arkansas and Texas, and test their merits for wine and table use, and to collect cuttings of the vines, and to forward them. The result of this gentleman's agency will be found in the Patent Office Report of eighteen hundred and fifty-nine. He designates the varieties of the cuttings sent by him, as the Mountain, Red River, Washita, and Mustang. The Washita has been taken to France and has established a high reputation. Mr. Williams says that he was assured by a very intelligent gentleman of the town of Ozark, who came from the

Rhine, and was acquainted with the grapes grown in the wine countries of Europe, that he did not believe a finer grape than the Washita could be found in the United States or Europe. The Mustang he describes as in its vine resembling the Muscadine, and that it is a great runner, reaching the tops of the tallest trees, and a profuse bearer. That in some portions of Texas it is multiplied to an extent almost incredible, and that he hazards nothing in saying that if all the Mustang grapes were made into wine, and sold at one dollar a gallon, the product would greatly exceed the value of the cotton crop. The next year, eighteen hundred and fifty-eight, Mr. Williams was sent by that department to the Paso del Norte, in Chihuahua. At Albuquerque he learned that the grape was extensively cultivated, and that the first generation of vines attained from Paso del Norte yielded inferior fruit, but the second generation of vines from the same source, produced fruit equal to the vines three hundred miles to the south.

Major Emory, in his able Report on the Mexican Boundary Survey, says: "Southern California, the whole of the upper valley of the Gila, and the upper valley of the Del Norte, as far down as the Presidio del Norte, are eminently adapted to the cultivation of the grape. In no part of the world does this luscious fruit flourish with greater luxuriance than in these regions, when properly cultivated. Those versed in the cultivation of the vine, represent that all the conditions of soil, humidity, and temperature, are united in these regions, to produce the grape in the greatest perfection."

Dr. Jackson of Boston, has contributed very valuable articles upon the chemical properties of thirty-eight varieties of native American grapes, which show the fact that our fellow-citizens of the Atlantic States are wide awake to their interests in this matter. The presence of tartaric acid in the grape is necessary to the successful manufacture of wine; and the great desideratum seems to be to procure such grapes as yield an abundant supply of this acid with enough of sugar. The scientific tests of Dr. Jackson, establish the fact that many of these native American grapes contain all the essential properties of a good wine grape. These contributions to science will be found in the Patent Office Report of eighteen hundred and fifty-nine—the most valuable ever issued. In the same volume there is also an able paper on grapes, read before the "Aiken Vine-Growing and Horticultural Association," by H. W. Ravenel of South Carolina. He divides the American grape, east of the Mississippi, into four species—the Fox, the Summer, the Frost, and the Mustang—and he says that from one or the other of these four species, are descended all our indigenous varieties; and that of these, there are now upwards of one hundred in cultivation in the United States, many of which will prove valuable either for the table or wine making.

We are not aware that any attempt has been yet made to collect and classify the many varieties of wild grape in California. If the people, through their agents, the Legislature, do not soon take some steps towards attaining some knowledge of the indigenous grape of California, and its value for wine purposes, private enterprise certainly will. We have been informed by a gentleman occupying a very high official position in California, that there is now growing a wild grape in the county of Los Angeles, near the San Gabriel River, of surpassing excellence for wine purposes, and that it is gathered extensively by the wine makers in the neighborhood, to give flavor and value to the wine made from the common Mission Grape, the only species found in their vineyards. At the Annual Exhibition of the California State Agricultural Society, in

eighteen hundred and fifty-eight, there was exhibited a wine, made near Marysville, from the native California grape, growing in great luxuriance on the banks of the Feather River, which the exhibitor called the California Frost Grape. It was pronounced by the Committee on Wines to be very fine. We must not, while we are seeking the rich and valuable vines of the older portions of the civilized world, neglect the search and domestication of such of the wild grapes of California, as a beneficent Providence has given us.

In estimating the amount of land in California admirably adapted to the culture of every variety of the native and foreign grape, which now lies idle and unbroken, extending five hundred miles, the whole length of our State, and taking the average breadth at but ten miles, it gives us an area of five thousand square miles, or three million, two hundred thousand acres—about two-thirds as many acres as France has in actual cultivation. But this estimate may be greatly increased.

It requires no argument to convince any intelligent mind, that California, with all these incomparably great advantages of climate, soil, and temperature, for the growth of the grape of every variety, with energetic, industrious, and intelligent people, ever ready and quick to appreciate, and to profit by advantages, and to overcome obstacles, will soon come into competition with France, the great vine-grower of the world. What has taken the French people centuries to attain, will be accomplished in a few lusters by our people. Nearly all these inviting, hilly slopes, lying upon the western side of the Sierra Nevada, are, it must be remembered, vacant public land, which any man may go upon, occupy, and improve, and which then becomes his own upon the payment of one dollar and twenty-five cents per acre—and this price he may not have to pay for several years. But this is not all—while the grain-growers, and everybody else, pay taxes for their lands, the vine-grower alone is exempted from taxation. An Act was passed in eighteen hundred and fifty-eight, exempting vineyards from taxation for five years; this was wise policy in the Legislature, and a similar policy will continue the exemption by another Legislature.

With all these facts before us, we do not doubt but that in a quarter or half of a century, at furthest, California will be one of the greatest wine producing countries of the world; that she will turn the tide back upon Europe, and send *her* wines and liquors, as the old Atlantic States have turned the tide in many of her manufactures; that the amount of taxable and tax-paying property will be increased a thousand times; that the annual crop of gold will be second in value to the wine crop; and that the prosperity, peace, and happiness, of our people, will be vastly increased.

All the transatlantic governments have given aid to their people in various ways; assistance and information in all matters concerning their industrial welfare; especially has agriculture received the attention of their wise and intelligent rulers. France presents to us an example worthy of imitation in her admirable institution called the Jardin des Plantes, in Paris, founded as early as sixteen hundred and ten, and many other botanic gardens. "The system of botanic gardens in France," says Lowdon (*Encyclopedia of Gardening*, p 103), "is superior to that of every other country. The Paris Garden is intended to serve at once as a perpetual school of botany and vegetable culture, and as a reservoir for the reception of new discoveries in botanical and horticultural science, and of new plants from every country in the world. In every department of France (nearly one hundred), there is a botanic garden, situated in or near the largest

town, which serves the same purpose for the department that the Paris Garden does for the whole of France, and indeed for all the rest of the world. These departmental gardens receive whatever is thought can be of use to their department, from the garden of Paris, as soon as it has been rendered sufficiently abundant *there*, and have each a Director, who gives lectures on botany and general culture, and whose duty it is to solve all the botanical, horticultural, and agricultural, difficulties of the district. This system is, at all events, very perfect in theory, and we are not aware that it has been found defective in practice. The cause of the slow progress of science in rural matters in many of the departments of France, is to be attributed to the general ignorance which prevails among cultivators, rather than to any defect in the system itself."

One of the great drawbacks to our prosperity has been the insecure tenure of landed property. But this has to a great extent been obviated by the settlement in many cases of the claims of the United States to large tracts of land claimed by private citizens under former Mexican grants, and we hope this source of injury and discomfort will soon pass away, by the final settlement one way or another, of these conflicting claims. Thousands of our people have been wisely awaiting for these questions to be settled before establishing permanent homes. No people have more liberal provision by law for the protection of homesteads, and none are more willing and anxious to profit by them. There have been too many of our citizens who have kept their capital locked up, or invested in movable property, under the apprehension that the day had not arrived for investment in landed property. Our State revenue has suffered greatly from this cause. A wise system of legislation will encourage the citizen to establish himself permanently by investing in landed property. An able writer says, "movable property or capital may procure a man all the advantages of wealth, *but property in land* gives him much more than this. It gives him a place in the domain of the world; it unites his life to the life which animates all creation. Money is an instrument by which man can procure the satisfaction of his wants and his wishes. Landed property is the establishment of man as a sovereign in the midst of nature. It satisfies not only his wants and desires, but tastes, deeply implanted in his nature. For his family, it creates that domestic country called *home*, with all the loving sympathies, and all the future hopes and projects which people it. And while property in land is more consonant than any other in the nature of man, it also affords a field of activity the most favorable to his moral development, the most suited to inspire a just sentiment of his nature, and of his powers. In almost all the other employments of man, whether commercial or scientific, success appears to depend solely upon himself, on his talents, prudence, address, and vigilance. In agricultural life, man is constantly in the presence of God and of his power. There, activity, talents, prudence, and vigilance, are as necessary as elsewhere to the success of his labors; but they are evidently no less insufficient than they are necessary. It is God who rules the seasons, and the temperature, the sun, and the rain, and all these phenomena of nature which determine the success or the failure of the labors of man on the soil which he cultivates. There is no pride which can resist this dependence, no address which can escape it. Nor is it only a sentiment of humanity, as to his power over his own destiny, which is thus inculcated upon man; he learns also tranquility and patience. He cannot flatter himself that the most ingenious inventions or the most restless activity, will secure his success; when he is done all that depends upon himself, he must wait with resignation. The more profoundly we examine the

situation in which man is placed by the possession and cultivation of the soil, the more do we discover how rich it is in salutary lessons to his reason and benign influences on his character. Men do not analyze these facts; but they have an instinctive sentiment of them, which powerfully contributes to the peculiar respect in which they hold property in land, and to the preponderance which that kind of property enjoys over every other. This preponderance is a natural, legitimate, and salutary fact, which, especially in a great country, society at large has a strong interest in recognizing and respecting." So says a great Continental Statesman in a recent work.

Upon the resident, intelligent and prosperous owners, and cultivators of the soil, must depend the strength, security, and permanence, of our government, and its best institutions. Another writer, the gifted Downing, has well said that "we are on the eve of a great change in the future position and influence of the agricultural class in this country; the giant that tills the soil is gradually waking into conscious activity; he perceives his own resources; he begins to feel that upon his shoulders rests the State; that from his labor comes the material forces that feed the national power; that from his loins are largely drawn the strong men that give force and stability to great impulses, and sound institutions in republican America."

The vital considerations of health, wealth, and happiness, of the people of California, press upon us the necessity of taking some steps towards this great end; and as a first step, your committee present the accompanying bills, one providing for the appointment, by the Governor, of three Commissioners, to collect together all the useful and valuable grape vines, cuttings, and seed, for distribution among our people, and a joint resolution providing for the appointment, by the Governor, of the three Commissioners, to report to the next regular Legislature upon the means best adapted to promote the improvement and growth of the vine in California.

M. G. GILLETTE,

Chairman.

AMOS ADAMS,

J. W. BRIGGS,

F. WALTER,

WM. ROSS,

C. W. PIERCY,

MURRAY MORRISON.

By Mr. Banks:

MR. SPEAKER.—The San Francisco Delegation, to whom was referred Assembly Bill, No. 146, An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for the payment of the expenses of Surveying the Harbor of San Francisco—have instructed me to report it back with their unanimous recommendation in favor of its passage as amended.

J. A. BANKS.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, February 19th, 1861. }

MR. SPEAKER.—The Senate this day passed Senate bill, No. 124, An Act to repeal the Charter of the City of Sonoma;

Also, Senate Bill, No. 45, An Act to pay certain Warrants of the City and County of Sacramento herein mentioned;

Also, Senate Bill, No. 91, An Act to authorize Caius T. Ryland to sell certain Real Estate of his Infant Children;

Also, adopted Senate Concurrent Resolution, No. 19, Relative to the State Geologist, Professor J. D. Whitney.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill, No. 24, above reported—was read first and second times, and referred to the Committee on Corporations.

Senate Bill, No. 45, above reported—was read first and second times, and referred to Sacramento Delegation.

Senate Bill, No. 91, above reported—was read first and second times, and referred to Santa Clara Delegation.

The House adopted Senate Concurrent Resolution, No. 19, above reported.

SENATE CHAMBER,
Wednesday, February 20th, 1861. }

MR. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 79, An Act to amend an Act entitled An Act relating to the Thirteenth Judicial District and to define the time of holding the Courts in said District, approved January thirteenth, eighteen hundred and sixty, with amendments;

Also, Assembly Bill, No. 5, An Act relative to the office of Superintendent of Common Schools in the County of San Mateo, with amendments;

Also, Assembly Bill, No. 90, An Act to authorize the Executrix and Executor of the estate of Frederick P. Tracy, deceased, to sell Real Estate at Public or Private Sale.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 5, above reported.

Assembly Bill, No. 90, above reported—placed on file.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Showalter, for An Act to grant to certain parties the right to lay down Railroad Tracks on all the Streets in the City of San Francisco not otherwise appropriated.

By Mr. Bachtel, for An Act to make County Scrip a Lawful Tender for the payment of County Taxes in Mendocino County.

By Mr. Powell, for An Act to amend the Act to regulate proceedings in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Blair, for An Act conferring further and additional power upon the Board of Supervisors of the County of Monterey, and to enable them to purchase certain Property therein named.

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

By Mr. Wood of Yolo, for An Act to locate the County Seat of Yolo County.

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

By Mr. Magruder, for An Act to amend Section Twenty-Second of an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty.

Read first and second times, and referred to Yuba Delegation.

By Mr. Ross, for An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes.

Read first and second times, and referred to special committee, Mr. Ross.

By Mr. Gordon, for An Act to amend An Act for the Government of the State Prison Convicts, and to provide for the location of a Branch Prison, approved April twenty-fourth, eighteen hundred and fifty-eight.

Read first and second times, and referred to the State Prison Committee.

Also, An Act to protect Sheep and Lambs in this State.

Read first and second times, and referred to the Committee on Agriculture.

GENERAL FILE.

Assembly Bill, No. 53, An Act to repeal an Act entitled An Act to prohibit the collection of Accounts for Liquors sold at Retail—was recommitted to the Judiciary Committee.

Assembly Bill, No. 32, An Act to grant the right to construct a Bridge across the Noye River near its mouth to certain parties therein named—amendments adopted, and ordered engrossed.

Assembly Bill, No. 70, An Act to amend an Act entitled An Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, eighteen hundred and fifty-three—substitute adopted, amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 9, An Act to grant the right to construct a Bridge across Big River in Mendocino County to certain parties therein named;

Also, Assembly Bill, No. 30, An Act to authorize Joseph J. Clond to construct and maintain a Wharf at Punta Arena in the County of Mendocino;

Also, Assembly Bill, No. 34, An Act to grant the right to construct a Bridge across the Albion River near its mouth to certain parties therein named;

Also, Assembly Bill, No. 98, An Act to authorize the Administrators of the estate of L. W. Boggs, deceased, to sell and convey Real Estate;

Also, Assembly Bill, No. 131, An Act concerning Wild Animals in the County of Marin—were ordered engrossed.

Senate Bill, No. 37, An Act to fix the Compensation of the District Attorney of Napa County—was read third time, and passed.

The vote was reconsidered, and bill referred to Napa Delegation.

Assembly Bill, No. 97, An Act to provide for the payment of the Fees of Jurors in the County of Sonoma—was recommitted to the delegations from Sonoma, Tulare, and Mendocino.

SPECIAL ORDER.

Assembly Bill, No. 11. An Act to repeal certain Acts creating Inspectors of Pork, Beef, and Salt Provisions, in this State—and the substitutes therefor, were postponed until Monday, February twenty-sixth, at twelve o'clock, M.

Assembly Concurrent Resolutions On the State of the Union—also spe-

cial order for this day, were taken up, considered, and postponed until February twenty-first, eighteen hundred and sixty-one, at half past one o'clock, P. M.

On motion of Mr. Fargo, at two o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 21st, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present

Journal of yesterday read and approved.

Mr. Bacchtel presented a petition of residents of Mendocino County, in relation to a Wagon Road from Cloverdale to Yreka.

Referred to the Committee on Roads and Highways.

REPORTS.

Reports were made as follows :

By Mr. Lalor :

Mr. SPEAKER :—The Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 95, An Act to provide for the better maintenance of the Indigent Sick in the County of Nevada ;

Also, Assembly Bill, No. 126, An Act to authorize and require the Trustees of the City of Petaluma to call an Election for certain purposes therein named ;

Also, Assembly Bill, No. 86, 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, approved April nineteenth, eighteen hundred and fifty-six ;

Also, Assembly Bill, No. 78, An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, and to extend its provisions to Tulare County, approved February fourth, eighteen hundred and fifty-seven ;

Also, Assembly Bill, No. 84, An Act to provide for Recording certain Deeds, and to make the same notice and evidence ;

Also, Assembly Bill, No. 112, An Act to legalize the Assessment Roll, and to extend the time for the collection of Taxes in the County of Los Angeles.

LALOR,
Chairman.

By Mr. Magruder :

Mr. SPEAKER :—The undersigned, one of the Yuba Delegation, to whom was referred Assembly Bill. No. 159, An Act to amend an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty—have had the same under consideration, and begs leave to make the following as a minority report :

This bill proposes to amend section twenty-first, of the act above re-

ferred to, by giving the District Attorney of Yuba County an increased salary to the amount of fourteen hundred dollars. The act of eighteen hundred and sixty, which this proposes to amend, was placed upon our statute book under the following circumstances: In the month of January or February last, the citizens of Yuba County called a public meeting, in the city of Marysville, for the purpose of adopting some plan by which the heavy taxes and expenditures of that county might be reduced. The call for the meeting was published in the several newspapers of the city of Marysville, and attended by the principal tax payers of the county, together with the citizens of Marysville, generally. That meeting appointed a committee of five, consisting of three practising Attorneys, and two of the best and most respectable business men of the county, with instructions to make a thorough investigation of all laws relating to the expenditures of the county, and to report to an adjourned meeting such a bill as would carry out the object contemplated, with the additional instructions that no proposed legislation should affect the salaries or fees of the then incumbents in office in that county. In pursuance to instructions, that committee went to work and framed the law of April twenty-first, eighteen hundred and sixty, which this proposes to amend, reported the same to the adjourned meeting, which ratified it, I believe, without a dissenting voice, and passed a resolution that it be transmitted to the Yuba Delegation then in the Legislature, with instructions to urge its passage; and which became a law on the twenty-first of April last, without an amendment, and without a dissenting voice from the Yuba Delegation in either branch of the Legislature.

Although the salary of the District Attorney of Yuba County, under the act of April twenty-first, eighteen hundred and sixty, which does not take effect until January, eighteen hundred and sixty-two, does not compare favorably with the salaries of that officer in other counties of like magnitude, yet it will bear a comparison with the salaries and fees of the other county officers in Yuba County; and I am satisfied at the salary now fixed by law, together with the perquisites, that the people of that county will be able to command the services of gentlemen well qualified, and willing to perform all the duties of that office.

And, as the citizens of Yuba County have not asked of their Representatives an amendment, in this particular, of the law of April, eighteen hundred and sixty, I most respectfully recommend that this bill do not pass.

LLOYD MAGRUDER,

A Representative from Yuba County.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Lippincott:

Resolved, That the Sergeant-at-Arms of the Assembly be, and is hereby, authorized to employ a Clerk, whose compensation shall not exceed nine dollars per day, to date from the commencement of the session.

Adopted.

By Mr. Sorrell:

Resolved, That the House Committee on Hospitals be, and they are hereby requested, to report on the condition of the Insane Asylum at Stockton, previous to the day fixed for electing medical officers to preside over the same.

Laid on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 21st, 1861. }

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate this day adopted Concurrent Resolution, No. 21, Relative to adjourning on Tuesday next, and respectfully ask the concurrence of the Assembly.

D. J. WILLIAMSON,
Assistant Clerk.

Mr. Wood of Plumas, moved to lay the resolution above reported on the table.

Upon which, Messrs. Wood of Plumas, Gillette, and Denniston, demanded the ayes and noes, and the House agreed by the following vote: Ayes, 38—noes, 34:—

AYES—Messrs. Avery, Baechtel, Blair, Buell, Coleman, Coltrin, Curtis, Eastman, Foster, Gillette, Gordon, Gregory, Hanson, Harriman, Harris, Haun, Henderson, Holman, Horrell, Hunter, Johnson, Kurtz, Lalor, Laspeyie, Magruder, Miller, Montgomery, O'Brien, Powell, Ross, Scott, Smith of Tulare, Smith of Placer, Sorrell, Stearns, Tilden, Walter, Wood of Plumas, and Wood of Yolo—38.

NOES—Messrs. Adams, Amyx, Banks, Campbell, Chandler, Cherry, Childs, Clarke, Conness, Councilman, Crocker, Denniston, Dougherty, Durst, Fargo, Flanders, Ford, Green, Hagans, Harrison, Hill, Lippincott, Morgan, Munday, Piercy, Porter, Showalter, Spence, Tilton, Tittel, Walden, White, Willey, and Mr. Speaker—34.

Mr. Showalter gave notice that he would, on to-morrow, move to amend the nineteenth standing rule of the House.

By Mr. Chandler:

Resolved, That when this House adjourn, it adjourn to meet Monday next, February twenty-fifth, eighteen hundred and sixty-one.

Amended by inserting Saturday, February twenty-third, and adopted as amended.

By Mr. Horrell:

Resolved, That the Committee on Mines and Mining Interests be, and are, instructed, to report to the Assembly if any further legislation is necessary to define the rights of miners, and persons holding possessory rights to mineral lands in this State, and if so, to report a bill for that purpose.

Adopted.

Mr. Foster made the following report:

MR. SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly, and find the same as follows:

Purpose.	Folios.	Per Folio.	Amount.
Copying done for the Assembly.....	4,532	10 cts.	\$453 20

Your committee also recommend the adoption of the following resolution.

Resolved, That the Controller of State be, and is hereby, authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of four hundred and fifty-three dollars and twenty cents, payable out of the Copying Fund of the Assembly.

FOSTER,
GILLETTE.

For Committee.

Adopted.

•NOTICES.

Notice of the introduction of bills were given as follows :

By Mr. Stearns, for An Act to Fund the County Debt of Los Angeles County.

By Mr. Adams, for An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereto.

By Mr. Porter, for An Act to provide for the collection of Delinquent Taxes in the County of Contra Costa.

By Mr. Harris, for An Act for the Relief of Charles S. Curtis.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Campbell, for An Act to provide for a Railroad within the City and County of San Francisco.

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

By Mr. Wood of Plumas, for An Act to authorize the Board of Supervisors, in and for the County of Plumas, to levy a Special Tax for building purposes, and to levy an additional Tax for County expenses in said County.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Powell, for An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

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

By Mr. Gregory, for An Act to amend an Act entitled An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to other Counties herein named, approved March thirty-first, eighteen hundred and fifty-seven.

Read first and second times, and referred to the Mariposa Delegation.

By Mr. Chandler, for An Act to abolish the office of Coroner in the County of Tuolumne.

Read first and second times, and placed on file.

By Mr. Baechtel, for An Act making Warrants drawn on the General Fund of Mendocino County, a legal tender for County Taxes in said County.

Read first and second times, and referred to the Mendocino Delegation.

By Mr. Gordon, for An Act for the relief of Marin County.

Read first and second times, and referred to the Committee on Claims.

By Mr. Wood of Yolo, for An Act to provide for the Survey and Segregation of the Swamp and Overflowed Lands donated to this State under

the Act of Congress of September twenty-eighth, eighteen hundred and fifty.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Piercy, for An Act fixing the Salary and Fees of the District Attorney of San Bernardino County.

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

Mr. Sorrell moved to reconsider the vote by which the House adopted a resolution to adjourn until Saturday next.

Mr. Powell moved a call of the House.

Lost.

On reconsidering, Messrs. Wood of Plumas, Gregory, and Green, demanded the ayes and noes, and the vote was reconsidered as follows: Ayes, 41—noes, 22:

AYES—Messrs. Adams, Amyx, Avery, Banks, Briggs, Buell, Campbell, Chandler, Cherry, Childs, Clarke, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Durst, Fargo, Flanders, Ford, Green, Hagans, Harriman, Harrison, Henderson, Hill, Hunter, Kurtz, Lippincott, Morgan, Piercy, Porter, Spence, Stearns, Tilden, Tilton, White, Willey, and Wright—41.

NOES—Messrs. Baechtel, Foster, Gillette, Gordon, Gregory, Haun, Holman, Horrell, Johnson, Laspeyre, Magruder, Miller, Montgomery, O'Brien, Powell, Ross, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Walter, and Wood of Plumas—22.

Mr. Fargo offered a Concurrent Resolution providing for an adjournment of the Legislature until Tuesday the twenty-sixth instant.

Mr. Wood of Plumas moved to lay the resolution on the table.

Upon which, Messrs. Gregory, Gillette, and Smith of Tulare, demanded the ayes and noes, and the House refused by the following vote: Ayes, 27—noes, 36:

AYES—Messrs. Baechtel, Briggs, Buell, Campbell, Eastman, Gillette, Gordon, Gregory, Horrell, Kungie, Kurtz, Laspeyre, Magruder, Miller, Montgomery, Munday, Piercy, Powell, Ross, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Stearns, Walter, Wood of Plumas, and Wood of Yolo—27.

NOES—Messrs. Adams, Amyx, Avery, Banks, Blair, Chandler, Cherry, Childs, Clark, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Fargo, Flanders, Ford, Foster, Green, Hagans, Harriman, Harris, Harrison, Henderson, Holman, Hunter, Lippincott, Morgan, Porter, Tilden, Tilton, White, Willey, and Mr. Speaker—36.

Mr. Gregory moved to amend by inserting Saturday the twenty-third instant.

Mr. Wood of Plumas moved a call of the House.

Lost.

Mr. Conness moved the previous question.

Suspended.

On the adoption of the amendment, the ayes and noes were demanded and the House refused by the following vote: Ayes, 24—noes, 44:

AYES—Messrs. Baechtel, Coleman, Eastman, Gillette, Gordon, Gregory, Haun, Horrell, Johnson, Kurtz, Magruder, Miller, Montgomery, Munday,

O'Brien, Powell, Ross, Scott, Smith of Tulare, Smith of Placer, Sorrel, Walter, Wood of Plumas, and Wood of Yolo—24.

NOES—Messrs. Adams, Amyx, Avery, Banks, Blair, Briggs, Buell, Campbell, Chandler, Cherry, Childs, Clark, Coltrin, Conness, Councilman, Covarrubias, Crocker, Dougherty, Durst, Fargo, Flanders, Ford, Foster, Green, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Holman, Hunter, Lippincott, Morgan, Piercy, Porter, Showalter, Spence, Stearns, Tilden, Tilton, White, Willey, and Mr. Speaker—44.

On the adoption of the resolution Messrs. Wood of Plumas, Powell, and Kurtz, demanded the ayes and noes, and it was adopted by the following vote: Ayes, 43—noes, 25:

AYES—Messrs. Amyx, Avery, Banks, Blair, Buell, Campbell, Chandler, Cherry, Childs, Clark, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Durst, Fargo, Flanders, Ford, Foster, Green, Hagans, Harriman, Harris, Harrison, Haun, Henderson, Hill, Hunter, Johnson, Lippincott, Morgan, Piercy, Porter, Spence, Stearns, Tilden, Tilton, White, Willey, and Mr. Speaker—43.

NOES—Messrs. Adams, Baechtel, Briggs, Coleman, Eastman, Gillette, Gordon, Gregory, Holman, Horrell, Kurtz, Laspeyre, Magruder, Miller, Montgomery, Munday, O'Brien, Powell, Ross, Smith of Tulare, Smith of Placer, Sorrel, Walter, Wood of Plumas, and Wood of Yolo—25.

REPORTS.

Reports were made as follows:

Mr. O'Brien:

MR. SPEAKER;—Your Committee on Public Expenditures and Accounts have had under consideration sundry bills, find them correct, and recommend their payment out of the Contingent Fund of the Assembly, viz:

Purpose.	Amount.
San Andreas Independent, for eight copies of said paper furnished members of the Assembly for the Session, at three dollars each.....	\$24 00
Calaveras Chronicle, for one copy of said paper furnished a member of Assembly.	\$2 50
Joseph Genella for articles furnished Committee Room, to wit: One Box, \$1; four Towels, \$2 50; one Coal Oil Lamp and Shade, \$3 50; Wick and Chimney \$1; three Tumblers, 75 cts.; one gallon Oil and Can, \$3; one pair Lamp Scissors, 75 cts; Matches and Safe, 50 cts; one Tray, \$1 75; one Ewer and Basin, \$200.....	16 75
Total.....	\$43 75

Your committee beg leave to say in connection with the purchasing of these articles by committees, that they do so unauthorized, and we feel it incumbent on us to say, that we will not allow or entertain any bills of this kind in future unless they are contracted by authority of the Assembly.

Your committee have had also under consideration the resolution re-

ferred to it by the House relative to investigating matters connected with the copying done for the Assembly, and report as follows:

We have examined as thoroughly as possible the copying done for the Assembly and have failed to find any frauds practised under the law. We find that the Governor's message was in type before a copy had been received by the State Printer from the Chief Clerk—the message was copied notwithstanding as if for the State Printer. We think in this instance that the copying of the Governor's message might have been dispensed with, but the Clerk was authorized by law to do so and acted accordingly. The whole amount of warrants issued by the Controller for copying done for the Assembly under the direction of the Chief Clerk up to February thirteenth, one thousand two hundred and sixty dollars and ninety cents

Your committee is of the opinion that there should be a law passed fixing the rates per folio for copying the same in Senate and Assembly. At present the rates of copying for the Assembly are ten cents per folio while the Senate allows fifteen cents. We are not fully satisfied as to whether it would be advisable to change the present law or not. We think if the law is strictly carried out and no unnecessary copying done that it is well enough, and we believe in "leaving well enough alone." We beg to be excused from the further consideration of this subject.

THOS. O'BRIEN,
Chairman.

Adopted.

By Mr. Magruder:

MR. SPEAKER:—Your delegation, to whom was referred Assembly Bill, No. 163, An Act to amend Section Twenty-Two of an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty—have considered the same and report it back and recommend its passage.

MAGRUDER,
On behalf Yuba Delegation.

February 21st, 1860.

By Mr. Childs:

MR. SPEAKER:—The Committee on Roads and Highways have had under consideration Assembly Bill, No. 66, An Act for the establishment, maintenance, and protection, of public and private Roads—and ask leave to report it back without amendment, and recommend that the usual number of copies be ordered printed.

W. CHILDS,
Chairman.

PETITIONS.

Petitions were presented as follows:

By Mr. Scott Of Citizens of Lake and Napa Counties for new County. Referred to Committee on Counties and County Boundaries.

By Mr. Montgomery, Of Citizens of Sutter and Placer Counties for change of Boundary Line between Placer and Sutter Counties.

Referred to delegations from Placer and Sutter Counties.

SPECIAL ORDER.

Senate Bill, No. 20, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the formation of Corporations for certain purposes—special order of the day, was taken up, and postponed until Thursday, February twenty-eighth, at one o'clock, P. M.

Mr. Lippincott offered a Concurrent Resolution fixing the twenty-

seventh February for Joint Convention for election of United States Senator.

Mr. Wood of Plumas, moved a call of the House.

Sustained.

Absent—Messrs. Campbell, Chandler, Clark, Curtis, Denniston, Fargo, Planders, Ford, Foster, Gillette, Hagans, Holman, Johnson, Kungle, Kurtz, Lalor, Morrison, Porter, Smith of Tulare, Tilton, Tittel, Walter, Willey, and Wright.

The Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Magruder, further proceedings under the call were dispensed with.

At two o'clock, P. M. on motion of Mr. Councilman, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 26th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Thursday last read and approved.

Leave of absence was granted as follows: Messrs. Scott and Morgan two days each, Mr Ford four days, and Messrs. Eastman, Denniston, Baechel, and Spence, for one day each.

PETITIONS.

Petitions were presented as follows:

By Mr Kungle, Of Citizens of Strawberry Valley for a Sunday law.

Referred to the Committee on Public Morals.

By Mr. Crocker, Of Citizens against Railroad on J Street, Sacramento.

Referred to Sacramento Delegation.

By Mr. Banks, Of Citizens and property holders on the Portrero Nuevo, against granting San Bruno Turnpike Company the right to collect Toll between that point and San Francisco.

Referred to San Francisco Delegation.

By Mr. Gillette, for new county to be called Esmeralda.

Referred to the Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows:

By Mr. Blair:

MR. SPEAKER:—The Committee on Education have duly considered Assembly Bill, No. 74—and report the same back without amendment and recommend its passage.

BLAIR,
Chairman.

By Mr. Piercy:

MR. SPEAKER:—Your Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 99, An Act to amend An Act to extend the time for collecting Taxes in the County of Plumas;

Also, Assembly Bill, No. 81, An Act to legalize a survey of the City of Petaluma;

Also, Concurrent Resolution, No. 4, Relative to the establishment of a Semi-Weekly Mail from San Luis Obispo to Visalia;

Also, Assembly Concurrent Resolution, No. 23, Relative to donation of Lands by Congress for Roads, etc. in this State

C. W. PIERCY,
Of the Committee.

By Mr Briggs:

Mr. SPEAKER:—The Santa Clara Delegation, to whom was referred An Act to authorize Caius T. Ryland to sell certain Real Estate of his infant Children—have had the matter under consideration, and believing that the interests of said infants are sufficiently guarded, beg leave to report the bill back and recommend its passage.

BRIGGS,
MORGAN.

Mr. Fargo offered the following resolution:

Resolved, That four hundred and eighty copies of the report of the State Prison Commissioners and Board of Directors be ordered printed.

Laid over under the rule.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Thursday, February 21st, 1861. }

Mr. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 55, An Act for the relief of J. H. Stewart, late Deputy District Attorney for the City and County of Sacramento;

Also, Assembly Bill, No. 17, An Act to amend An Act concerning Attorneys and Counsellors-at-Law, passed February nineteenth, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 50, An Act amendatory of an Act entitled An Act defining the legal distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison, passed April twenty-fourth, eighteen hundred and fifty-eight;

Also, adopted Senate Concurrent Resolution, No. 18, Relative to leave of absence to William C. Kibbe.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Concurrent Resolution, No. 18, above reported—referred to the Committee on Military Affairs.

SENATE CHAMBER,
February 21st, 1861. }

Mr. SPEAKER:—I am directed to inform the Assembly that the Senate have this day concurred in Assembly Concurrent Resolution, Relative to adjourning over to Tuesday next.

CHAS. W. TOZER,
Secretary.

SENATE CHAMBER,
February 21st, 1861 }

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 101, An

Act relating to the sureties of C. F. Lynn, late Treasurer of Trinity County.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 101, above reported—read first and second times, and referred to the Judiciary Committee.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Blair for An Act to amend Section Fifty-Nine of an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty

By Mr. Powell for An Act to define more accurately the Boundaries of the County of Sacramento.

By Mr. Horrell for An Act to enable the County of Amador to construct a Wagon Road through said County to Carson Valley.

By Mr. Amyx for An Act to amend An Act to regulate Fees in Office in Tuolumne County.

By Mr. Tittle for An Act to amend an Act entitled An Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty.

By Mr. Fargo for An Act to amend An Act to prevent the trespassing of Animals upon private property, approved March thirty-first, eighteen hundred and fifty-five.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ross for An Act to amend an Act entitled An Act amendatory of an Act entitled An Act to regulate Fees in Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven, approved April twelfth, eighteen hundred and fifty-nine.

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

By Mr. White for An Act authorizing the Board of Supervisors of Shasta County to levy a special Tax for building purposes.

Read first and second times, and placed on file

By Mr. Stearns for An Act to fund the indebtedness of Los Angeles County.

Read first and second times, and referred to the Los Angeles Delegation.

By Mr. Tilden for An Act to authorize Pacificus Ord to sell certain Real Estate of his infant Children.

Read first and second times, and referred to the Butte Delegation.

By Mr. Burnell for An Act amendatory of, and supplemental to, An Act to provide Revenue for the support of the Government of this State, approved April thirteenth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Ways and Means;

Also, An Act to amend an Act entitled An Act to prevent the trespassing of Animals upon private property, approved March thirty-first, eighteen hundred and fifty-five.

Read first and second times, and placed on file.

By Mr. Foster for An Act amendatory of an Act entitled An Act to extend the provisions of an Act entitled An Act concerning Hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda,

Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six.

Read first and second times, and referred to the El Dorado Delegation.

By Mr. Lippincott for An Act to provide for the collection of Delinquent Taxes in the County of Calaveras.

Read first and second times, and referred to the Calaveras Delegation.

By Mr. Johnson for An Act to authorize the County Auditors of the Counties of San Luis Obispo and Tulare to issue certain Bonds to provide for the construction of a Road herein named.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Piercy for An Act fixing the Salary of the County Judge of San Bernardino County.

Read first and second times, and referred to the Judiciary Committee;

Also, An Act to extend the term of Office and define the duties and powers in certain cases, and establish the Salaries of the Board of Supervisors of San Bernardino County.

Read first and second times, and referred to the San Bernardino Delegation.

Mr. Banks offered a substitute for Standing Rule, Fifty-Seven.

Mr. Amyx moved a call of the House.

Lost.

SPECIAL ORDER.

Assembly Bill, No. 134, An Act to repeal an Act entitled An Act amendatory of, and supplementary to, an Act entitled An Act to create Inspectors of Beef, Pork, and Salt Provisions, in this State, approved April twenty-first, eighteen hundred and fifty-six, approved March twenty-second, eighteen hundred and sixty, and amendatory of an Act entitled An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State, passed April twenty-first, eighteen hundred and fifty-six.

Mr. Showalter moved the previous question

Upon which, Messrs. Fargo, Banks, and Cherry, demanded the ayes and noes, and the House refused by the following vote: Ayes, 29—noes, 29:

AYES—Messrs. Buell, Chandler, Childs, Covarrubias, Dougherty, Foster, Gillette, Gordon, Gregory, Harris, Harrison, Hill, Holman, Hunter, Lippincott, Magruder, Montgomery, Morrison, Munday, O'Brien, Powell, Ross, Showalter, Sorrel, Stearns, Walter, White, Wood of Plumas, and Wright—29.

NOES—Messrs. Adams, Amyx, Baechtel, Banks, Blair, Briggs, Cherry, Clarke, Coleman, Coltrin, Councilman, Crocker, Durst, Fargo, Flanders, Green, Hanson, Harriman, Haun, Henderson, Johnson, Kungle, Miller, Smith of Tulare, Smith of Placer, Tilton, Tittel, Willey, and Wood of Yolo—29.

Mr. Miller moved a call of the House.

Upon which, Messrs. Cherry, Fargo, and Miller, demanded the ayes and noes, and the House refused by the following vote: Ayes, 27—noes, 35:

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Briggs, Cherry, Clarke, Coleman, Councilman, Crocker, Durst, Fargo, Flanders, Green, Hanson, Harriman, Hill, Hunter, Miller, Smith of Tulare, Smith of Placer, Tilton, Tittel, and Willey—27.

NOES—Messrs. Buell, Chandler, Childs, Covarrubias, Dougherty, Foster,

Gillette, Gordon, Gregory, Harris, Harrison, Henderson, Holman, Horrell, Johnson, Kungle, Laspeyre, Lippincott, Magruder, Montgomery, Morrison, Munday, O'Brien, Patrick, Percy, Powell, Ross, Showalter, Sorrel, Stearns, Walter, White, Wood of Plumas, Wood of Yolo, and Wright—35.

Mr. Fargo moved to adjourn.

Upon which. Messrs. Chandler, Wood of Plumas, and Showalter, demanded the ayes and noes, and the House refused by the following vote: Ayes, 22—noes, 42:

AYES—Messrs. Adams, Amyx, Avery, Banks, Blair, Briggs, Cherry, Clarke, Coltrin, Councilman, Curtis, Durst, Fargo, Flanders, Hanson, Harriman, Haun, Kungle, Smith of Placer, Tilton, Tittel, and Willey—22.

NOES—Messrs. Baechtcl, Buell, Campbell, Chandler, Childs, Coleman, Covarrubias, Crocker, Dougherty, Foster, Gillette, Gordon, Green, Gregory, Harris, Harrison, Henderson, Hill, Hollman, Horrell, Hunter, Johnson, Kurtz, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Patrick, Powell, Ross, Showalter, Sorrel, Stearns, Walter, White, Wood of Plumas, Wood of Yolo, and Wright—42.

On the indefinite postponement of the bill, Messrs. Foster, Lippincott, and Smith of Tulare, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 31—noes, 33:

AYES—Messrs. Buell, Chandler, Childs, Coleman, Covarrubias, Dougherty, Foster, Gillette, Gordon, Gregory, Harris, Harrison, Hill, Horrell, Hunter, Laspeyre, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Percy, Powell, Ross, Showalter, Sorrel, Walter, White, Wood of Plumas, and Wright—31.

NOES—Messrs. Adams, Amyx, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coltrin, Councilman, Crocker, Curtis, Eastman, Fargo, Flanders, Green, Hanson, Harriman, Henderson, Holman, Johnson, Kungle, Kurtz, Montgomery, Patrick, Smith of Tulare, Smith of Placer, Stearns, Tilton, Tittel, Willey, and Wood of Yolo—33.

On ordering the bill engrossed, Messrs. Kungle, Cherry, and Banks, demanded the ayes and noes, and the House so ordered by the following vote: Ayes, 32—noes, 30:

AYES—Messrs. Adams, Amyx, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coltrin, Councilman, Crocker, Curtis, Durst, Fargo, Flanders, Harriman, Harrison, Holman, Johnson, Kungle, Kurtz, Miller, Montgomery, Patrick, Smith of Tulare, Smith of Placer, Stearns, Tilton, Tittel, Willey, and Wood of Yolo—32.

NOES—Messrs. Buell, Chandler, Childs, Coleman, Covarrubias, Dougherty, Foster, Gillette, Gordon, Green, Gregory, Hill, Horrell, Hunter, Laspeyre, Lippincott, Magruder, Morrison, Munday, O'Brien, Percy, Powell, Ross, Showalter, Sorrel, Walter, White, Wood of Plumas, Wright, and Mr. Speaker—30.

GENERAL FILE.

Senate Bill, No. 82, An Act authorizing the Mayor and Common Council of the City of Marysville to provide certain Moneys for the benefit of the Agricultural, Horticultural, and Mechanics' Societies, of the Northern District of this State—was referred to the Yuba Delegation.

Assembly Bill, No. 127, An Act to authorize James Camp and James

M. Fry to remove certain Remains—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 94, An Act to change the name of Moses Moses to Moses Mayer—was recommitted to Committee on Names.

Assembly Concurrent Resolution, No. 34, asking an appropriation by Congress for continuing the Honey Lake Road;

Also, Assembly Bill, No. 76, An Act to change the name of Sullivan Milton Farrer to Sullivan Milton Farren;

Also, Assembly Bill, No. 129, An Act making appropriations for the payment of the Per Diem and Mileage of Presidential Electors—were ordered engrossed.

Assembly Concurrent Resolutions, On the State of the Union--were considered and made the special order for to-morrow February twenty-seventh, at one o'clock, p. m.

At one o'clock and forty minutes, on motion of Mr. O'Brien, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 27th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Denniston had leave of absence for one day.

REPORTS.

Reports were made as follows :

By Mr. Tilton :

MR. SPEAKER :—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 90, An Act to authorize the Executrix and Executor of the Estate of Frederick P. Tracy, deceased, to sell the Real Estate of said deceased at public or private sale ;

Also, Assembly Bill, No. 55, An Act for the relief of J. H. Stewart, late Deputy District Attorney of the City and County of Sacramento ;

Also, Assembly Bill, No. 5, An Act relative to the Office of Superintendent of Common Schools in the County of San Mateo.

S. S. TILTON,
Chairman.

Mr. Smith of Tulare, verbally reported, and recommended the passage of Assembly Bill, No. 170, An Act making Warrants drawn on the General Fund of Mendocino County, a legal tender for Taxes in said County, with amendments.

Rules suspended, amendments adopted, title amended, bill read a third time, and passed.

Mr. Morrison verbally reported a substitute for Assembly Bill, No. 125, An Act concerning certain Officers of the County of Los Angeles.

Rules suspended, substitute adopted, considered engrossed, read a third time, and passed.

Mr. Gregory verbally reported and recommended the passage of Assembly Bill, No. 168.

By Mr. Ross :

Mr. SPEAKER:—The Special Committee, to whom was referred Assembly Bill, No. 97, An Act to provide for the payment of the Fees of Jurors in the County of Sonoma—report the same back with amendments, and recommend its passage.

ROSS,
For Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, February 22d, 1861. }

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No. 91, An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grade of certain Streets in said City and County ;

Also, Assembly Bill, No 72, An Act to provide a Fund for the redemption of, and prescribing the manner of, redeeming the outstanding County Warrants drawn upon the Treasury of Tuolumne County, and further to provide for the payment of all the current expenses of said Tuolumne County, in cash ;

Also, Assembly Bill, No 71, An Act to make certain Offices in the County of Tuolumne, salaried Offices.

JOHN G. DOWNEY,
Governor.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Tilton :

Resolved, That a Select Committee of three be appointed by the Speaker, to act in conjunction with a like committee on the part of the Senate, to take into consideration that portion of the late Annual Message of the Governor, relating to the State Reform School, with instructions to examine and report upon the expediency of making a further appropriation for the erection of necessary buildings at Marysville for the accommodation of said school ; and also to report whether it is desirable to entertain any propositions for change of location ; and the committee are hereby authorized to visit Marysville, and afterwards, if necessary, San Francisco, at such time as they may desire to pursue their investigations ; and the employment of a Clerk by said committee is prohibited pending such investigation.

Adopted.

By Mr. Horrell :

Concurrent Resolution, fixing Saturday, March second, eighteen hundred and sixty-one, for a Joint Convention to elect a United States Senator.

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

Upon which, Messrs. Horrell, Smith of Tulare, and Hill, demanded the

ayes and noes, and the motion prevailed by the following vote: Ayes, 38—noes, 30:

AYES—Messrs. Amyx, Avery, Baehtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Chaudler, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Gordon, Hanson, Harriman, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Magruder, Montgomery, Morrison, Patrick, Porter, Ross, Showalter, Sorrel, Tilton, Tittel, Willey, Wood of Plumas, and Wood of Yolo—38

NOES—Messrs. Adams, Childs, Coleman, Coltrin, Conness, Covarrubias, Dougherty, Durst, Eastman, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Munday, O'Brien, Piercy, Smith of Tulare, Smith of Placer, Stearns, Tilden, Walter, White, Wright, and Mr. Speaker—30.

By Mr. Ross:

Resolved, That the Committee on Public Buildings and Grounds, be instructed to inquire into and report to the Assembly, what progress has been made in the erection of a State Capitol.

Adopted.

By Mr. Tilden:

Resolved, That the State Prison Committee be, and is hereby, authorized, to visit the State Prison, send for persons and papers, and that they be permitted to employ a Clerk.

Adopted.

By Mr. Foster:

MR. SPEAKER:—Your Auditing Committee have examined the copying done on account of Assembly, and find the same as follows:

Purpose.	Folio.	Per Folio.	Amount.
Copying for the Assembly.....	3,870	10 cts.	\$387 00

Your Committee also recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and is hereby, authorized, to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of three hundred and eighty seven dollars, payable out of the Copying Fund of the Assembly.

M. G. GILLETTE,
T. FOSTER.

Adopted.

MESSAGE FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, February 26th, 1861. }

MR. SPEAKER:—The Senate, on Thursday, February twenty-first, passed Senate Bill, No. 115, An Act supplemental to An Act for the education

and care of the Indigent Deaf, Dumb, and Blind, in the State of California, passed April eighteenth, eighteen hundred and sixty

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No 115, above reported—was read first and second times, considered in Committee of the Whole, reported, referred to the Committee on Public Morals, and made special order for February twenty-eighth, at twelve, M.

SENATE CHAMBER,

Tuesday, February 26th, 1861. }

Mr. SPEAKER :—The Senate, on Thursday, February twenty-first, passed Assembly Bill, No. 45, An Act to provide for Delinquent Taxes in the County of Nevada ;

Also, Assembly Bill, No. 151. An Act concerning Agricultural Societies ;

Also, this day, Senate Bill, No. 13, An Act to audit and allow the claim of J. J. Lecount.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 13, above reported—was read first and second times, and referred to the Committee on Claims.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr Sorrel, for An Act to repeal section third of An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the Incorporation of the City of Yreka, approved April twenty-first, eighteen hundred and fifty-seven, approved April twenty-eighth, eighteen hundred and sixty.

Read first and second times, and placed on file.

By Mr Bradley, for An Act for the reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress.

Read first and second times, referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

By Mr. Conness, for An Act to provide for the annulling of Certificate of purchase of Lands sold on credit, and declared forfeited for the non-payment of interest or principal.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

By Mr Blair, for An Act to amend section thirty-nine, of an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Tittel, for An Act to amend an Act entitled An Act concerning Forcible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty.

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

SPECIAL ORDERS.

Assembly Concurrent Resolutions on the State of the Union, the special order of the day--were taken up, considered, and made special order for February twenty-eighth, eighteen hundred and sixty-one, at one o'clock, P. M.

Mr. Tilton moved to adjourn.

Upon which, Messrs. Showalter, Smith of Placer, and Bradley, demanded the ayes and noes, and the House refused as follows: Ayes, 15—noes, 28:

AYES—Messrs. Conness, Dougherty, Green, Gregory, Hagans, Harri-man, Harrison, Hill, Hunter, Kungle, Kurtz, Patrick, Scott, Sorrel, and Tilton—15.

NOES—Messrs. Adams, Amyx, Baechtcl, Banks, Bradley, Briggs, Buell, Crocker, Durst, Fargo, Gordon, Hanson, Harris, Haun, Holman, Horrell, Lalor, Magruder, Miller, Montgomery, Munday, Porter, Powell, Ross, Showalter, Smith of Placer, Tilden, and Wood of Plumas—28.

NOTICES.

Notices of the introduction of bills, were given as follows:

By Mr. Powell, for An Act concerning Roads and Highways in the County of Sacramento.

By Mr. Porter, for An Act supplemental to An Act concerning Lawful Fences in the County of Contra Costa.

By Mr. Adams, for An Act fixing the compensation of the Deputy District Attorney in the City and County of Sacramento.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Fargo, for An Act supplemental to an Act entitled An Act to prevent the trespassing of Animals upon private property, approved March thirty-first, eighteen hundred and fifty-five

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

By Mr. Adams, for An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

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

GENERAL FILE

The House refused to adopt the substitute for the Fifty-Seventh Stand-ing Rule.

The resolution offered by Mr. Fargo, on yesterday, to print four hun-dred and eighty copies of the Report of the State Prison Commissioners, was laid on the table.

On motion of Mr. Haun, at half past two o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 28th, 1861 }

The House met pursuant to adjournment.

Speaker in the Chair.

The roll was called.

Quorum present.

The journal of yesterday was read and approved.

Messrs. Amyx and Curtis had one day leave of absence each.

The Speaker announced as the committee to visit the Reform School at Marysville, Messrs. Tilton, Magruder, and Henderson.

REPORTS.

Reports were made as follows :

By Mr. Wood of Plumas, verbal report, recommending concurrence in Senate Concurrent Resolution, No. 18, Relative to leave of absence of Wm. C. Kibbe.

The resolution was concurred in.

By Mr. Lalor :

Mr SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed Assembly Bill, No. 27, An Act concerning the infant Heirs and Devises of Bernardo Yorba, deceased ;

Also, Assembly Bill, No. 34, An Act to grant the right to construct a Bridge across the Albion River, near its mouth, to certain persons therein named ;

Also, Assembly Bill, No. 30, An Act to authorize Joseph J. Cloud to construct and maintain a Wharf at Punta Arena in the County of Mendocino ;

Also, Assembly Bill, No. 77, An Act fixing the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Calaveras, and the manner of summoning Jurors for the County Court of said County ;

Also, Assembly Bill, No. 131, An Act concerning Wild Animals in the County of Marin ;

Also, Assembly Bill, No. 98, An Act to authorize the Administrators of the estate of L. W. Boggs, deceased, to sell and convey Real Estate ;

Also, Assembly Bill, No. 9, An Act to grant the right to construct a Bridge across Big River in Mendocino County to certain parties therein named ;

Also, Assembly Bill, No. 32, An Act to grant the right to construct a Bridge across the Noyo River, near its mouth, to certain parties therein named ;

Also, Assembly Bill, No. 69, An Act to repeal An Act supplemental to An Act, approved April twenty-ninth, eighteen hundred and fifty-seven, 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, 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 twenty-ninth, eighteen hundred and fifty-seven, approved April twenty-sixth, eighteen hundred and fifty-eight, approved April twenty-third, eighteen hundred and sixty.

E. LALOR,
Chairman.

By Mr. Campbell :

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Senate Bill, No. 70, An Act authorizing the Placerville Turnpike Company to have and maintain a Bridge across Weber Creek in El Dorado County ;

Also, Senate Bill, No. 101, An Act relating to the Sureties of C. F. Lynn, late Treasurer of Trinity County ;

Also, Assembly Bill, No. 130, An Act authorizing James P. Sargent the

Guardian of Policarpia Chebollo, a Minor, to sell at private sale the Lands and Real Estate of said Minor—having considered the above bills report them back and recommend their passage.

The same committee to whom was referred Assembly Bill, No. 10, An Act to amend certain Acts establishing a standard of Weights and Measures;

Also, Assembly Bill, No. 68, An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego, and to define their duties—having considered the same report the said bills back with amendments and recommend their passage as amended.

ALEX. CAMPBELL,
Chairman.

Mr. Piercy verbally reported and recommended the passage of Assembly Bill, No. 180, An Act to extend the term of Office and define the duties and powers in certain cases and establish the Salaries of the Board of Supervisors of San Bernardino County.

Mr. Tilton verbally reported and recommended substitute for Assembly Bill, No. 94, An Act to change the name of Moses Moses.

MESSAGES FROM THE SENATE

The following messages were received from the Senate :

SENATE CHAMBER,
Wednesday, February 27th, 1861. }

Mr SPEAKER :—The Senate on yesterday passed Senate Bill, No. 84, An Act to authorize the Administrator of the estate of Nicholas Swan, deceased, and Zachariah Simpson, deceased, to apply the Moneys in his hands for certain purposes ;

Also, Senate Bill, No. 127, An Act to authorize the issuance of duplicate School Land Warrants for the benefit of Thomas Thompson ;

Also, Senate Bill, No. 116, An Act supplementary to An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo ;

Also, Senate Bill, No. 61, An Act concerning Officers ;

Also, Senate Bill, No. 113, An Act to amend an Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco, passed May third, eighteen hundred and fifty-two ;

Also, Assembly Bill, No. 73, An Act to extend the time to the City of Petaluma, or Assigns, to improve the navigation of Petaluma Creek ;

Also, Assembly Bill, No. 88, An Act to extend the time of collecting Taxes in the County of Santa Cruz ;

Also, Senate Bill, No. 140, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax ;

Also, Senate Bill, No. 89, An Act prescribing Rules for the Government of the State Library.

C. W. TOZER,
Secretary of Senate.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 84, above reported—read first and second times, and referred to the Committee on Public Morals.

Senate Bill, No. 127, above reported—read first and second times, and placed on file.

Senate Bill, No. 89, above reported—read first and second times, and referred to Special Committee, viz: Messrs Banks, Kungle, Harrison, Hill, and Smith of Tulare.

Senate Bill, No. 116, above reported—read first and second times, and referred to delegations from San Francisco and San Mateo counties

Senate Bill, No. 61, above reported—read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 113, above reported—read first and second times, and referred to the Committee on Ways and Means

Senate Bill, No. 140, above reported—read first and second times, and placed on file.

SENATE CHAMBER,
Thursday, February, 28th, 1861. }

MR. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 116, An Act to amend an Act entitled An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco, approved March thirteenth, eighteen hundred and sixty, with amendments;

Also, Assembly Bill, No. 126, An Act authorizing and requiring the Trustees of the City of Petaluma to call an Election for certain purposes therein named;

Also, Senate Bill, No. 72, 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 twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty;

Also, Senate Bill, No. 25, An Act in relation to Auctioneers;

Also, Senate Bill, No. 68, An Act to amend an Act entitled An Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April twenty-fifth, eighteen hundred and fifty-two.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The House concurred in Senate amendments to Assembly Bill, No. 16, above reported

Senate Bill, No. 68, above reported—read first and second times, and referred to the Committee on Public Lands

Senate Bill, No. 72, above reported—read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 25, above reported—read first and second times, and referred to the Committee on Ways and Means.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Walter, for An Act to authorize the Board of Supervisors of Trinity County to levy a Special Tax for certain purposes therein named.

By Mr. Wood of Yolo, for An Act for the relief of James McCauly, Assessor of Yolo County.

By Mr. Gillette, for An Act fixing the time at which Representatives in Congress shall be elected in the year eighteen hundred and sixty-one.

By Mr. Morrison, for An Act to appropriate Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy, for services rendered this State

By Mr. Ford, for An Act to authorize Isaac Williams, as Guardian of Jonathan P. Williams and Isaac P. Williams, to sell and convey a portion of their Real Estate at private sale.

By Mr. Fargo, for An Act amendatory of An Act to provide for opening a Channel across the Bar at the mouth of San Antonio Creek, approved April tenth, eighteen hundred and sixty.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Powell for An Act concerning Roads and Highways in the County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Sorrel, for An Act to amend an Act entitled An Act concerning Roads and Highways in the County of Siskiyou, approved March fourteenth, eighteen hundred and sixty.

Read first and second times, and placed on file.

By Mr. Banks for An Act to fix the location of Brady Street in the City of San Francisco.

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

By Mr. Flanders for An Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco.

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

By Mr. Horrell for An Act to define the Boundaries of the County of Amador.

Read first and second times, and referred to delegations from Amador and El Dorado.

By Mr. Morrison for An Act to allow the claim of Daniel McLaren.

Read first and second times, and referred to the Committee on Claims.

By Mr. Laspeyre for An Act to pay for the survey of the Boundary Line between the Counties of Stanislaus and San Joaquin.

Read first and second times, and referred to the Committee on Claims.

GENERAL FILE.

Senate Bill, No. 57, An Act to appropriate Money for the payment of the Salary of the additional Clerk in the State Land Office—was read third time, and passed.

Mr. Briggs made the following report :

MR. PRESIDENT :—Your Committee on Public Morals, to whom was referred Senate Bill, No. 115, An Act supplemental to An Act for the education and care of the Indigent Deaf, Dumb, and Blind, in the State of California, approved April eighteenth, eighteen hundred and sixty—have had the matter under consideration and report the bill back with a substitute for all after the enacting clause, and recommend its passage.

BRIGGS,
Chairman.

The amendments to Senate Bill, No. 115, above reported—were adopted, amended, considered in Committee of the Whole, reported, and recommended, bill as amended read a third time, and passed.

Senate Bill, No. 20, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the formation of Corporations for certain purposes, and the Acts amendatory and supplementary thereto—were recommitted to Special Committee, viz : Messrs. Dougherty, White, Gillette, Campbell, and Conness.

Mr. Tilton made the following report :

MR. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 151, An Act concerning Agricultural Societies ;

Also, Assembly Bill, No. 17, An Act to amend an Act entitled An Act concerning Attorneys and Counselors, passed February nineteenth, eighteen hundred and fifty-one ;

Also, Assembly Bill, No. 50, An Act amendatory of an Act entitled An Act defining the legal distances from each County Seat, to the Capitol, Lunatic Asylum, and State Prison, passed April twenty-fourth, eighteen hundred and fifty-eight.

S. S. TILTON,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Wednesday, February 28th, 1861. }

MR. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 104, An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of Sacramento ;

Also, Assembly Bill, No. 78, An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to Tulare County :

Also, Assembly Bill, No. 95, An Act to provide for the better maintenance of the Indigent Sick of the County of Nevada ;

Also, Senate Bill, No. 152, An Act to change the venue in the case of Horace Smith.

D. J. WILLIAMSON,
Assistant Clerk.

Senate Bill, No. 152, above reported—was read first and second times.

Mr. Campbell moved to refer the bill to the Judiciary Committee.

Mr. Foster moved the previous question.

Upon which, Messrs. Tuttle, Wood of Plumas, and Bradley, demanded the ayes and noes, and the House agreed by the following vote: Ayes, 52—noes, 20 :

AYES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Coltrin, Covarrubias, Curtis, Dougherty, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Hann, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kingle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Patrick, Piercy, Powell, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Tilden, Walden, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—52.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Clarke, Conness, Councilman, Crocker, Eastman, Flanders, Ford, Green, Morgan, Porter, Spence, Stearns, Tilton, and Tittel—20.

On the reference to the Judiciary Committee, Messrs. Campbell, Conness, and Bradley, demanded the ayes and noes, and the House refused by the following vote: Ayes, 22—noes, 51 :

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Clarke,

Conness, Councilman, Eastman, Flanders, Ford, Green, Hagans, Miller, Morgan, Porter, Spence, Stearns, Tilton, Tittel, and Walter—22.

NOES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Coltrin, Covarrubias, Curtis, Dougherty, Foster, Gillette, Gordon, Gregory, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Munday, O'Brien, Patrick, Piercy, Powell, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Tilden, Walden, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—51.

Mr. Showalter moved to suspend the rules, for the purpose of moving to make the bill the special order for to-morrow, at one o'clock, p. m.

Upon which, Messrs. Conness, Blair, and Campbell, demanded the ayes and noes, and the House agreed by the following vote: Ayes, 51—noes, 17:

AYES—Messrs. Amyx, Baechtel, Banks, Bradley, Buell, Chandler, Childs, Coleman, Coltrin, Covarrubias, Curtis, Dougherty, Foster, Gillette, Gordon, Gregory, Hanson, Harriman, Harris, Harrison, Haun, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Patrick, Piercy, Powell, Ross, Scott, Showalter, Smith of Placer, Sorrel, Tilden, Walden, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—51.

NOES—Messrs. Adams, Avery, Blair, Briggs, Campbell, Clarke, Conness, Councilman, Flanders, Ford, Green, Morgan, Porter, Spence, Stearns, Tilton, and Tittel—17.

Senate Bill, No. 104, also reported in the Senate message—was read first and second times, and referred to the Sacramento Delegation.

SPECIAL ORDER.

Assembly Concurrent Resolutions on the State of the Union, the special order of the day—were taken up, considered, and made the special order for March first, at half past one, p. m.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 28th, 1861. }

MR. SPEAKER :—The Senate, this day, passed Senate Bill, No. 134, An Act making appropriations for the payment of the claim of C. W. Tozer and others, for the transportation of Arms, Munitions of War, etc. to Carson Valley, Utah Territory.

D. J. WILLIAMSON,
Assistant Clerk.

Senate Bill, No. 134, above reported—was read first and second times, and referred to the Committee on Claims.

Mr. Magruder made the following report:

MR. SPEAKER :—The Yuba Delegation, to whom was referred Senate Bill, No. 80, An Act authorizing the Mayor and Common Council of the City of Marysville to provide certain Moneys for the benefit of the Agricultural, Horticultural, and Mechanics' Society, of the Northern District

of California—have had the same under advisement, and beg leave to make the following report :

Amend as follows: For the first section, insert entire new section.

Strike out "Sec. 1," and insert "Sec. 2."

Strike out "Sec. 2," and insert "Sec. 3."

Strike out "Sec. 3," and insert "Sec. 4."

Strike out "Sec. 4," and insert "Sec. 5."

Strike out "Sec. 5," and insert "Sec. 6."

Strike out "Sec. 6," and insert "Sec. 7."

Strike out "Sec. 7," and insert "Sec. 8."

Strike out "Sec. 8," and insert "Sec. 9."

And recommend that the bill, as amended, shall pass.

L. MAGRUDER,

For the Yuba Delegation.

Committee amendments to Senate Bill, No. 80, above reported—con-
curred in, bill read a third time, and passed

Mr. O'Brien offered a Concurrent Resolution in relation to Joint Con-
vention for election of United States Senator.

Mr. Banks moved a call of the House.

At half past three o'clock, P. M. on motion of Mr. Scott, the House
adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY, }
Friday, March 1st, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved

PETITIONS.

Petitions were presented as follows :

By Mr. Wood of Yolo, Of Citizens of Yolo County against removal of
County Seat.

Referred to Committee on Counties and County Boundaries.

By Mr. Horrell, Of Citizens of Amador and El Dorado counties for
change of County Lines.

Referred to delegations of Amador and El Dorado counties.

By Mr. Banks, Of Citizens of San Francisco for Citizens' Railroad Com-
pany.

Referred to San Francisco Delegation.

REPORTS.

Reports were made as follows :

By Mr. Walden :

MR. SPEAKER:—The Committee on Claims to whom was referred As-
sembly Bill, No. 171, An Act for the relief of Marin County—have had
the same under consideration and beg leave to report the same back with-
out amendment and recommend its passage.

WALDEN,
Chairman.

By Mr. Dougherty :

MR. SPEAKER:—Your committee to whom was referred Assembly Bill, No. 135, entitled An Act to amend An Act to provide for the appointment of a Gager for the Port of San Francisco—having had the same under consideration beg leave to report the same back and recommend its passage ;

Also, Assembly Bill, No. 109, entitled An Act to provide for the issuing of Licenses to Hotel and Tavern Brokers in the City of San Francisco—recommend it be referred to the San Francisco Delegation ;

Also, Assembly Bill, No. 186, entitled An Act amendatory of, and supplementary to, An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty—beg leave to report the same back to the House and recommend it be referred to the Amador Delegation.

JOHN DOUGHERTY,
Chairman.

By Mr. Campbell :

MR. SPEAKER:—The Judiciary Committee to whom was referred Assembly Bill, No. 133, entitled An Act to amend Section One Hundred and Seven, of General Act in reference to Courts of Justice—having considered the same, report it back and recommend that it do not pass

The same committee to whom was referred Assembly Bill, No. 80, entitled An Act to amend An Act to provide Revenue for the Government of the State, approved April thirtieth, eighteen hundred and sixty—having considered the same report it back with a substitute, and recommend the passage of the substitute.

The same committee to whom was referred Assembly Bill, No. 82, entitled An Act to authorize the sale of certain Real Estate by Guardians—having considered the same report it back with amendment, and recommend its passage as amended.

CAMPBELL,
Chairman.

By Mr. Miller :

MR. SPEAKER:—Your Committee on Mines and Mining Interests have had under consideration Assembly Bill, No. 152, An Act concerning Mining Companies in this State—and beg leave to report the same back with a recommendation that it do not pass.

Your committee are not prepared to say that a law similar to the one introduced might not prove of service in some cases where partners do business in an unbusiness-like manner, but they trust that these are not general and do not need legislation. All of which is respectfully submitted.

NEWTON C. MILLER,
Chairman.

By Mr. Tilton :

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 73, An Act to extend the time of the City of Petaluma, or Assigns, to improve the navigation of Petaluma Creek ;

Also, Assembly Bill, No. 88, An Act to extend the time of collecting Taxes in the County of Santa Cruz.

TILTON,
Chairman.

By Mr. Briggs:

Mr. SPEAKER:—Your committee to whom was referred An Act to authorize the Administrator of the estate of Nicholas Swan, deceased, and Zachariah Simpson, deceased, to apply Moneys in his hands for certain purposes—have duly considered the matter and now report the bill back and recommend its passage.

BRIGGS,
Chairman.

By Mr. Adams:

Mr. SPEAKER:—The Committee on Swamp und Overflowed Lands to whom was referred Assembly Bill, No. 54, for the Reclamation of Swamp and Overflowed Lands—have had the same under consideration and beg leave to report the same back with amendments, and recommend its passage as amended.

They have also had under consideration Assembly Bill, No. 192, and report the bill back with amendments, and recommend its passage as amended.

AMOS ADAMS,
Chairman.
JOHN CONNESS,
L. R. BRADLEY,
WM. C. WOOD,
C. B. PORTER.

By Mr. Banks:

Mr. SPEAKER:—Your Select Committee to which was referred Senate Bill, No. 89, An Act prescribing Rules for the Government of the State Library—have had the same under consideration report it back to the House, and unanimously recommend its passage without amendment.

J. A. BANKS,
W. J. HARRISON,
O. K. SMITH,
CHAS. KUNGLE.

Verbal reports were made as follows:

By Mr. Durst, that Senate Bill, No. 29, An Act regulating the sale of Poisons do not pass.

By Mr. Ross, recommending the passage of Assembly Bill, No. 164, An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes.

By Mr. Flanders, recommending the passage as amended of Assembly Bill, No. 200, An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco.

Rules suspended, amendment adopted, considered engrossed, read third time, and passed.

SPECIAL ORDER.

Senate Bill, No. 152, An Act to change the venue in the case of Horace Smith—special order of the day, was taken up.

Mr. Campbell offered the following amendments:

Strike out section one and insert in lieu thereof as follows:

SECTION 1. The District Court of the Twelfth Judicial District in and for the city and county of San Francisco, is hereby authorized and empowered to hear and determine any application which Horace Smith, now indicted for murder, alleged to have been committed by him in said city

and county, may make to said court previous to the trial of the cause for the change of the place of trial thereof, on the ground that the attendance of witnesses necessary to the defense cannot be obtained in said city and county, and that public justice will be subserved by such change.

SEC. 2. Such application shall be based on affidavits, copies of which together with notice of such application, shall be served upon the District Attorney of said city and county at least two days prior to the hearing of the motion.

SEC. 3. If, upon the hearing of the motion, the court shall be satisfied that such change of the place of trial is just and necessary, the court shall order the cause to be transferred to the District Court in and for such other county as the court may deem proper, and therefore the same proceedings shall be taken as in the cause as are provided by law in other cases when the place of trial is changed for any cause other than that specified in this act, the court to which the transfer shall be made shall have jurisdiction over the case; *provided*, all the expenses growing out of the indictment and trial of said Smith shall be borne by the State of California.

Lost.

On the passage of the bill, Messrs Tittel, Wood of Plumas, and Gillette, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 56—noes, 16:

AYES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Gillette, Gordon, Green, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Patrick, Percy, Powell, Ross, Scott, Showalter, Smith of Placer, Sorrel, Spence, Tilden, Walden, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—56

NOES—Messrs. Adams, Avery, Banks, Campbell, Conness, Councilman, Crocker, Fargo, Flanders, Ford, Morgan, Porter, Stearns, Tilton, Tittel, and Walter—16

Mr. Miller offered the following resolution:

Resolved, That the use of this chamber, on Tuesday evening March twelfth, eighteen hundred and sixty-one, after seven o'clock, P. M. be tendered to Professor Whitney, State Geologist, for the purpose of a lecture, and the Clerk be requested to inform him of the same.

Adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 1st, 1861. }

MR. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento remaining in the General Fund to the Contingent Fund;

Also, Senate Bill, No. 86, An Act to audit and allow the claim of John Herzo, Assignee;

Also, have refused to concur in Assembly amendment to Senate Bill, No. 115, An Act supplemental to An Act for the education and care of the Indigent Deaf, Dumb, and Blind, in the State of California—and have ap-

pointed Messrs Dickinson, Parks, and Heacock, a Committee of Free Conference on the part of the Senate, and ask a similar committee on the part of the House.

D. J. WILLIAMSON,
Assistant Secretary.

The Speaker announced as the Committee on Free Conference on Senate Bill, No 115, above reported, Messrs. Flanders, Harris, and Dougherty.

Senate Bill, No. 141, above reported—was read first and second times, and referred to the Sacramento Delegation.

Senate Bill, No. 86, above reported—was read first and second times, and referred to the Committee on Claims.

SENATE CHAMBER,
March 1st, 1861. }

MR. SPEAKER:—The Senate on yesterday, passed Assembly Bill, No. 83, An Act declaring Salinas River Navigable;

Also, Assembly Bill, No. 70, An Act to amend an Act entitled An Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, eighteen hundred and fifty-three.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
Friday, March 1st, 1861. }

MR. SPEAKER:—The Senate this day passed Assembly Bill, No 41, An Act to provide for the collection of Delinquent Taxes in the county of Butte, with amendments;

Also, have appointed Messrs. Merritt, Harvey, and Chase, a Committee on part of the Senate, in accordance with a similar Committee on part of the House, to visit the State Reform School at Marysville.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 41, above reported.

SENATE CHAMBER,
Friday, March 1st, 1861. }

MR. SPEAKER:—The Senate, this day, adopted Senate Concurrent Resolution, No. 23, Relative to a Joint Convention.

D. J. WILLIAMSON,
Assistant Secretary.

Mr. Showalter moved to lay the resolution, above reported, on the table.

Mr. Haun moved a call of the House.

Carried.

Absent—Messrs Avery, Cherry, Clarke, Henderson, Munday, and Sorrel.

Mr. Laspeyre moved to dispense with further proceedings under the call.

Upon which, Messrs. Banks, Haun, and Cherry, demanded the ayes and noes, and the motion prevailed, as follows: Ayes, 54—noes, 17:

AYES—Messrs Amyx, Avery, Baechtel, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Crocker, Curtis, Denniston, Durst, Eastman,

Fargo, Flanders, Ford, Green, Gregory, Hagans, Harriman, Harrison, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Miller, Morrison, O'Brien, Patrick, Porter, Powell, Ross, Scott, Showalter, Smith of Placer, Sorrel, Stearns, Tilden, Tilton, Walden, Walter, White, Wood of Plumas, Wood of Yolo, and Wright—54.

NOES—Messrs Adams, Banks, Briggs, Campbell, Chandler, Cherry, Councilman, Dougherty, Gillette, Hanson, Haun, Montgomery, Morgan, Piercy, Spence, Tittel, and Willey—17.

Mr Showalter withdrew his motion to lay the resolution on the table, and moved to make the consideration of the resolution the special order for March second, at twelve, M.

Mr Crocker moved to lay the resolution on the table.

Upon which, Messrs Powell, Walter, and Crocker, demanded the ayes and noes, and the House refused by the following vote: Ayes, 38—noes, 39:

AYES—Messrs Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Conness, Councilman, Crocker, Fargo, Flanders, Ford, Hanson, Harriman, Harrison, Haun, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Patrick, Porter, Ross, Scott, Spence, Tilton, Tittel, Willey, and Wood of Yolo—38.

NOES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Gillette, Green, Gregory, Hagans, Harris, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morrison, O'Brien, Piercy, Powell, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Stearns, Tilden, Walden, Walter, White, Wood of Plumas, Wright, and Mr. Speaker—39.

Mr. Sorrel moved to make the further consideration of the resolution the special order for Tuesday next, March fifth, at twelve o'clock, M.

Upon which, Messrs. Conness, Hunter, and Hill, demanded the ayes and noes, and the House refused by the following vote: Ayes, 22—noes, 50:

AYES—Messrs. Chandler, Covarrubias, Gillette, Gregory, Hagans, Hanson, Harrison, Haun, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Patrick, Scott, Showalter, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—22.

NOES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Harriman, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Lippincott, Morgan, O'Brien, Piercy, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tittel, Walter, Willey, Wright, and Mr Speaker—50.

Mr. Flanders moved to make the consideration of the resolution the special order for Thursday next, March seventh, at twelve o'clock, M.

Mr Conness moved to lay the motion on the table.

Lost.

Mr. Tittel moved to adjourn.

Upon which, Messrs Tittel, Spence, and Walden, demanded the ayes and noes, and the House refused by the following vote: Ayes, 13—noes, 62:

AYES—Messrs Coltrin, Conness, Ford, Foster, Gillette, Green, Harrison, Johnson, Lalor, Morgan, Patrick, Tittel, and Walter—13.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Chandler, Cherry, Childs, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Gregory, Hagans, Hanson, Hartman, Harris, Haun, Henderson, Hill, Holman, Horrell, Hunter, Kungie, Kurtz, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morrison, O'Brien, Piercy, Porter, Powell, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Tilton, Walden, White, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—62.

Pending the farther consideration of the resolution, the hour arrived for taking up the

SPECIAL ORDER.

Assembly Concurrent Resolutions on the State of the Union, were considered, and made the special order for March second, at ten o'clock, P. M.

Mr. Fargo offered the following resolution :

Resolved, That fifteen thousand additional copies of the Report of the Special Committee on the Culture of the Grape Vine, be ordered printed for the use of members.

Laid over under the rules.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Ross, for An Act concerning Roads and Highways in certain Counties in this State

Read first and second times, and referred to the delegations from Sonoma and Marin.

By Mr. Gordon, for An Act to repeal An Act restricting the herding of Sheep to certain pastures, in the Counties of Sonoma and Marin, and the Acts amendatory thereof.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Fargo, for An Act amendatory of An Act to provide for the opening of a Channel across the Bar at the mouth of the San Antonio Creek, approved April tenth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Internal Improvements.

Mr. Lalor offered the following resolution :

Resolved, That the Engrossing Clerk be authorized to appoint an Assistant, at a salary of eight dollars per diem, payable out of the Contingent Fund of the Assembly.

Mr. Magruder moved to adjourn.

Lost.

Mr. Briggs moved to strike out the word "eight," in the resolution.

Upon which, Messrs. Showalter, Conness, and Coleman, demanded the ayes and noes, and no quorum voting, the amendment was lost as follows : Ayes, 21—noes, 17 :

AYES—Messrs. Avery, Baechtel, Blair, Briggs, Cherry, Fargo, Ford,

Hagans, Harriman, Holman, Magruder, Miller, Montgomery, Morgan, Patrick, Porter, Ross, Smith of Placer, Spence, Wood of Plumas, and Mr. Speaker—21.

NOES—Messrs. Amyx, Bradley, Coleman, Coltrin, Conness, Durst, Hanson, Harris, Hill, Lalor, Laspeyre, O'Brien, Piercy, Showalter, Smith of Tulare, Sorrel, and Walden—17.

At four o'clock, p. m. on motion of Mr. Smith of Tulare, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 2d, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present

Journal of yesterday read and approved.

Mr. Clark had leave of absence for two days.

REPORTS.

Reports were made as follows :

By Mr. Walden :

MR. SPEAKER:—The Committee on Claims, to whom was referred Assembly Bill, No. 155, An Act to appropriate Money to pay for services rendered under the Act creating the State Land Office, approved April tenth, eighteen hundred and fifty-eight, in the segregation of certain Swamp Lands of this State—beg leave to report the same back, without amendment, and recommend its passage ;

Also, Senate Bill, No. 21, An Act to audit and allow the claim of Peyton, Duer, Lake, and Rose, or their assigns—beg leave to report the same back, and recommend its passage.

WALDEN,
Chairman.

By Mr. Campbell :

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the interest in certain Real Estate of her Infant Child—having considered the same, report it back, and recommend its passage.

The same committee, to whom was referred Assembly Bill, No. 149, An Act to define the duties and liabilities of Pawnbrokers and Pledges ;

Also, Assembly Bill, No. 158, An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character—having considered said bills, report them back, with amendments, and recommend their passage as amended.

The same committee, to whom was referred Assembly Bill, No. 103, An Act concerning the Office of County Recorder in the County of Solano ;

Also, Assembly Bill, No. 141, An Act concerning the Offices of County Recorder and County Auditor in the County of Napa—having considered

said bills, report them back, with a substitute for both, and recommend the passage of the substitute.

The same committee, to whom was referred Assembly Bill, No. 153, An Act enabling poor persons to sue without paying Costs;

Also, Assembly Bill, No. 96, An Act to prohibit Lotteries and Gift Enterprises in this State—having considered the same, report them back, and recommend that they do not pass.

The same committee, to whom was referred Assembly Bill, No. 156, An Act amendatory of, and 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—having considered the same, report it back, and recommend its reference to the Alameda Delegation.

CAMPBELL,
Chairman.

By Mr. O'Brien :

Mr. SPEAKER :—Your Committee on Counties and County Boundaries, having had under consideration Assembly Bill, No. 166, An Act locating the County Seat of Yolo County—beg leave to report the same back, and recommend its passage.

Signed by a majority of the committee.

THOMAS O'BRIEN,
F. AMYX,
M. G. GILLETTE,
T. FOSTER,
JOHN DOUGHERTY.

Mr. Munday made a verbal minority report, recommending that the bill do not pass.

Mr. Campbell reported that Assembly Bill, No. 191, be printed.
So ordered.

By Mr. Stearns :

Mr. SPEAKER :—The Committee on Agriculture report back Bill, No. 48, with substitute, and recommend its passage.

STEARNS,
Chairman.

By Mr. Childs :

Mr. SPEAKER :—The Committee on Roads and Highways, in obedience to a resolution of the House, report back Assembly Bill, No. 148, without recommendation.

CHILDS,
Chairman.

By Mr. Lalor :

Mr. SPEAKER :—The Committee on Engrossment have examined, and ~~found~~ correctly engrossed, Assembly Bill, No. 125, An Act concerning certain Offices of the County of Los Angeles;

Also, Assembly Bill, No. 170, An Act making Warrants drawn on the General Fund of Mendocino and Tulare Counties a legal tender for County Taxes in said Counties;

Also, Assembly Bill, No. 200, An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco.

E. LALOR,
Chairman.

By Mr. Dougherty:

MR. SPEAKER:—The Special Committee, to whom was referred Senate Bill, No. 20, entitled An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the formation of Corporations for certain purposes, etc.—have had the same under consideration, and report the same back, with amendments, and recommend its passage as amended.

DOUGHERTY,

Chairman.

The rules were suspended, amendments adopted, bill read a third time, and passed, and title amended.

By Mr. Campbell:

MR. SPEAKER:—The undersigned, a majority of the San Francisco Delegation, to whom was referred Assembly Bill, No. 56, An Act to provide for a Railroad within the City and County of San Francisco;

Also, Assembly Bill, No. 57, An Act to grant to certain persons the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco, and to run Horse Cars thereon—have considered the same, report them back, with amendments, and recommend their passage as amended.

CAMPBELL,
TILTON,
CHERRY,
WILLEY,
FLANDERS

By Mr. Powell:

MR. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento—have had the same under consideration, and I am authorized to report the same back to the House, without amendment, and recommend its passage.

POWELL,

Of Sacramento Delegation.

By Mr. Munday:

MR. SPEAKER:—A minority of the Committee on County and County Boundaries, to whom was referred Assembly Bill, No. 166, An Act to locate the County Seat of Yolo County—have considered the same, and beg leave to report, that in their opinion, it should require a majority of all the votes cast to locate the County Seat of any county, and as the village of Washington only received a plurality of votes, that it should not be declared the County Seat of that county, we therefore report that the bill should not pass.

MUNDAY,
COLTRIN,

Of the Committee.

Mr. Horrell verbally reported and recommended the passage of Assembly Bill, No. 186, An Act amendatory of, and supplementary to, An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

By Mr. Tilton:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 16, An Act to amend an Act

entitled An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco, approved March thirteenth, eighteen hundred and sixty;

Also, Assembly Bill, No. 45, An Act to provide for the collection of Delinquent Taxes in the County of Nevada;

Also, Assembly Bill, No. 95, An Act to provide for the better maintenance of the Indigent Sick in the County of Nevada.

S. S. TILTON,
Chairman.

By Mr. Flanders:

MR. SPEAKER:—The Committee of Free Conference, appointed by the Senate and Assembly, to consider Senate Bill, No. 115, An Act supplementary to An Act for the education and care of the Indigent Deaf, Dumb, and Blind—have had the same under consideration, and recommend that the House recede from its amendment, and that the bill be amended as follows:

Amend section three, by striking out in sixth line the words “three hundred,” and insert “two hundred and fifty.”

Add to section three the following words:

“And the Controller is hereby authorized and required to draw his warrants on the Treasurer for the accounts so audited and allowed upon any moneys not otherwise appropriated.”

Amend section five, by striking out the word “twelve” and insert “ten.”

DICKINSON,
PARKS,
HEACOCK,
Senate Committee.
FLANDERS,
HARRIS,
DOUGHERTY,
House Committee.

Adopted.

By Mr. Spence:

MR. SPEAKER:—The committee to whom was referred Assembly Bill, No. 85, An Act to provide for the construction of a Bridge in the City of Nevada—report the bill back, with amendments, and recommend its passage as amended.

E. F. SPENCE,
For the Nevada Delegation.

Mr. Showalter moved to take from the table Senate Concurrent Resolution, No. 23, Relative to a Joint Convention.

Carried.

Mr. Crocker moved to indefinitely postpone the resolution.

Upon which, Messrs. Wood of Plumas, Crocker, and Patrick, demanded the ayes and noes.

Mr. Crocker withdrew the motion.

The motion was renewed by Mr. Haun.

The special order was postponed for thirty minutes.

The House refused to indefinitely postpone the resolution, by the following vote: Ayes, 12—noes, 61:

AYES—Messrs. Adams, Bradley, Flanders, Hanson, Haun, Kungle, Laspoyre, Montgomery, Morgan, Porter, Spence, and Willey—12.

NOES—Messrs. Adams, Avery, Baechtel, Banks, Blair, Briggs, Buell, Chandler, Cherry, Childs, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Ford, Foster, Gillette, Green, Gregory, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Holman, Horrell, Johnson, Kurtz, Lalor, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Patrick, Piercy, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Stearns, Tilton, Tittel, Walden, Walter, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—61.

On concurring in the resolution, Messrs. Wood of Plumas, Miller, and Montgomery, demanded the ayes and noes, and the House concurred by the following vote: Ayes, 45—noes, 26:

AYES—Messrs. Adams, Baechtel, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Foster, Gillette, Green, Gregory, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Johnson, Lalor, Lippincott, Miller, Morrison, Munday, O'Brien, Patrick, Piercy, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Stearns, Walden, Walter, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—45.

NOES—Messrs. Amyx, Avery, Banks, Blair, Bradley, Campbell, Cherry, Councilman, Crocker, Flanders, Ford, Hanson, Harriman, Haun, Holman, Kungle, Kurtz, Laspeyre, Magruder, Montgomery, Morgan, Porter, Spence, Tilton, Tittel, and Willey—26.

REPORTS.

Reports were made as follows:

By Mr. Walden:

MR. SPEAKER:—Your Auditing Committee have examined the copying done on account of Assembly, and find the same as follows:

Purpose.	Folios.	Per Folio.	Amount.
Copying done for the Assembly.....	3,878	10 cts.	\$387 80

Your committee also recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and is hereby, authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of three hundred and eighty-seven dollars and eighty cents, payable out of the Copying Fund of the Assembly.

WALDEN,
Chairman.

Adopted.

By Mr. Banks:

MR. SPEAKER:—The minority of the San Francisco Delegation, to whom was referred various San Francisco railroad bills—having had the same under consideration, respectfully report in favor of the indefinite postponement of Assembly Bill, No. 56, entitled An Act to provide for a Railroad within the City and County of San Francisco—for the following reasons:

It provides for granting to private parties, without competition, a fran-

chise of great value, virtually amounting to an enormous monopoly, and it does not secure to the city and county of San Francisco anything like an adequate compensation.

The streets of said city and county have been established, graded, and improved, at the expense of said city and county for ordinary street purposes, and without condemning the same in an oppressive manner, no such rights as those contemplated in this bill, can be conferred, except with the consent of the government of said city and county, and there are good reasons to believe that the consent of the owners of the property along the line of the road must also be obtained before the streets in front of their premises can be used for purposes other than ordinary street purposes.

Aside from the legal difficulties which these considerations present, equity demands that both the property owners along the railroad route and the city government, should be consulted before the rights which they have rendered valuable shall be made the subject of donation to private parties. Any effort to condemn the streets of a city for the benefit of private parties without the consent of at least a majority of the owners of property on the line of the railroad, and the consent of the government of the city and county, would be a great wrong, particularly in cases where the streets are so narrow as not to admit of the loading and unloading of drays while the cars may be passing.

The argument based on the assumption that those interested in the passage of this measure, have by virtue of their ownership in omnibus property a vested right in the proposed route for railroad purposes, is not entitled to extended consideration, and the argument founded in the more modest assumption, that their interest in omnibus property may be rendered less valuable than it now is, by the construction of a railroad, is the same that has been relied on by those in all ages who have opposed the introducing and establishing of canals, steamboats, railroads, and other grand inventions and improvements.

For similar reasons we also recommend the indefinite postponement of Assembly Bill, No. 57, entitled An Act to grant certain persons the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco, and to run Horse Cars thereon—which is substantially the same as Assembly Bill, No. 56.

On account of these and the following considerations, we respectfully recommend the passage of Assembly Bill, No. 119, An Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco—which provides for establishing railroad routes by the Board of Supervisors of the city and county of San Francisco—in the streets of said city and county—and after proper advertisement, the granting of railroad privileges over any of such routes to the parties offering to carry passengers at the lowest rates of fare, thus securing thorough competition for the benefit of the citizens generally.

It also embraces all the usual necessary guards, and gives to the Board of Supervisors the power to perfect in detail the terms which (with the provisions of the statute) shall form the specifications upon which competition shall be secured. It also provides ample protection for the rights of the owners of property along the line of said route, and of the city and county at large, while it does not give the Board of Supervisors a dangerous power, but simply make them the agents in securing fair and thorough competition.

FRED. O. E. TITTEL,
R. CLARK,
JAS. A. BANKS.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Curtis :

Resolved, That the committee appointed to take testimony in reference to certain lands belonging to this State having been improperly included in the United States Survey be, and they are hereby, authorized to employ a competent Clerk to reduce said testimony to writing.

Adopted.

By Mr. Lalor :

Resolved, That the Engrossing Clerk be authorized to appoint an Assistant, at a salary of eight dollars per diem, payable out of the Contingent Fund of the Assembly.

Adopted.

On motion of Mr. Sorrel, C. P. Duane was allowed to remove from the Capitol a certain picture, presented by him on the twenty-seventh of April, eighteen hundred and fifty-five.

By Mr. Laspeyre :

Resolved, That the Committee on Commerce and Navigation be granted indefinite leave of absence, to visit San Francisco, to inquire into the manner in which the affairs of the office of Commissioner of Immigration have been conducted, as per order of the Assembly, and said committee are hereby authorized to employ a Clerk and Sergeant-at-Arms, if necessary, at the usual salary allowed such officers.

Adopted.

On motion of Mr. Ross, Assembly Bill, No. 148, was referred to the delegation from Sonoma and Mendocino counties.

Mr. Baechtel presented a petition of citizens of Mendocino County for amendment to Cloverdale wagon road law.

Referred to delegation from Sonoma and Mendocino.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Saturday, March 2d, 1861. }

MR. SPEAKER :—The Senate, on the twenty-seventh of February passed Senate Bill, No 144, An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County purposes for the year eighteen hundred and sixty-one.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 144, above reported—read first and second times, and referred to the delegation from Sierra.

SPECIAL ORDER.

Assembly Concurrent Resolution on the State of the Union, the special order of the day—was considered and made special order for March fourth, at one o'clock, P. M.

GENERAL FILE.

Assembly Bill, No. 186, An Act amendatory of, and supplemental to,

An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty—amendments adopted, rules suspended, considered engrossed, read a third time and passed.

Senate Bill, No. 127, An Act to authorize the issuance of certain School Land Warrants for the benefit of Thomas Thompson—was read a third time.

The ayes and noes were called, and the bill was passed by the following vote: Ayes, 41—noes, none:

AYES—Messrs. Amyx, Avery, Blair, Bradley, Briggs, Buell, Childs, Coleman, Coltrin, Conness, Councilman, Durst, Foster, Gillette, Green, Hagans, Hariman, Harris, Henderson, Hill, Holman, Kungle, Lippincott, Magruder, Miller, Montgomery, Morgan, Morrison, O'Brien, Patrick, Ross, Showalter, Smith of Tulare, Spence, Stearns, Tittel, Walden, Walter, Wood of Plumas, Wright, and Mr. Speaker—41.

NOES—none.

On motion of Mr. Ross, Assembly Bill, No. 201, An Act concerning Roads and Highways in certain Counties in this State—was ordered printed.

On motion of Mr. Clark, Assembly Bills, Nos. 54, 74, and 192—were made the special order for March eleventh, at twelve o'clock, M.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Morrison:

Resolved, By the Assembly, the Senate concurring, that the Governor of the State be, and he is authorized and requested, to appoint three Commissioners, to report to the next Legislature upon the ways and means best adapted to promote the improvement and growth of the grape-vine in California; *provided*, such Commissioners, who may accept office, shall not ask or receive any pay, or other compensation, for the performance of the duties of their office.

Adopted.

By Mr. Harris:

Resolved, That the per diem of the Assistant Sergeant-at-Arms date from the eighth of January, eighteen hundred and sixty-one, and that the Controller be authorized to draw his warrant in accordance with this resolution.

Laid on the table.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Blair, for An Act to repeal an Act entitled An Act to authorize Married Women to transact business in their own name as Sole Traders, passed April twelfth, eighteen hundred and fifty-two.

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

By Mr. Walter, for An Act to authorize the Board of Supervisors of Trinity County to levy a Tax to build a County Jail.

Read first and second times, and referred to the Committee on Public Buildings.

By Mr. Montgomery, for An Act to authorize Charles A. Keyser, Ad-

ministrator of the Estate of R. B. Sherrod, deceased, to sell and convey Real Property at private sale.

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

By Mr. Amyx, for An Act regulating the Fees of Associate Justices of the Court of Sessions and Jurors of Tuolumne County.

Read first and second times, and referred to the Tuolumne Delegation.

By Mr. Ford, for An Act to authorize Isaac Williams, as Guardian of Jonathan P. Williams and Isaac B. Williams, to sell and convey a portion of their Real Estate at private sale.

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

By Mr. Smith of Tulare, for An Act to authorize the Guardian of Geo. Horton and Marshall Horton to sell certain of their Real Estate at private sale

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

By Mr. Briggs, for An Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe Two Hundred Thousand Dollars to the capital stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times, and referred to the Santa Clara Delegation.

By Mr. Stearns, for An Act to amend an Act entitled An Act concerning certified copies of certain Instruments in Writing, approved April twenty-ninth, eighteen hundred and fifty-seven.

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

By Mr. Bradley, for An Act for the permanent location of the County Seat of Stanislaus County.

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

At half-past three o'clock, P. M. on motion of Mr. Coleman, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 4th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday last read and approved.

Leave of absence was granted as follows: The Hospital Committee until Friday next, and the State Prison Committee indefinite leave, and Messrs. Fargo, Willey, and Campbell, for two days each.

Mr. Sorrel presented a petition Of Citizens of Siskiyou County in relation to Hospital.

Referred to Siskiyou Delegation.

REPORTS.

Reports were made as follows:

By Mr. Lalor:

Mr. SPEAKER:—The Committee on Engrossment have examined and

found correctly engrossed Assembly Concurrent Resolution No 34 asking an appropriation by Congress for continuing the Honey Lake Road;

Also, Assembly Bill, No 120, An Act making appropriations for the payment of the Per Diem and Mileage of Presidential Electors;

Also, Assembly Bill, No 169, An Act fixing the Salary and Fees of the District Attorney of San Bernardino County;

Also, Assembly Bill, No 127, An Act to authorize James Camp and James M. Fry to remove certain Remains;

Also, Assembly Bill, No. 76, An Act to change the name of Sullivan Milton Farrer to Sullivan Milton Farren.

LALOR,
Chairman.

Mr. Wright verbally reported and recommended the passage of Senate Bill, No. 144, An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County purposes for the year eighteen hundred and sixty-one.

Rules suspended, bill read third time, and passed.

By Mr. Baechtel:

Mr. SPEAKER:—Assembly Bill, No. 148, referred to the Mendocino Delegation has been critically examined and duly considered. The same is hereby returned and its passage recommended without amendment.

W. BAECHELTEL,

By Mr. Stearns:

Mr. SPEAKER:—The Los Angeles Delegation report back Bill, No 184, without amendment and recommend its passage.

STEARNS.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT, }
Sacramento, March 4th, 1861. }

To the Honorable the Assembly of California:

I have to inform your honorable body that I have this day approved Assembly Bill, No 95, An Act to provide for the better maintenance of the Indigent Sick of the County of Nevada;

Also, Assembly Bill, No. 88, An Act to extend the time for the collection of Taxes in the County of Santa Cruz.

JOHN G. DOWNEY,
Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

SENATE CHAMBER,
Saturday, March 2d, 1861 }

Mr. SPEAKER:—The Senate on yesterday passed Assembly Bill, No. 27, An Act concerning infant Heirs and Devisees of Bernardo Yorba, deceased;

Also, Senate Bill, No. 118, An Act to reimburse Mary B. Russell certain Moneys expended by the Sisters of Mercy for the burial of the Dead.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 118, above reported—was read first and second times, and referred to the Committee on Claims.

SENATE CHAMBER,
Monday, March 4th, 1861. }

Mr. SPEAKER:—The Senate on Saturday passed Senate Bill, No. 94, An Act to amend an Act entitled An Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty;

Also, Senate Bill, No. 151, An Act for the relief of William Greenhood;

Also, have concurred in the report of the Committee of Free Conference on Senate Bill, No. 115, An Act supplemental to An Act for the education and care of the Indigent Deaf, Dumb, and Blind, in the State of California, approved April eighteenth, eighteen hundred and sixty.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER.
Monday, March 4th, 1861. }

Mr. SPEAKER:—The Senate on March second, passed Senate Bill, No. 148, An Act authorizing the Board of Supervisors of the City and County of San Francisco to procure chambers for the Judges of Circuit Courts;

Also, Senate Bill, No. 77, An Act fixing the time of holding the Court of Sessions, County Court, Probate Court, in the County of Calaveras and the manner of summoning Jurors for the County Court of said County;

Also, Senate Bill, No. 66, An Act appropriating Money for the benefit of the Ladies' Seamen's Friends Society of San Francisco.

D. J. WILLIAMSON,
Assistant Clerk.

Senate Bill, No. 94, above reported—was read first and second times, and referred to the Judiciary Committee

Senate Bill, No. 151, above reported—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 148, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 66, above reported—was read first and second times, and referred to the Committee on Ways and Means.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Powell, for An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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.

By Mr. Walter, for An Act for the relief of I. C. Wood.

By Mr. Holman, for An Act to Fund the debt of Solano County.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Denniston, for An Act to authorize the Board of Supervisors of the County of San Mateo to take and subscribe One Hundred Thousand Dollars to the capital stock of the San Francisco and San José Railroad Company and to provide for the payment of the same, and other matters relating thereto.

Read first and second times, and referred to the San Mateo Delegation.

By Mr. Gillette, for An Act to grant the right to lay down and main-

tain a Railway Track within the limits of the City and County of San Francisco and to run Cars thereon

Read first and second times, and referred to the Committee on Corporations.

By Mr. Wood of Yolo, for An Act for the relief of James McCauley, County Assessor of Yolo County

Read first and second times, and referred to the Committee on Claims.

By Mr. Harris, for An Act concerning Roads and Highways in the County of Butte.

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

By Mr. Sorrel, for An Act making an appropriation for the payment of M. F. Game for services rendered by him in the office of the Superintendent of Public Instruction

Read first and second times, and referred to the Committee on Claims.

By Mr. Curtis, for An Act supplementary to An Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento, and the several Acts amendatory and supplemental thereto, and to incorporate the City and County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Hagans, for An Act to prescribe the number and pay of the attachés of the Legislature and the Per Diem of members.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Piercy, for An Act to audit and allow the claim of I. S. Waite.

Read first and second times, and referred to the Committee on Claims;

Also, An Act to authorize the Controller of State to make settlement of certain Fees with the Treasurer of San Bernardino County.

Read first and second times, and referred to the Committee on Claims.

By Mr. Morrison, for An Act to appropriate Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy

Read first and second times, and referred to the Committee on Claims.

By Mr. Lippincott, for An Act concerning Prosecutions in certain cases.

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

By Mr. Horrell, for An Act to provide for the construction of a Wagon Road commencing at Antelope Springs in the County of Amador and running thence to the best practicable route to Hope Valley on the Eastern slope of the Sierra Nevada Mountains

Read first and second times, and referred to the Amador Delegation.

By Mr. Adams, for An Act concerning the Compensation of the Deputy District Attorney in the City and County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Porter, for An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money to the use of the Contra Costa County Agricultural Society.

Read first and second times, and placed on file.

On motion of Mr. Morrison, the following resolution was taken from the table :

Resolved, That ten thousand additional copies of the report of Special Committee on the Culture of the Grape-vine be ordered printed for the use of members, *provided*, that the expense do not exceed the sum of two hundred dollars.

The ayes and noes were demanded, and the resolution was adopted by the following vote: Ayes, 28—noes, 22:

AYES—Messrs. Adams, Bradley, Briggs, Clarke, Councilman, Covarrubias, Curtis, Denniston, Hagans, Hanson, Johnson, Kungle, Kurtz, Lalor, Lippincott, Magruder, Montgomery, Morgan, Morrison, Patrick, Piercy, Ross, Scott, Stearns, Tittel, Walter, White, and Wood of Plumas—28.

NOES—Messrs. Amyx, Avery, Baechtel, Blair, Buell, Coltrin, Conness, Dougherty, Foster, Green, Gregory, Harrison, Henderson, Hill, Holman, Horrell, Miller, O'Brien, Porter, Smith of Placer, Sorrel, and Wright—22.

The following resolution was offered by Mr. Ross:

Resolved, That a committee of —— be appointed to inquire into the expediency of removing the State Capital.

Referred to the Committee on Public Buildings and Grounds.

Assembly Concurrent Resolution, On the State of the Union, the special order of the day, was postponed until to-morrow, March fifth, at one o'clock, P. M.

GENERAL FILE.

The enacting clause was stricken out of Assembly Bill, No. 39, An Act amendatory of an Act to amend an Act entitled An Act providing for the permanent location of the Seats of Justice of the several Counties, passed April eleventh, eighteen hundred and fifty, passed May thirteenth, eighteen hundred and fifty-four, passed February first, eighteen hundred and fifty-five.

Senate Bill, No. 101, An Act relating to the Sureties of C. F. Lynn, late Treasurer of Trinity County—was read third time, and passed.

Senate Bill, No. 89, An Act prescribing Rules for the Government of the State Library—was recommitted to the Committee on Education.

Assembly Bill, No. 36, An Act to grant to certain parties therein named the right to lay a Railroad Track along certain Streets in the City of Sacramento—was taken from Unfinished Business and placed on General File.

Assembly Bill, No. 138, An Act amendatory of, and supplementary to, an Act entitled An Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four;

Also, Assembly Bill, No. 139, An Act to provide for the collection of Delinquent Taxes in the City of Oakland—were ordered engrossed.

Assembly Bill, No. 154, An Act to amend an Act entitled An Act fixing the time for holding the Courts of Sessions and County Courts in the County of Shasta, and to change the manner of summoning Juries for the County Court of said County, approved March eighteenth, eighteen hundred and fifty-nine—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 118, An Act amendatory of an Act entitled an Act amendatory of, and supplementary to, An Act to establish, support, and regulate, Common Schools, and to amend the Fourth Clause of Section Sixteen of Act concerning the same, approved April twenty-eighth, eighteen hundred and sixty—was recommitted to Committee on Education.

Assembly Bill, No. 166, An Act to locate the County Seat of Yolo County—the rules were suspended, and the bill considered engrossed.

On its passage, Messrs. Kurtz, Wood of Yolo, and Smith of Placer, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 39—noes, 12:

AYES—Messrs. Adams, Amyx, Baechtel, Blair, Buell, Childs, Conness,

Covarrubias, Curtis, Denniston, Dougherty, Foster, Gillette, Green, Gregory, Hagans, Harriman, Harris, Henderson, Hill, Horrell, Johnson, Kungle, Lalor, Lippincott, Miller, Munday, O'Brien, Patrick, Ross, Scott, Showalter, Sorrel, Walden, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—39.

NOES—Messrs. Bradley, Briggs, Chandler, Coltrin, Councilman, Holman, Kurtz, Montgomery, Porter, Smith of Placer, Stearns, and Walter—12.

Mr. Munday gave notice of reconsideration.

The following vote was made by Mr. Green :

MR. SPEAKER:—Your Committee on Public Buildings and Grounds to whom was referred Assembly Bill, No. 206, An Act to authorize the Board of Supervisors of Trinity County to levy a Tax to build a County Jail—have had the same under consideration and beg leave to report the same back, and recommend its passage.

JAMES J. GREEN,
For the Committee.

Mr. Kurtz moved to adjourn.

Upon which, Messrs. Kurtz, Ross, and Showalter, demanded the ayes and noes, and the Senate refused by the following vote: Ayes, 8—noes, 38:

AYES—Messrs. Chandler, Kungle, Kurtz, Morgan, O'Brien, Patrick, Walden, and White—8.

NOES—Messrs. Amyx, Avery, Baechtel, Blair, Bradley, Briggs, Buell, Childs, Clarke, Conness, Councilman, Covarrubias, Dougherty, Foster, Green, Gregory, Hagans, Harris, Henderson, Hill, Holman, Horrell, Johnson, Lippincott, Magruder, Miller, Montgomery, Piercy, Porter, Ross, Showalter, Smith of Placer, Sorrel, Stearns, Walter, Wood of Plumas, Wood of Yolo, and Wright—38.

Assembly Bill, No. 98, An Act to authorize the Administrators of the estate of L. W. Boggs, deceased, to sell and convey Real Estate;

Also, Assembly Bill, No. 9, An Act to grant the right to construct a Bridge across Big River in Mendocino County to certain parties therein named;

Also, Assembly Bill, No. 30, An Act to authorize Joseph J. Cloud to construct and maintain a Wharf at Punta Arena in the County of Mendocino;

Also, Assembly Bill, No. 32, An Act to grant the right to construct a Bridge across the Noyo River, near its mouth, to certain parties therein named;

Also, Assembly Bill, No. 34, An Act to grant the right to construct a Bridge across the Albion River, near its mouth, to certain parties therein named;

Also, Assembly Bill, No. 131, An Act concerning Wild Animals in the County of Marin—were read third time, and passed.

Assembly Bill, No. 163, An Act to amend Section Twenty-Second of an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 172, An Act to abolish the office of Coroner in the County of Tuolumne—was referred to the Judiciary Committee.

Senate Bill, No. 91, An Act to authorize Caus T. Ryland to sell certain Real Estate of his infant Children—was read third time, and passed.

Assembly Bill, No. 198, An Act to amend an Act entitled An Act concerning Roads and Highways in the County of Siskiyou, approved March fourteenth, eighteen hundred and sixty—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 176, An Act to amend an Act entitled An Act to prevent the trespassing of Animals upon private property, approved March thirty-one, eighteen hundred and fifty-five—was ordered engrossed.

INTRODUCTION OF BILLS.

Bills were again introduced as follows :

By Mr. Johnson, for An Act to repeal so much of an Act entitled An Act supplemental to An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirtieth, eighteen hundred and sixty.

Read first and second times, and placed on file.

By Mr. Kurtz, for An Act to grant the right to construct a Bridge across the Colorado River at or near Fort Yuma to certain parties therein named.

Read first and second times, and referred to the Committee on Corporations.

Mr. Walden moved to adjourn.

Lost.

Mr. Sorrel moved a call of the House.

Lost.

Assembly Bill, No. 97, An Act to provide for the payment of the Fees of Jurors in the County of Sonoma—amendments adopted, and ordered engrossed.

At ten minutes past three o'clock, p. m. on motion of Mr. Buell, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 5th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present

Journal of yesterday read and approved.

Mr. Clark offered a protest against the action of the House, in passing the bill for the change of venue in the case of Horace Smith.

Protest withdrawn, and Mr. Clark allowed to record his vote in the negative.

REPORTS.

Reports were made as follows :

By Mr. Walden :

MR. SPEAKER :—The Committee on Claims, to whom was referred the claim of I. & S. Wormser, Assignees, etc.—have examined the same, and

beg leave to report it back with the accompanying bill, and recommend its passage.

WALDEN,
Chairman.

Bill above reported—read first and second times, and placed on file.

By Mr. Lalor :

MR. SPEAKER:—The Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 134, An Act to repeal an Act entitled An Act amendatory of, and supplemental to, an Act entitled An Act to create Inspectors of Beef, Pork, and Salt Provisions, in this State, approved April twenty-first, eighteen hundred and fifty-six, approved March twenty-second, eighteen hundred and sixty, and amendatory of an Act entitled An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State, passed April twenty-first, eighteen hundred and fifty-six.

E LALOR,
Chairman.

By Mr. Piercy :

MR. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 126, An Act to authorize and require the Trustees of the City of Petaluma to call an Election for certain purposes therein named ;

Also, Assembly Bill, No. 78, An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to Tulare County.

PIERCY,
Of the Committee.

By Mr. Childs :

MR. SPEAKER:—The Committee on Roads and Highways, have had under consideration Assembly Bill, No. 178, An Act to authorize the County Auditors of the Counties of San Luis Obispo and Tulare, to issue certain Bonds, and to provide for the construction of a Road therein named—and report the same back without amendment, and recommend its passage.

CHILDS,
Chairman.

By Mr. Lippincott :

MR. SPEAKER:—The Calaveras Delegation having had under consideration Assembly Bill, No. 183, An Act to provide for the collection of Delinquent Taxes in the County of Calaveras—beg leave to report the same back and recommend its passage.

LIPPINCOTT,
CHILDS,
O'BRIEN.

The rules were suspended, and the bill above reported considered engrossed, read a third time and passed.

By Mr. Horrell :

MR. SPEAKER:—The Amador Delegation, to whom was referred Assembly Bill, No. 222, An Act to provide for the construction of a Wagon Road, commencing at Antelope Springs, in the County of Amador, and

running thence by the most practicable route to Hope Valley, on the eastern slope of the Sierra Nevada Mountains—have considered the same, and report the bill back, and respectfully recommend its passage.
HORRELL.

The rules were suspended, and the bill above reported, considered engrossed, read a third time, and passed.

RESOLUTIONS.

Resolutions were offered as follows :

Resolved, That the Enrolling Clerk be authorized to employ an Assistant Enrolling Clerk, at a salary of eight dollars per day, payable out of the Contingent Fund of the Assembly, his per diem to date from the passage of the resolution.

Adopted.

By Mr. O'Brien :

Resolved, That the Committee on Public Morals be, and they are hereby, requested to inquire into the propriety and expediency of passing a law relative to, and for the purpose of, governing Intelligence or Employment Offices in this State.

Adopted.

By Mr. Walden :

Resolved, That the resolution adopted by this House, on January twenty-sixth, requiring the Committee on Claims, to consider all claims arising out of the Carson Valley War, before reporting upon any single claim be, and is hereby, rescinded.

Adopted.

Mr. Conness offered Concurrent Resolutions relative to changes in the Revenue laws—which were adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Tuesday, March 5th, 1861. }

Mr SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 145, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirty-first, eighteen hundred and sixty;

Also, Senate Bill, No. 142, An Act supplemental to 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 twentieth, eighteen hundred and fifty-five, and to increase the number of members composing the Board of Supervisors of Monterey County.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill No. 145, above reported—was read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No. 142, above reported—was read first and second times, and referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Walter, for An Act for the Relief of I. C. Wood.

Read first and second times, and referred to the Committee on Claims.

By Mr. Walden, for An Act to authorize the removal of Human Remains in Stanislaus County.

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

By Mr. Piercy, for An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino.

Read first and second times, and referred to the San Bernardino Delegation.

By Mr. Holman, for An Act to Fund the Debt of the County of Solano, and provide for the payment of the same.

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

GENERAL FILE.

Assembly Concurrent Resolution, No. 34, asking an appropriation by Congress for continuing the Honey Lake Road—was adopted.

Assembly Bill, No. 36, An Act to grant to certain parties therein named, the right to lay a Railroad Track along certain Streets in the City of Sacramento;

Also, Assembly Bill, No. 76, An Act to change the name of Sullivan Milton Farrer to Sullivan Milton Farren;

Also, Senate Bill, No. 140, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax—were read a third time, and passed.

Assembly Bill, No. 129, An Act making appropriations for the payment of the per diem and mileage of Presidential Electors—considered in Committee of the Whole, read a third time, and passed.

Also, Assembly Bill, No. 130, An Act authorizing James P. Sargent, the Guardian of Policarpia Chabollo, a minor, to sell at private sale the Lands and Real Estate of said minor;

Also, Assembly Bill, No. 164, An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes;

Also, Assembly Bill, No. 163, An Act to amend an Act entitled An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to other Counties herein named, approved March thirty-first, eighteen hundred and fifty-seven;

Also, Assembly Bill, No. 171, An Act for the Relief of Marin County;

Also, Assembly Bill, No. 180, An Act to extend the term of Office, and define the duties and powers in certain cases, and establish the salaries of the Board of Supervisors of San Bernardino County;

Also, Assembly Bill, No. 185, An Act to authorize the Board of Supervisors of Shasta County to levy a Special Tax for special purposes—were ordered engrossed.

Assembly Bill, No. 68, An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May third, eighteen hundred and fifty-two—committee amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 94, An Act to change the name of Moses Moses to Moses Mayer—substitute adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 66, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads—Made special order for March twelfth, at one o'clock, p. m.

Assembly Bill, No. 152, An Act concerning Mining Companies in this State—recommitted to Special Committee, Dougherty Chairman.

Assembly Bill, No. 206, An Act to authorize the Board of Supervisors of Trinity County to levy a Tax to build a County Jail—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 133, An Act to amend Article Seven Hundred and Seventeen, Section One Hundred and Seven, of the General Act in reference to Courts of Justice—enacting clause stricken out.

Senate Bill, No. 84, An Act to authorize the Administrator of the Estates of Nicholas Swan, deceased, and Zachariah Simpson, deceased, to apply the Moneys in his hands for certain purposes—read a third time, and passed.

Senate Bill, No. 29, An Act regulating the sale of Poisons—indeinitely postponed.

Assembly Bill, No. 82, An Act to authorize the sale of certain Real Estate, by Guardians—amendments adopted, and ordered engrossed.

Mr. Green gave notice of reconsideration of Assembly Bill, No. 36.

Substitute for Assembly Bills, Nos 103 and 141, An Act to separate the Office of County Recorder from the Office of County Clerk, in the County of Solano—rules suspended, considered engrossed, read a third time, and passed.

Assembly Concurrent Resolutions on the State of the Union, the special order of the day—were taken up, and postponed until to-morrow at one o'clock, p. m.

Senate Bill, No. 21, An Act to audit and allow the claim of Peyton, Duer, Lake, and Rose, or their Assigns—recommitted to Judiciary Committee.

The vote by which the House concurred in Senate amendments to Assembly Bill, No. 41, An Act to provide for the collection of Delinquent Taxes in the County of Butte—was reconsidered, and the bill returned to the file

Assembly Bill, No. 158, An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character—amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 149, An Act to define the duties and liabilities of Pawnbrokers and Pledgees—amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

The House refused to engross Assembly Bill, No. 153, An Act enabling poor persons to sue without paying Costs.

Assembly Bill, No. 155, An Act to appropriate Money to pay for services rendered under the Act creating the State Land Office. approved April tenth, eighteen hundred and fifty-eight, in the segregation of certain Swamp Lands of this State—considered in Committee of the Whole, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento—ordered engrossed.

Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the interest in certain Real Estate, of her Infant Child—rules suspended, considered engrossed, read a third time, and passed.

The House refused to engross Assembly Bill, No. 96, An Act to prohibit Lotteries and Gift Enterprises in this State.

Assembly Bill, No. 48, An Act to extend An Act concerning Hogs found running at large in the Counties of Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, and made applicable to the Counties of Trinity, Sonoma, Monterey, and Solano, approved April twenty-first, eighteen hundred and fifty-six—re-committed to Committee on Agriculture.

Assembly Bill, No. 85, An Act to provide for the construction of a Bridge in the City of Nevada;

Also, Assembly Bill, No. 218, An Act to repeal so much of an Act entitled An Act supplemental to An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 213, An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money for the use of the Contra Costa Agricultural Society;

Also, Assembly Bill, No. 184, An Act to Fund the Indebtedness of the County of Los Angeles;

Also, Assembly Bill, No. 148, An Act to amend An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said Counties for the year eighteen hundred and fifty-nine, and for the year eighteen hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka, approved April nineteenth, eighteen hundred and fifty-nine—were, the rules being suspended, considered engrossed, read third time, and passed.

REPORTS.

Reports were made as follows:

By Mr. Lalor:

MR. SPEAKER:—The Committee on Engrossed Bills have examined and found correctly engrossed, Assembly Bill, No. 186, An Act amendatory of, and supplemental to, An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

E. LALOR,
Chairman.

By Mr. Amyx:

MR. SPEAKER:—Your Select Committee to whom was referred Assembly Bill, No. 205, An Act regulating certain Fees in Tuolumne County, therein named—have had the same under consideration, made amendments thereto, and report the same back, and recommend the passage of the bill as amended.

AMYX,
Chairman.

Assembly Bill, No. 205, above reported—was referred to the Judiciary Committee.

Mr. Harris introduced a bill for An Act to amend an Act entitled An Act to provide for the construction of a Railroad from a point on Petaluma Creek, into the City of Petaluma, and for the right of way for the same.

Read first and second times, and referred to the Committee on Internal Improvements.

At half past two o'clock, P. M. on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 6th, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

The roll was called.

Quorum present.

The journal of yesterday was read and approved.

Messrs. Wood of Yolo, Fargo, and Campbell, had leave of absence for one day each.

REPORTS.

Reports were made as follows:

By Mr. O'Brien:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have had under consideration sundry bills find them correct, and recommend their payment out of the Contingent Fund of the Assembly viz:

Purpose.	Amount.
Account of James Anthony & Co. for ninety copies of the Daily Union, furnished members of the Assembly from February 4th to March 4th, \$180; ninety-two copies of Weekly Union, from February 9th to March 2d, \$46.....	\$226 00
Account of Geo. I. Lytle, for newspapers furnished members of the Assembly, viz: forty-one copies of Daily Bulletin, from February 4th to March 4th, \$82; four copies Weekly Bulletin, from February 9th to March 2d, \$2; nineteen copies of Golden Era, from February 9th to March 2d, \$9 50; three copies of Weekly Times, from February 9th to March 2d, \$1 50; one copy Daily Times, from January 7th to March 4th, \$4; seven copies Daily Times, from January 7th to January 26th, \$19 50.....	118 50
Account of William Dougherty, for newspapers furnished members of Assembly, viz: fifteen copies of the Daily Alta California, from February 4th to March 4th, \$30; four copies of the Weekly Alta, from February 4th to March 4th, \$2; fifteen copies of Daily Derald, from February 4th to March 4th, \$30; one copy from February 4th to February 20th, \$1; one copy from February 4th to February 25th, \$1 50; six copies Weekly Herald, from February 4th to March 4th, \$3.....	67 50
Account of A. T. Minnerman, for newspapers furnished members of the Assembly, viz: five copies of Daily Morning Call, from January 7th to March 7th, \$5.....	5 00
Account of Daily News, for eleven copies of said paper furnished members of Assembly, from 7th January to 18th February, \$16 50; one copy from 7th January to 4th February, \$1.....	17 50
Account of Alameda Herald, for seven copies of said paper furnished members of Assembly, for the Session.....	21 00

Purpose.	Amount.
Account of California Police Gazette, for one copy of said paper furnished a member of the Assembly.....	1 50
Account of Garwood, for Rent of Rooms. Nos. 2 and 4, Garwood's Building, for use of Judiciary Committee, and Ways and Means Committee of the Assembly, from January 25th to March 25th, two months at \$25 per month each.....	100 00
Account of Gruner & Felton, for Journal Desk for the Assembly.	15 00
Account of Lord, Holbrook & Co. for following articles furnished Assembly, viz: one dozen Candlesticks, \$1; one Hatchet, 75 cents; one Match Safe. 25 cents; twelve gross Matches, \$1 25.....	3 25
Total.....	\$575 25

All of which is respectfully submitted.

J. O'BRIEN,
Chairman.

Adopted.

By Mr. Lalor:

MR. SPEAKER:—Your Committee on Engrossed Bills have examined and found correctly engrossed Assembly Bill, No. 82, An Act to authorize the sale of certain Real Estate by Guardians.

E. LALOR,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Ross:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Treasurer in favor of Charles Versechoyle for the sum of ten dollars for services as Page in the Assembly prior to the organization thereof, to be paid out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Lalor:

Resolved, That the Engrossing Clerk be allowed to employ two Assistants at a salary of eight dollars per day, payable out of the Contingent Fund of the Assembly.

E. LALOR,
Chairman.

Laid on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 6th, 1861. }

MR. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 50, An Act to establish a standard of Weights and Measures;

Also, Senate Bill, No. 119, An Act to ascertain and correct the errors and defects of the Statute Laws of this State;

Also, Senate Bill, No. 159, An Act relating to the Thirteenth Judicial District and to define the time of holding the Courts of said District;

Also, Senate Bill, No. 67, An Act to authorize the Treasurer of State to issue certain Bonds;

Also, Senate Bill, No. 63, An Act to audit and pay the claim of Gregory Yale;

Also, Senate Bill, No. 59, An Act to audit and allow certain claims;

Also, Senate Bill, No. 138, An Act making appropriations for the payment of the claim of James R. Hardenbergh for Postage Stamps furnished the Senate, Eleventh Session;

Also, Senate Bill, No. 135, An Act making an appropriation for the payment of the claim of I. N. Quinn for services as State Prison Director from August eleventh, eighteen hundred and sixty, to January fifth, eighteen hundred and sixty-one;

Also, Senate Bill, No. 153, An Act to change the name of John H. D. Malson of the County of Butte;

Also, Senate Bill, No. 24, An Act to amend an Act entitled An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight, and also to amend An Act, approved April eighteenth, eighteen hundred and fifty-nine, entitled An Act amendatory of An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight;

Also, Senate Bill, No. 137, An Act making an appropriation for the payment of the claim of I. & S. Wormser, Assignees of William Dougherty and J. C. Lewis, for newspapers furnished Senate, Eleventh Session;

Also, Assembly Bill, No. 186, An Act amendatory of, and supplementary to, An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 24, above reported—read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Senate Bills, Nos. 50, 153, and 159, above reported—read first and second times, and placed on file.

Senate Bills, Nos. 59, 137, and 138, above reported—read first and second times, and referred to Committee on Claims.

Senate Bills, Nos. 63 and 119, above reported—read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 67, above reported—read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No. 135, above reported—read first and second times, and referred to the Committee on State Prisons.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Kurtz, for An Act to renew the Charter of the San Diego and Gila Southern Pacific and Atlantic Railroad Company.

By Mr. Morrison, for An Act to amend an Act entitled An Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty.

By Mr. Hagans, for An Act to amend an Act entitled An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said Counties for the year eighteen hundred and fifty-nine, and for the year eighteen hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka, approved April eighteenth, eighteen hundred and fifty-nine.

By Mr. Ross, for An Act to provide for the location and establishment of Roads and Highways in certain Counties in this State.

By Mr. Porter, for An Act to authorize the Supervisors of Contra Costa County to levy an additional Tax for the establishment and maintenance of Public Highways in said County.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Childs, for An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax, and to provide for building a Bridge in said County.

Read first and second times, and referred to the Calaveras Delegation.

By Mr. Blair, for An Act to extend the provisions of an Act entitled An Act concerning Hogs running at large in certain Counties, passed April twenty-first, eighteen hundred and fifty-six, and to make the same applicable to the County of Monterey.

Read first and second times, and referred to the Committee on Agriculture.

GENERAL FILE.

Assembly Bill, No. 134, An Act to repeal an Act entitled An Act amendatory of, and supplemental to, an Act entitled An Act to create Inspectors of Beef, Pork, and Salt Provisions, in this State, approved March twenty-second, eighteen hundred and sixty, and amendatory of an Act entitled An Act to create Inspectors of Pork, Beef, and Salt Provisions in this State, passed April twenty-first, eighteen hundred and fifty-six.

Mr. Conness moved to make the bill the special order for Wednesday next, at one o'clock, P. M.

Upon which, Messrs. Kurtz, Briggs, and Clarke, demanded the ayes and noes, and the House refused by the following vote: Ayes, 21—noes, 26:

AYES—Messrs. Adams, Avery, Briggs, Clarke, Conness, Councilman, Crocker, Hagans, Hanson, Harriman, Hill, Holman, Johnson, Kurtz, Miller, Montgomery, Morgan, Porter, Smith of Placer, Tittel, and Willey—21.

NOES—Messrs. Amyx, Bradley, Buell, Chandler, Childs, Covarrubias, Denniston, Dougherty, Foster, Gregory, Harris, Lalor, Lippincott, Magruder, Morrison, Munday, O'Brien, Piercy, Ross, Scott, Sorrel, Walden, Walter, White, Wood of Plumas, and Wright—26.

The bill was read a third time.

On its passage, Messrs. Dougherty, Miller, and Lippincott, demanded the ayes and noes.

Mr. Conness moved a call of the House.

Sustained.

Absent—Messrs. Banks, Campbell, Cherry, Coleman, Curtis, Durst,

Eastman, Fargo, Flanders, Ford, Gordon, Haun, Henderson, Hunter, Laspeyre, Powell, Smith of Tulare, Smith of Placer, Tilden, and Tilton.

Mr. Gregory moved to dispense with further proceedings under the call.

Carried.

The House refused to pass the bill by the following vote: Ayes, 17—noes, 27:

AYES—Messrs. Avery, Briggs, Clarke, Conness, Councilman, Crocker, Hagans, Hanson, Hill, Holman, Lalor, Miller, Montgomery, Morgan, Porter, Smith of Placer, and Tittel—17.

NOES—Messrs. Amyx, Bradley, Buell, Chandler, Childs, Covarrubias, Denniston, Dougherty, Foster, Gregory, Harris, Henderson, Horrell, Johnson, Lippincott, Magruder, Morrison, Munday, O'Brien, Piercy, Ross, Scott, Sorrel, Walden, Walter, White, Wood of Plumas, and Wright—27.

Mr. Amyx gave notice of reconsideration.

Assembly Bill, No. 82, An Act to authorize the sale of certain Real Estate by Guardians—read third time, and passed.

Assembly Bill, No. 178, An Act to authorize the County Auditors of the Counties of San Luis Obispo and Tulare, to issue certain Bonds, and to provide for the construction of a Road herein named—was ordered engrossed.

Assembly Bill, No. 110, An Act granting the right to lay a Railroad Track through certain Streets in the City of Sacramento, and to use and maintain the same—was made special order for Wednesday, March thirteenth, at ten o'clock, P. M.

Assembly Bill, No. 231, An Act for the payment of the claims of I. & Wormser, Assignees, etc.—was considered in Committee of the Whole, rules suspended, considered engrossed, read third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 5th, 1861. }

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly Bill, No. 81, An Act to legalize a Survey of the City of Petaluma;

Also, Assembly Bill, No. 99, An Act to amend An Act to extend the time for collecting Taxes in the County of Plumas, approved February twenty-second, eighteen hundred and sixty;

Also, Assembly Bill, No. 55, An Act for the Relief of J. H. Stewart, late Deputy District Attorney of the City and County of Sacramento;

Also, Assembly Bill, No. 5, An Act relative to the Office of Superintendent of Common Schools in the County of San Mateo;

Also, Assembly Bill, No. 90, An Act to authorize the Executrix and Excentor of the last Will and Testament of Frederick P. Tracy, deceased, to sell the Real Estate of said deceased at public or private sale;

Also, Assembly Bill, No. 17, An Act to amend an Act entitled An Act concerning Attorneys and Counselors-at-Law, passed February nineteenth, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 151, An Act concerning Agricultural Societies;

Also, Assembly Bill, No. 50, An Act amendatory of an Act entitled

An Act defining the legal distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison, passed April twenty-fourth, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 45, An Act to provide for the collection of Delinquent Taxes in the County of Nevada.

JOHN G. DOWNEY,
Governor.

Mr. Kurtz presented a bill for An Act to authorize the Board of Supervisors of San Diego County to levy a Special Tax to be applied for County Jail purposes.

Read first and second times, and placed on file.

Mr. Gillette made the following report:

MR. SPEAKER:—Your Auditing Committee have examined the copying done on account of the Assembly, and find the same as follows:

Purpose,	Folios.	Per Folio.	Amount.
Copying done for the Assembly.....	4,807	10 cts.	\$480 70

Your committee also recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and is hereby, authorized, to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of four hundred and eighty dollars and seventy cents, payable out of the Copying Fund of the Assembly.

M. G. GILLETTE,
Chairman.

Adopted.

SPECIAL ORDER.

Assembly Concurrent Resolutions on the State of the Union, the special order of the day—were considered, and made special order for March seventh, eighteen hundred and sixty-one, at one o'clock, P. M.

At ten minutes past one o'clock, P. M. on motion of Mr. Conness, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 7th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Adams and Wood of Yolo, had three days' leave of absence, each.

REPORTS.

Reports were made as follows:

By Mr. Walden:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly Bill, No. 46, An Act to provide compensation for certain Legal Services—beg leave to report the same back, and recommend its reference to the Judiciary Committee.

WALDEN,
Chairman.

The bill above reported was referred as recommended.

By Mr. Munday :

Mr. SPEAKER:—Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 140, An Act to create the County of Esmeralda, define its Boundaries, and provide for its Organization—have had the same under consideration, report it back, and beg leave to say that, in their opinion, there is an immediate necessity for the organization of said county, but inasmuch as the territory to comprise said county is to be taken from the counties of El Dorado, Calaveras, Tuolumne, Mariposa, and Fresno, your committee are of the opinion that the bill should be referred to a Select Committee, composed of the delegations from those counties

All of which is respectfully submitted.

P. MUNDAY,
Chairman.

The bill above reported was referred to Committee of the Whole.

By Mr. Blair :

Mr. SPEAKER:—The Committee on Education, having duly considered the bill for An Act prescribing Rules for the government of the State Library—report the same back, and recommend its passage.

BLAIR,
Chairman.

By Mr. Lalor :

Mr. SPEAKER:—The Engrossing Committee have examined, and found correctly engrossed, Assembly Bill, No. 138, An Act amendatory of, and supplementary to, an Act entitled An Act to Incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four ;

Also, Assembly Bill, No. 198, An Act to amend an Act entitled An Act concerning Roads and Highways in the County of Siskiyou, approved March fourteenth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 176, An Act to amend an Act entitled An Act to prevent the trespassing of Animals upon Private Property, approved March thirty-first, eighteen hundred and fifty-five ;

Also, Assembly Bill, No. 163, An Act to amend Section Twenty-Two of an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty ;

Also, Assembly Bill, No. 154, An Act to amend an Act entitled An Act fixing the time for holding the Court of Sessions, and County Court, in the County of Shasta, and to change the manner of summoning Juries for the County Court of said County, approved March eighteenth, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No. 97, An Act to provide for the payment of Fees of Jurors in the County of Sonoma.

E. LALOR,
Chairman.

By Mr. Piercy :

Mr. SPEAKER:—The Select Committee, to whom was referred Assembly Bill, No. 230—have had the same under consideration, and report it back, without amendment, and recommend its passage.

PIERCY.

By Mr Fargo :

Mr SPEAKER:—The Alameda Delegation, to whom was referred Assembly Bill, No. 156, An Act amendatory of, and supplementary to, an Act entitled 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—have had the same under consideration, and have unanimously authorized the undersigned to report the same back, and recommend its passage, without amendment.

FARGO,
Chairman.

Mr. Curtis verbally reported, with amendments, and recommended the passage of Senate Bill, No. 45, An Act to pay certain Warrants of the City and County of Sacramento herein mentioned.

Mr. Tittel offered Concurrent Resolution, Relative to Arms for the State.

Adopted.

Mr. Ross moved to reconsider the vote by which the House, on yesterday, refused to pass Assembly Bill, No 134, An Act to repeal the Act in relation to the Inspection of Beef, Pork, and Salt Provisions, in this State.

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

Mr. Conness moved to make the motion to reconsider the special order for Wednesday next.

Upon which, Messrs. Miller, Briggs, and Showalter, demanded the ayes and noes, and the House refused by the following vote : Ayes, 19—noes, 27 :

AYES—Messrs. Amyx, Avery, Baechtel, Briggs, Clark, Conness, Councilman, Crocker, Fargo, Hagans, Hill, Holman, Lalor, Miller, Montgomery, Morgan, Porter, Smith of Placer, and Tittel—19.

NOES—Messrs. Bradley, Buell, Chandler, Childs, Covarrubias, Dougherty, Foster, Gregory, Harris, Harrison, Henderson, Horrell, Kungle, Kurtz, Lippincott, Magruder, Munday, O'Brien, Piercy, Ross, Scott, Sorrel, Walden, White, Wood of Plumas, Wright, and Mr. Speaker—27.

On the indefinite postponement of the motion to reconsider, Messrs. Wood of Plumas, Briggs, and Porter, demanded the ayes and noes, and the motion to indefinitely postpone prevailed by the following vote : Ayes, 27—noes, 19 :

AYES—Messrs. Bradley, Buell, Chandler, Childs, Covarrubias, Dougherty, Foster, Gregory, Harris, Harrison, Henderson, Horrell, Kungle, Lippincott, Magruder, Morrison, Munday, O'Brien, Piercy, Scott, Showalter, Sorrel, Walden, White, Wood of Plumas, Wright, and Mr. Speaker—27.

NOES—Messrs. Amyx, Avery, Baechtel, Briggs, Clark, Conness, Councilman, Crocker, Fargo, Hagans, Hill, Holman, Lalor, Miller, Montgomery, Morgan, Porter, Smith of Placer, and Tittel—19.

NOTICES.

Notices of the introduction of bills were given as follows :

By Mr. Magruder, for An Act amendatory of an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto.

By Mr. Kurtz, for An Act to construct a Wagon Road in San Diego County.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Ross, for An Act to amend An Act to fund the Debt of the County of Sonoma, and to provide for the payment of the same, approved April twentieth, eighteen hundred and sixty.

Read first and second times, and placed on file ;

Also, for An Act to provide for the appointment and compensation of Counsel for the defense in Criminal Cases.

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

By Mr. Hagans, for An Act to amend an Act entitled An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said Counties for the year eighteen hundred and fifty-nine, and for the year eighteen hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka.

Read first and second times, and referred to the delegations from Humboldt and Siskiyou.

By Mr. Curtis, for An Act to authorize Michael O'Brien to construct a Wharf at the foot of Green Street, in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Campbell, for An Act to provide for the appointment of Commissioners in Equity.

Read first and second times, and referred to the Judiciary Committee ;

Also, 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, approved April nineteenth, eighteen hundred and fifty-six.

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

By Mr. Morrison, for An Act to amend an Act entitled An Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty.

Read first and second times, and referred to the Committee on Indian Affairs ;

Also, for An Act to amend an Act entitled An Act to provide for the Incorporation of Water Companies, approved April twenty-second, eighteen hundred and fifty-eight.

Read first and second times, and referred to the Committee on Corporations.

GENERAL FILE.

Assembly Bill, No. 176, An Act to amend an Act entitled An Act to prevent the trespassing of Animals upon Private Property, approved March thirty-first, eighteen hundred and fifty-five—was recommitted to the Committee on Agriculture.

Assembly Bill, No. 138, An Act amendatory of, and supplementary to,

an Act entitled An Act to Incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four;

Also, Assembly Bill, No. 10, An Act to amend certain Acts establishing a standard of Weights and Measures—were laid on the table.

Assembly Bill, No. 97, An Act to provide for the payment of the Fees of Jurors in the County of Sonoma—was ordered engrossed, reconsidered, and recommitted to the Sonoma Delegation.

Senate Bill, No. 153, An Act to change the name of John H. D. Malson, of the County of Butte;

Also, Senate Bill, No. 150, An Act relating to the Thirteenth Judicial District, and to define the time of holding Courts in said District—were read a third time and passed.

Senate Bill, No. 50, An Act to establish a standard of Weights and Measures—

Mr. Ross moved to strike out the last section.

Upon which, Messrs. Ross, Briggs, and Tittel demanded the ayes and noes.

Mr. Conness moved the previous question.

Sustained.

The House refused to strike out by the following vote: Ayes, 8—noes, 41:

AYES—Messrs. Bradley, Green, Horrell, Ross, Scott, Showalter, and White—8.

NOES—Messrs. Amyx, Avery, Baechtel, Blair, Briggs, Buell, Campbell, Chandler, Clark, Conness, Councilman, Covarrubias, Crocker, Curtis, Dougherty, Foster, Gregory, Hanson, Harriman, Henderson, Hill, Holman, Johnson, Kungle, Kurtz, Lippincott, Magruder, Miller, Montgomery, Morgan, O'Brien, Porter, Smith of Placer, Sorrel, Stearns, Tittel, Walden, Willey, Wood of Plumas, Wright, and Mr. Speaker—41.

Bill read third time and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Thursday, March 7th, 1861. }

MR. SPEAKER:—The Senate, this day, passed Senate Bill, No. 171, An Act transferring certain Funds.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 171, read first and second times, and referred to a Special Committee of three, consisting of Messrs. White, Showalter, and Lippincott.

SENATE CHAMBER,
March 7th, 1861. }

MR. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 109, An Act amendatory of an Act entitled An Act for the relief of Purchasers of Land from the State of California;

Also, Senate Bill, No. 38, An Act in amendment of An Act to regulate Proceedings in Criminal Cases, approved May first, eighteen hundred and dred and fifty-one;

Also, Assembly Bill, No. 200, An Act to confer further Powers upon the Board of Supervisors of the City and County of San Francisco, with amendments;

Also, adopted Assembly Concurrent Resolution, No. 36, Relative to Roads;

Also, Assembly Concurrent Resolution, No. 37, Relative to the Revenue of this State.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 109, above reported—read first and second times, and referred to the Committee on Swamp and Overflowed Lands

Senate Bill, No. 38, above reported—read first and second times, and referred to the Judiciary Committee.

The House refused to concur in Senate amendments to Assembly Bill, No. 200, above reported.

GENERAL FILE.

Senate Bill, No. 89, An Act prescribing Rules for the Government of the State Library—was read a third time, and passed.

Mr. Lippincott, by leave, introduced a bill for An Act to amend An Act supplementary to An Act concerning the Courts of Justice of this State and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three;

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

Mr. Amyx, by leave, introduced a bill for An Act to amend the First Section of the Tuolumne County Funding Act;

Read first and second times, and referred to the Tuolumne Delegation.

SPECIAL ORDER.

Assembly Concurrent Resolutions on the State of the Union, the special order of the day—were postponed until to-morrow at twelve o'clock, M.

The House went into Committee of the Whole, Mr. Walden in the Chair, to consider the bill creating the county of Esmeralda, and had leave to sit again to-morrow, at two o'clock, P. M.

At two o'clock, P. M. on motion of Mr. Walden, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 8th, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Gregory and Ross had one day leave of absence each.

REPORTS.

Reports were made as follows :

By Mr. Walden :

Mr. SPEAKER:—The Committee on Claims, to whom was referred As-

sembly Bill, No. 42, An Act for the payment of expenses incurred in the transportation of the State Arms and Munitions of War from Carson Valley to the State Armory at Sacramento—have had the same under consideration, and beg leave to report it back, without amendment, and recommend its passage.

WALDEN,
Chairman.

Mr. Showalter verbally reported and recommended the passage of Senate Bill, No. 171, An Act to transfer certain Funds.

By Mr. Campbell :

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 187, An Act to amend an Act entitled An Act concerning Forcible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty ;

Also, Assembly Bill, No. 209, An Act to authorize Charles A. Keyser, Administrator of the Estate of R. B. Sherrard, deceased, to sell and convey Real Property at Private Sale—having considered the same, report them back, and recommend their passage.

The same committee to whom was referred Assembly Bill, No. 150, An Act to amend An Act concerning Forcible Entries and Unlawful Detainers ;

Also, Assembly Bill, No. 132, An Act to provide for the Publication of the General Laws of the State in force at the expiration of the Thirteenth Session of the Legislature ,

Also, Assembly Bill, No. 181, An Act to amend An Act amendatory of an Act entitled An Act to regulate Fees of Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven, approved April twelfth, eighteen hundred and fifty-nine—having considered the same, report them back, and recommend that they do not pass.

The same committee to whom was referred Assembly Bill, No. 179, An Act fixing the Salary of the County Judge of San Bernardino County—having considered the same, report it back, and recommend that it be referred to the delegation from San Bernardino.

CAMPBELL,
Chairman.

By Mr. Amyx :

Mr. SPEAKER:—Your Select Committee, to whom was referred Assembly Bill, No. 240, An Act supplementary and explanatory of the first section of An Act to provide a Fund for redeeming the outstanding Warrants drawn upon the Treasury of Tuolumne County, and to provide for the payment of all the Current Expenses of said County in Cash—have had the same under consideration, report the bill back, without amendment, and recommend its passage.

AMYX,
Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
Friday, March 8th, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 125, An Act to convey certain Real Estate ;

Also, Senate Bill, No. 157, An Act to legalize the Survey of the Town of Red Bluff;

Also, Senate Bill, No. 136, An Act authorizing Gustave Touchard, Executor of the estate of Henry Mathey, deceased, to sell the Real Estate belonging to the estate of said Henry Mathey, deceased, at public or private sale;

Also, Senate Bill, No. 129, An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State;

Also, Assembly Bill, No. 235, An Act to authorize the removal of Human Remains;

Also, Assembly Bill, No. 127, An Act to authorize James Camp and James M. Frey to remove certain Remains.

D. J. WILLIAMSON,

Assistant Secretary.

Senate Bills, Nos. 125, 136, and 157, above reported—were read first and second times, and placed on file.

Senate Bill, No. 129, above reported—was read first and second times, and referred to the Committee on Ways and Means.

SENATE CHAMBER,

Friday, March 8th, 1861. }

Mr. SPEAKER :—The Senate on yesterday passed Assembly Bill, No. 82, An Act to authorize the Sale of certain Real Estate;

Also, Assembly Bill, No. 166, An Act to locate the County Seat of Yolo County.

D. J. WILLIAMSON,

Assistant Secretary.

Mr. Cherry gave notice of a bill for An Act to provide for the formation of Joint Stock Companies for Homestead purposes.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tilton, for An Act to change the time of holding Municipal Elections in the City and Counties of San Francisco and to define the official term of certain Officers therein mentioned.

Read first and second times, and placed on file.

Also, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco.

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

By Mr. White, for An Act to amend an Act entitled An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States, approved April twenty-seventh, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Internal Improvements.

By Mr. Wood of Plumas, for An Act in reference to the Militia of the State.

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

By Mr. Flanders, for An Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco;

Also, for An Act in relation to the Common Pound in the City and County of San Francisco;

Also, An Act supplementary to An Act approved April twenty-seventh, eighteen hundred and sixty, entitled An Act supplementary to an Act entitled 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, approved April twenty-third, eighteen hundred and fifty-eight.

Were read first and second times, and referred to the San Francisco Delegation.

By Mr. Curtis, for An Act to grant the right to construct a Bridge across the American River to certain parties.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Cherry, for An Act for licensing and regulating Tow-Boats in the Harbor of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Briggs, for An Act to incorporate the City of Santa Clara and to repeal certain Acts.

Read first and second times, and referred to Santa Clara Delegation.

By Mr. Fargo, for An Act to change the name of Henrick Wilhelm Christian Steghagen to Henry Hagen.

Read first and second times, and referred to the Committee on Names.

By Mr. Kurtz, for An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain Acts.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Morrison, for An Act to amend an Act entitled An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four.

Read first and second times, and placed on file.

GENERAL FILE.

Assembly Bill, No. 57, An Act to grant certain persons the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco and to run Horse Cars thereon;

Also, Assembly Bill, No. 56, An Act to provide for a Railroad within the City and County of San Francisco—

Were made the special order for Thursday, March fourteenth at twelve o'clock, M.

SPECIAL ORDER.

Assembly Concurrent Resolution, No. 26, Relative to the State of the Union—the special order of the day, was taken up.

Mr. Piercy moved the previous question.

Lost.

On motion of Mr. Conness, the House agreed to vote upon the preamble and each resolution separately.

On the adoption of the preamble, Messrs. Wood of Plumas, Dougherty, and Showalter, demanded the ayes and noes, and the preamble was adopted as follows: Ayes, 41—noes, 24:

AYES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Clarke, Coltrin, Conness, Councilman, Crocker, Davidson, Dougherty, Eastman, Fargo, Flanders, Foster, Green, Harrison, Harris, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Monday, O'Brien, Piercy, Porter,

Powell, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walden, Walter, Willey, Wright, and Mr. Speaker—41.

NOES—Messrs. Amyx, Buell, Chandler, Childs, Covarrubias, Curtis, Hagans, Hanson, Harrison, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Patrick, Scott, Showalter, Sorrel, White, and Wood of Plumas—24.

Mr. Conness moved to insert the word "constitutional" before the word "power," in the first line of the first resolution.

The Speaker having ruled that the amendment was in order, Mr. Laspeyre appealed.

Upon which, Messrs. Powell, Munday, and O'Brien, demanded the ayes and noes, and the House sustained the Chair by the following vote: Ayes, 38—noes, 17:

AYES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Clarke, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Eastman, Fargo, Flanders, Foster, Green, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, Munday, O'Brien, Powell, Smith of Placer, Stearns, Tilton, Walter, Willey, and Wright—38.

NOES—Messrs. Amyx, Buell, Gillette, Hanson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Piercy, Scott, Showalter, Sorrel, White, and Wood of Plumas—17.

Mr. Conness moved that the House proceed to vote upon the resolutions *seriatim*.

Mr. White moved to lay the motion on the table, which was lost, and the motion carried.

Mr. White offered the following substitute:

Resolved, That we cordially indorse the plan of compromise for the difficulties now existing in the Atlantic States, by the Hon. John J. Crittenden, in the Senate of the United States; and that pending the existing difficulties, we condemn the use of force to coerce the people of the seceding States, and that we prefer compromise to war, and concession rather than disunion.

• Ruled out of order.

• Mr. White appealed.

The House sustained the Chair.

The amendment offered by Mr. Conness was then adopted.

The following amendment was offered by Mr. Montgomery:

Add at the end of the first subdivision, as follows: "Except in cases where it becomes necessary for the protection of such State against infractions of the Federal Compact, and each State has the right to judge for itself, as well of infractions of said compact, as of the mode and measure of relief."

On its adoption, Messrs. Laspeyre, Kurtz, and Lalor, demanded the ayes and noes, and the House refused by the following vote: Ayes, 30—noes, 36:

AYES—Messrs. Amyx, Buell, Chandler, Childs, Coltrin, Covarrubias, Gillette, Hagans, Hanson, Harrison, Horrell, Hunter, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morrison, Patrick, Piercy, Scott, Showalter, Sorrel, Walden, White, and Wood of Plumas—30.

NOES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Clarke, Conness, Councilman, Crocker, Denniston, Dougherty, Eastman, Fargo, Flanders, Foster, Green, Harriman, Harris, Henderson, Holman, Johnson, Morgan, Munday, O'Brien, Porter, Powell, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walter, Willey, Wright, and Mr. Speaker—36.

On the adoption of the first subdivision as amended, Messrs. Showalter, Conness, and Wood of Plumas, demanded the ayes and noes, and the House agreed by the following vote: Ayes, 39—noes, 24:

AYES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Clarke, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Eastman, Fargo, Flanders, Foster, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, Munday, O'Brien, Piercy, Porter, Powell, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walden, Walter, Willey, Wright, and Mr. Speaker—39.

NOES—Messrs. Amyx, Buell, Chandler, Childs, Covarrubias, Curtis, Hagans, Hanson, Harrison, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Scott, Showalter, Sorrel, White, and Wood of Plumas—24.

Mr. Montgomery moved to amend the second subdivision as follows:

After the word "power," in second line, add as follows: "consistent with the rights of the sovereign States of this Union, and of other nations which is."

Mr. Conness moved to strike out all after the word "Union," in the amendment.

Carried.

The amendment, as amended, was adopted.

Mr. Conness moved to amend by inserting the word "constitutional" before the word "power," in the fifth line.

Carried.

The second subdivision, as amended, was adopted.

Mr. Harris offered to amend the third subdivision by striking out the words "after the laws have been acknowledged, and the power and authority of the Constitution and government of the United States recognized and acknowledged," in ninth, tenth, and eleventh lines of the third subdivision.

On the adoption of the third subdivision, Messrs. Wood of Plumas, Avery, and Councilman, demanded the ayes and noes, and it was adopted as follows: Ayes, 48—noes, 14:

AYES—Messrs. Avery, Banks, Blair, Briggs, Chandler, Cherry, Clarke, Coltrin, Conness, Councilman, Crocker, Curtis, Denniston, Dougherty, Eastman, Fargo, Flanders, Foster, Green, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Johnson, Kungle, Lippincott, Magruder, Miller, Morgan, O'Brien, Piercy, Porter, Powell, Smith of Placer, Sorrel, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Willey, Wright, and Mr. Speaker—48.

NOES—Messrs. Amyx, Buell, Childs, Covarrubias, Hanson, Holman, Kurtz, Lalor, Laspeyre, Montgomery, Patrick, Scott, Showalter, and Wood of Plumas—14.

Mr. Wood of Plumas, offered as a substitute the Concurrent Resolutions offered by him on the twelfth day of February last, indorsing the plan of John J. Crittenden.

Upon which, Messrs. Wood of Plumas, Kungle, and Showalter, demanded the ayes and noes, and the House refused by the following vote: Ayes, 27—noes, 38:

AYES—Messrs. Amyx, Buell, Chandler, Childs, Covarrubias, Curtis, Hagans, Hanson, Harrison, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morrison, Munday, Patrick, Scott, Showalter, Sorrel, White, and Wood of Plumas—27.

NOES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Clarke, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Eastman, Fargo, Flanders, Foster, Green, Harriman, Harris, Henderson, Hill, Hunter, Lippincott, Morgan, O'Brien, Piercy, Porter, Powell, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walden, Walter, Willey, Wright, and Mr. Speaker—38.

Mr. Conness moved to adopt the resolutions of the majority of the Committee on Federal Relations, (No. 26.)

Mr. Montgomery offered the following amendment:

“And we deprecate any attempt on the part of the General Government to maintain by force of arms the union of these States, since to do so, would light the fires of civil war, and crush forever the last hope of reconciliation between the opposing sections.”

Mr. Fargo moved to amend by inserting after the word “States,” the words “unless it be necessary to vindicate its integrity.”

Mr. Kungle offered the following substitute for the resolutions:

Resolved, By the Assembly the Senate concurring, that the several States composing the United States of America. are not united on the principle of unlimited submission to their General Government, but that by compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constitute a General Government for special purposes, delegated to that government certain definite powers, reserving each State to itself the residuary means of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each State acceded as a State, and is an integral party; that this government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself as well of infractions as of the mode and measure of redress.”

Mr. Conness moved the previous question.

Mr. Showalter moved to adjourn.

Upon which, Messrs. Showalter, Montgomery, and Kungle, demanded the ayes and noes, and the House refused by the following vote: Ayes, 19—noes, 44:

AYES—Messrs. Amyx, Bradley, Buell, Chandler, Childs, Flanders, Gillette, Hanson, Holman, Horrell, Kungle, Kurtz, Lalor, Magruder, Montgomery, Patrick, Showalter, Sorrel, and Wood of Plumas—19.

NOES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Clarke, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Fargo, Foster, Green, Hagans, Harriman, Harris, Harrison, Hen-

derson, Hill, Hunter, Johnson, Laspeyre, Lippincott, Miller, Morgan, Munday, O'Brien, Porter, Powell, Scott, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Willey, Wright, and Mr. Speaker—44.

On sustaining the previous question, Messrs. Showalter, Kungle, and Wood of Plumas, demanded the ayes and noes, and the House refused by the following vote: Ayes, 29—noes, 30:

AYES—Messrs. Avery, Blair, Briggs, Cherry, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Flanders, Foster, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Morgan, O'Brien, Porter, Powell, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walter, and Willey—29.

NOES—Messrs. Amyx, Banks, Buell, Chandler, Childs, Clarke, Covarrubias, Curtis, Fargo, Hanson, Harris, Harrison, Holman, Horrell, Johnson, Kungle, Kurtz, Lator, Laspeyre, Magruder, Miller, Montgomery, Munday, Patrick, Scott, Showalter, Sorrel, Walden, Wood of Plumas, and Wright—30.

Mr. Crocker moved to make the further consideration of the resolutions the special order for Monday next at two o'clock, p. m.

Lost.

Mr. Showalter moved to adjourn.

Lost.

Mr. Showalter offered the following amendment:

Resolved, That the people of the State of California acknowledge neither the North nor the South, but the whole American Union as their common mother to whom they are united not merely by considerations of interest, but by the more enduring ties of blood and filial affection.

Resolved, That as Californians we are willing to stand by the whole Union, hazarding if necessary our lives, and our fortunes, for her defense; but we are not prepared to pledge our allegiance to either a Northern or Southern fragment of a dismembered confederacy, nor will we ever consent to become the ally of one section in waging a fratricidal war against another section of our common country.

Mr. Conness moved the previous question.

Sustained.

On the adoption of the substitute offered by Mr. Kungle, Messrs. Showalter, Sorrel, and Briggs, demanded the ayes and noes, and the House refused by the following vote: Ayes, 24—noes, 38:

AYES—Messrs. Amyx, Buell, Chandler, Childs, Covarrubias, Curtis, Hagans, Hanson, Harrison, Holman, Kungle, Kurtz, Lator, Laspeyre, Magruder, Miller, Montgomery, Patrick, Piercy, Scott, Showalter, Sorrel, White, and Wood of Plumas—24.

NOES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Clark, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Fargo, Flanders, Foster, Green, Harriman, Harris, Henderson, Hill, Hunter, Johnson, Lippincott, Morgan, Munday, O'Brien, Porter, Powell, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walden, Walter, Willey, Wright, and Mr. Speaker—38.

On the adoption of the amendment offered by Mr. Showalter, Messrs. Showalter, Harris, and Wood of Plumas, demanded the ayes and noes, and the House refused by the following vote: Ayes, 29—noes, 33:

AYES—Messrs. Amyx, Buell, Chandler, Childs, Curtis, Foster, Hagans,

Hanson, Harris, Harrison, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Munday, Patrick, Piercy, Scott, Showalter, Sorrel, Walden, White, and Wood of Plumas—29.

NOES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Clark, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Fargo, Flanders, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Morgan, O'Brien, Porter, Powell, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walter, Willey, Wright, and Mr. Speaker—33.

Mr. Fargo withdrew his amendment to the amendment of Mr. Montgomery.

Upon the adoption of the amendment, the ayes and noes were demanded, and the House refused by the following vote: Ayes, 26—noes, 37:

AYES—Messrs. Amyx, Buell, Chandler, Childs, Curtis, Hagans, Hanson, Harris, Harrison, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Patrick, Piercy, Scott, Showalter, Sorrel, White, and Wood of Plumas—26

NOES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Clarke, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Fargo, Flanders, Foster, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Morgan, Munday, O'Brien, Porter, Ross, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walden, Walter, Willey, Wright, and Mr. Speaker—37.

On the adoption of the resolutions, as reported by the majority of the Committee on Federal Relations, and amended, Messrs. Showalter, Wood of Plumas, and Montgomery, demanded the ayes and noes, and the resolutions were adopted by the following vote: Ayes, 40—noes, 22:

AYES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Clarke, Coltrin, Conness, Councilman, Covarrubias, Crocker, Denniston, Dougherty, Fargo, Flanders, Foster, Green, Harriman, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, Munday, O'Brien, Porter, Powell, Showalter, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walden, Walter, Willey, Wright, and Mr. Speaker—40

NOES—Messrs. Amyx, Buell, Chandler, Childs, Curtis, Hagans, Hanson, Harrison, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Scott, Sorrel, White, and Wood of Plumas—22.

At six o'clock, P. M. on motion of Mr. Wood of Plumas, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 9th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

GENERAL FILE.

On motion of Mr. Montgomery, Assembly Bill, No. 209, An Act to authorize Charles A. Keyser, Administrator of the estate of R. B. Sheppard, deceased, to sell and convey Real Property at private sale—rules suspended, considered engrossed, read third time, and passed.

Senate Bill, No. 125, An Act to convey certain Real Estate—was referred to the Judiciary Committee.

Senate Bill, No. 171, An Act to transfer certain Funds—was read a third time.

Mr. Curtis moved to make the consideration of the bill the special order for Tuesday next, at two o'clock, p. m.

Lost.

Mr. Lippincott moved the previous question.

Sustained.

On the passage of the bill, Messrs. Smith of Tulare, Wood of Plumas, and Curtis, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 38—noes, 35:

AYES—Messrs. Amyx, Buell, Campbell, Covarrubias, Denniston, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Green, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Holman, Horrell, Hunter, Kurtz, Lippincott, Patrick, Piercy, Ross, Scott, Showalter, Sorrel, Stearns, Tilton, Tittel, Walden, Walter, White, Willey, Wright, and Mr. Speaker—38.

NOES—Messrs. Avery, Baechtel, Banks, Blair, Bradley, Briggs, Chandler, Cherry, Childs, Clarke, Coltrin, Conness, Councilman, Crocker, Curtis, Dougherty, Gillette, Harriman, Hill, Johnson, Laspeyre, Magruder, Miller, Montgomery, Morgan, Morrison, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Tilden, Wood of Plumas, and Wood of Yolo—35.

Mr. Showalter moved to make the motion to reconsider the vote by which the House on yesterday adopted Assembly Concurrent Resolution, No. 26, the special order for Tuesday next, at two o'clock, p. m.

Mr. Conness moved to indefinitely postpone the motion, and demanded the previous question.

Upon which, Messrs. Showalter, Gillette, and Walter, demanded the ayes and noes, and the previous question was sustained, by the following vote: Ayes, 38—noes, 31:

AYES—Messrs. Avery, Blair, Briggs, Campbell, Cherry, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Durst, Fargo, Flanders, Ford, Green, Hagans, Harriman, Harris, Henderson, Hill, Hunter, Lippincott, Morgan, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tittel, Walden, Walter, Willey, Wright, and Mr. Speaker—38.

NOES—Messrs. Amyx, Baechtel, Banks, Buell, Chandler, Childs, Clarke, Curtis, Foster, Gillette, Gordon, Hanson, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Laspeyre, Miller, Montgomery, Munday, Patrick, Piercy, Ross, Scott, Showalter, Sorrel, White, Wood of Plumas, and Wood of Yolo—31.

On Mr. Conness' motion to indefinitely postpone, Messrs. Showalter, Conness, and Kungle, demanded the ayes and noes, and the motion prevailed, by the following vote: Ayes, 41—noes, 30.

AYES—Messrs. Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coltrin, Conness, Councilman, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tittel, Walden, Walter, Willey, Wright, and Mr. Speaker—41.

NOES—Messrs. Amyx, Baechtel, Buell, Chandler, Childs, Curtis, Gillette, Gordon, Hagans, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Laspeyre, Montgomery, Morrison, Munday, Patrick,

Piercy, Ross, Scott, Showalter, Sorrel, White, Wood of Plumas, and Wood of Yolo—30.

Mr. motion of Mr. Lippincott, the House took a recess for ten minutes for the purpose of meeting the Senate in Joint Convention.

IN JOINT CONVENTION.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Present—Messrs. Burbank, Chase, Clark, Crittenden, DeLong, Denver, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Heacock, Hill, Irwin, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, and Mr. President.

Absent—Mr. Lect.

Assembly Roll called.

Present—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Burnell, Buell, Campbell, Chandler, Cherry, Childs, Clark, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gillette, Gordon, Green, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyro, Lippincott, Magruder, Miller, Montgomery, Morgan, Morrison, Munday, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker.

Absent—Mr. Gregory.

The Secretary of the Senate read the Senate Concurrent Resolution by the authority of which the Convention met.

The President declared the Convention duly organized and ready for business.

Mr. Merritt offered the following resolution :

Resolved, That this Convention now proceed to ballot for a United States Senator to fill the vacancy occasioned by the expiration of the term of Hon. Wm. M. Gwin, and that as each member's name is called he shall rise in his place and announce the name of the person for whom he votes without explanation or discussion.

Adopted.

On motion of Mr. Patrick, Messrs. Logan, of the Senate, and Sorrel, of the Assembly, were appointed Tellers.

The President here announced nominations to be in order.

Mr. Amyx nominated John B. Weller.

Mr. Burbank nominated T. G. Phelps.

Mr. Ryan nominated J. A. McDougall.

Mr. Watt nominated John Nugent.

Mr. Wood of Plumas nominated J. W. Denver.

Mr. Smith of Tulare, nominated G. W. Bowie.

Mr. Miller nominated J. P. Hoge.

Mr. Lalor nominated N. E. Whitesides.

FOR U. S. SENATOR—FIRST BALLOT.

There being no further nominations, the roll was called with the following result :

Names.	Denver	McDougall.	Nugent....	Phelps.....	Weller.....	Whitesides..	Hoge	Bowie
Burbank				1				
Chase		1						
Clark		1						
Crittenden						1		
De la Guerra.....			1					
DeLong		1						
Denver.....	1							
Dickinson					1			
Eagan					1			
Edgerton.....		1						
Franklin					1			
Gallagher			1					
Harvey		1						
Haynes	1							
Heacock				1				
Hill.....		1						
Irwin		1						
Logan	1							
Merritt					1			
Parks					1			
Pico					1			
Rhodes.....				1				
Ryan		1						
Shafter				1				
Sharp		1						
Thomas.....		1						
Thornton.....					1			
Vance.....					1			
Warmcastle.....					1			
Watkins.....	1							
Watson			1					
Watt			1					
Williamson.....					1			
Amyx.....					1			
Avery				1				
Baechtel					1			
Banks				1				
Blair.....				1				
Bradley					1			
Briggs.....				1				
Burnell		1						
Buell	1							
Campbell.....				1				
Chandler					1			
Cherry				1				
Childs.....			1					
Clark.....				1				
Coleman	1							

Names.	Denver	McDougall.	Nugent	Phelps	Weller	Whitesides.	Hoge	Bowie
Coltrin		1						
Conness		1						
Councilman.....				1				
Covarrubias		1						
Crocker				1				
Curtis	1							
Denniston		1						
Doughterty.....		1						
Durst		1						
Eastman		1						
Fargo				1				
Flanders				1				
Ford				1				
Foster	1							
Gillette					1			
Gordon.....					1			
Green		1						
Hagans	1							
Hanson						1		
Harriman				1				
Harris	1							
Harrison	1							
Haun						1		
Henderson		1						
Hill.....		1						
Holman					1			
Horrell			1					
Hunter		1						
Johnson					1			
Kungle						1		
Lalor						1		
Laspeyro					1			
Lippincott			1					
Magruder					1			
Miler							1	
Montgomery					1			
Morgan				1				
Morrison	1							
Munday			1					
O'Brien			1					
Patrick					1			
Piercy	1							
Porter				1				
Powell		1						
Ross.....					1			
Scott					1			
Showalter.....					1			
Smith of Tulare.....								1

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Whitesides	Hoge.....	Bowie....
Smith of Placer.....							1	
Sorrel					1			
Spence				1				
Stearns		1						
Tilden		1						
Tilton				1				
Tittel				1				
Walden....	1							
Walter		1						
White	1							
Willey				1				
Wood of Plumas	1							
Wood of Yolo.....					1			
Wright.....		1						

Mr Phelps voted for Mr. Heacock.

Mr. Kurtz voted for Mr. Creanor.

Whole number of votes cast, one hundred and twelve.

Necessary to a choice, fifty-seven.

Mr. Denver received sixteen votes

Mr. McDougall received twenty seven votes.

Mr. Nugent received nine votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received twenty-seven votes.

Mr. Whitesides received five votes.

Mr. Hoge received two votes.

Mr. Bowie received one vote.

Mr. Heacock received one vote.

Mr. Creanor received one vote.

There being no election—no one having received a majority of all the votes cast—

FOR U. S. SENATOR—SECOND BALLOT.

The Secretary called the roll for a second ballot, with the following result:

NAMES.	Denver...	McDougall	Nugent...	Phelps...	Weller....	Whitesides	Hoge.....	Bowie....
Burbank.....				1				
Chase		1						
Clark.....		1						
Attenden.						1		

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Whitesides	Hoge.....	Bowie....
De la Guerra.....			1					
DeLong.....			1					
Denver.....	1							
Dickinson.....					1			
Eagan.....					1			
Edgerton.....		1						
Franklin.....					1			
Gallagher.....			1					
Harvey.....		1						
Haynes.....	1							
Heacock.....				1				
Hill.....		1						
Irwin.....		1						
Logan.....	1							
Merritt.....					1			
Parks.....					1			
Pico.....					1			
Rhodes.....				1				
Ryan.....		1						
Shafter.....				1				
Sharp.....		1						
Thomas.....		1						
Thornton.....					1			
Vance.....	1							
Warmcastle.....					1			
Watkins.....	1							
Watson.....			1					
Watt.....			1					
Williamson.....					1			
Amyx.....					1			
Avery.....				1				
Baehtel.....					1			
Banks.....				1				
Blair.....				1				
Briggs.....				1				
Burnell.....		1						
Buell.....	1							
Campbell.....				1				
Chandler.....					1			
Cherry.....				1				
Childs.....			1					
Clark.....				1				
Coleman.....	1							
Coltrin.....		1						
Conness.....		1						
Councilman.....				1				
Covarrubias.....		1						
Crocker.....				1				

NAMES.	Denver....	McDougal	Nugent...	Pheips....	Weller....	Whitesides	Hoge.....	Bowie....
Curtis	1							
Denniston		1						
Dougherty.....		1						
Durst		1						
Eastman.....		1						
Fargo				1				
Flanders.....				1				
Ford				1				
Foster.....	1							
Gillette.....					1			
Gordon					1			
Green		1						
Hagans.....	1							
Hanson.....						1		
Harriman.....				1				
Harris.....	1							
Harrison.....	1							
Hau.....						1		
Henderson.....		1						
Hill		1						
Holman					1			
Horrell.....			1					
Hunter		1						
Johnson			1					
Kungle						1		
Lalor						1		
Laspeyre					1			
Lippincott			1					
Magruder.....						1		
Miller							1	
Montgomery					1			
Morgan.....				1				
Morrison	1							
Munday			1					
O'Brien			1					
Patrick.....					1			
Piercy	1							
Porter.....				1				
Powell		1						
Ross					1			
Scott.....					1			
Showalter					1			
Smith of Tulare								1
Smith of Placer.....							1	
Sorrel					1			
Spence				1				
Stearns		1						
Tilden.....		1						

NAMES.	Denver....	McDougall	Nugent...	Phelps...	Weller....	Whitesides	Hoge.....	Bowie.....
Tilton				1				
Tittel				1				
Walden.....	1							
Walter		1						
White	1							
Willey				1				
Wood of Plumas	1							
Wood of Yolo.....					1			
Wright.....		1						

Mr. Phelps voted for Mr. Heacock.

Mr. Kurtz voted for Mr. Creanor.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. Denver received seventeen votes.

Mr. McDougall received twenty-six votes.

Mr. Nugent received eleven votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received twenty-three votes.

Mr. Whitesides received six votes.

Mr. Hoge received two votes.

Mr. Creanor received one vote.

Mr. Bowie received one vote.

Mr. Heacock received one vote.

Mr. Lalor withdrew the name of Mr. Whitesides.

There being no election, no one having received a majority of all the votes—

FOR U. S. SENATOR—THIRD BALLOT.

The Secretary called the roll for a third ballot, with the following result:

NAMES.	Denver....	McDougall	Nugent....	Phelps....	Weller....	Hoge.....	Bowie.....
Burbank				1			
Chase..		1					
Clark		1					
De la Guerra.....			1				
De Long			1				
Denver	1						
Dickinson.....					1		
Eagan			1				
Edgerton		1					

NAMES.	Denver	McDougal	Nugent....	Phelps....	Weller....	Hoge....	Bowie....
Franklin					1		
Gallagher			1				
Harvey.....		1					
Haynes.....	1						
Heacock				1			
Hill.....		1					
Irwin.....		1					
Logan	1						
Merritt					1		
Parks					1		
Pico					1		
Rhodes				1			
Ryan.....		1					
Shafter				1			
Sharp		1					
Thomas.....		1					
Thornton.....					1		
Vance					1		
Watkins	1						
Watson.....			1				
Watt			1				
Williamson					1		
Amyx					1		
Avery				1			
Baehtel					1		
Banks				1			
Blair				1			
Briggs.....				1			
Burnell		1					
Buell	1						
Campbell				1			
Chandler					1		
Cherry.....				1			
Childs.....			1				
Clark				1			
Coleman	1						
Coltrin.....		1					
Conness		1					
Councilman.....				1			
Covarrubias		1					
Crocker				1			
Curtis	1						
Denniston.....		1					
Dougherty.....		1					
Durst		1					
Eastman.....		1					
Fargo				1			
Flanders				1			

NAMES.	Denver....	McDougal	Nugent ...	Phelps	Weller	Hoge	Bowie
Ford				1			
Foster.....	1						
Gillette					1		
Gordon					1		
Green.....		1					
Hagans.....	1						
Hanson.....					1		
Harriman.....				1			
Harris	1						
Harrison	1						
Henderson.....		1					
Hill.....		1					
Holman					1		
Horrell			1				
Hunter.....		1					
Johnson.....			1				
Lalor			1				
Laspeyre.....					1		
Lippincott.....			1				
Magruder					1		
Miller.....						1	
Montgomery.....					1		
Morgan				1			
Munday.....			1				
O'Brien.....			1				
Patrick.....					1		
Piercy.	1						
Porter.....				1			
Powell		1					
Ross.....					1		
Scott.....					1		
Showalter					1		
Smith, of Tulare.....							1
Smith, of Placer.....						1	
Sorrel					1		
Spence.....				1			
Stearns		1					
Tilden.....		1					
Tilton				1			
Tittel				1			
Walden.....	1						
Walter.....		1					
White	1						
Willey				1			
Wood, of Plumas	1						
Wood, of Yolo.....					1		
Wright		1					

Those who voted for Mr. Creanor were—

Messrs. Crittenden, Warmcastle, Haun, Kungle, and Kurtz.

Mr Phelps voted for Mr. Heacock.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr Denver received fifteen votes.

Mr McDougall received twenty-six votes.

Mr Nugent received thirteen votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received twenty-four votes.

Mr. Hoge received two votes.

Mr. Creanor received five votes.

Mr. Bowie received one vote.

Mr. Heacock received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr Lalor moved that the convention adjourn *sine die*.

Lost.

FOR U. S. SENATOR—FOURTH BALLOT.

The Secretary then called the roll for a fourth ballot, with the following result:

NAMES.	Denver....	McDougall	Nugent ...	Phelps....	Weller....	Hoge	Bowie
Burbank.....				1			
Chase.....		1					
Clark		1					
De la Guerra.....			1				
De Long.....			1				
Denver.....	1						
Dickinson					1		
Eagan			1				
Edgerton		1					
Franklin					1		
Gallagher.....			1				
Harvey		1					
Haynes.....	1						
Heacock				1			
Hill		1					
Irwin		1					
Logan.....	1						
Parks					1		
Pico					1		
Rhodes				1			
Ryan.....		1					
Shafter				1			
Sharp.....		1					
Thomas		1					
Watkins	1						

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Hoge.....	Bowie....
Watson			1				
Watt.....			1				
Williamson					1		
Amyx					1		
Avery				1			
Baechtel					1		
Banks				1			
Blair				1			
Briggs				1			
Burnell		1					
Buell	1						
Campbell				1			
Chandler					1		
Cherry				1			
Childs			1				
Clark				1			
Coleman	1						
Coltrin		1					
Conness		1					
Councilman				1			
Covarrubias		1					
Crocker				1			
Curtis	1						
Denniston		1					
Dougherty.....		1					
Durst		1					
Eastman			1				
Fargo				1			
Flanders				1			
Ford				1			
Foster.....	1						
Gillette					1		
Gordon					1		
Green		1					
Hagans	1						
Hanson					1		
Harriman				1			
Harris.....	1						
Harrison	1						
Haun					1		
Henderson		1					
Hill		1					
Holman					1		
Horrell			1				
Hunter		1					
Kungle					1		
Lalor.....			1				
Lippincott			1				

NAMES.	Denver...	McDougall	Nugent...	Phelps...	Weller...	Hoge...	Bowie...
Miller.....						1	
Montgomery.....					1		
Morgan.....				1			
Morrison.....	1						
Munday.....			1				
O'Brien.....			1				
Patrick.....					1		
Piercy.....	1						
Porter.....				1			
Powell.....		1					
Ross.....			1				
Smith, of Placer...						1	
Smith of Tulare.....							1
Sorrel.....					1		
Spence.....				1			
Stearns.....		1					
Tilden.....		1					
Tilton.....				1			
Tittel.....				1			
Walden.....	1						
Walter.....		1					
White.....	1						
Wiley.....				1			
Wood, of Plumas.....	1						
Wright.....		1					

Those who voted for Mr. Creanor were—

Messrs. Crittenden, Merritt, Thornton, Vance, Warmcastle, Johnson, Kurtz, Laspeyre, Magruder, Scott, Showalter, and Wood, of Yolo.

Mr. Phelps voted for Mr. Heacock.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. Denver received sixteen votes.

Mr. McDougall received twenty-five votes.

Mr. Nugent received fourteen votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received seventeen votes.

Mr. Creanor received twelve votes.

Mr. Hoge received two votes.

Mr. Heacock received one vote.

Mr. Bowie received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Flanders moved to adjourn for one week, to Saturday March sixteenth, eighteen hundred and sixty-one, at twelve o'clock, M.

Lost.

Mr. Ryan moved that when the convention does adjourn, it adjourn to meet on Monday, March eleventh, eighteen hundred and sixty-one, at two o'clock P. M.

Carried

Mr. Tittel moved that the convention do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs Merritt and Parks of the Senate, and Showalter of the Assembly, and taken with the following result: Ayes, 53—noes, 55:

AYES—Messrs, Burbank, Crittenden, De la Guerra, Denver, Dickinson, Eagan, Franklin, Heacock, Parks, Phelps, Shafter, Sharp, Thornton, Vance, Warmcastle, Watkins, Williamson, Amyx, Avery, Burnell, Campbell, Chandler, Coleman, Councilman, Covarrubias, Crocker, Curtis, Deniston, Durst, Eastman, Fargo, Flanders, Foster, Gillette, Green, Hanson, Harrison, Haun, Holman, Hunter, Kungle, Kurtz, Montgomery, Morgan, Munday, Smith of Tulare, Smith of Placer, Spence, Tilton, Tittel, Walden, White, and Wood of Plumas—53.

NOES—Messrs. Chase, Clark, DeLong, Edgerton, Gallagher, Harvey, Haynes, Hill, Irwin, Logan, Merritt, Pico, Rhodes, Ryan, Thomas, Watson, Watt, Bacchtel, Banks, Blair, Buell, Cherry, Childs, Clarke, Coltrin, Conness, Dougherty, Ford, Gordon, Hagans, Harriman, Harris, Henderson, Hill, Horrell, Johnson, Lalor, Laspeyre, Lippincott, Magruder, Miller, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Scott, Showalter, Sorrell, Stearns, Tilden, Walter, Wood of Yolo, and Wright—55.

So the convention refused to adjourn.

FOR U. S. SENATOR—FIFTH BALLOT.

The Secretary called the roll for a fifth ballot, with the following result:

NAMES.	Denver ..	McDougal	Nugent ...	Phelps	Waller	Hoge	Bowie
Burbank				1			
Chase		1					
Clark		1					
De la Guerra			1				
Dickinson					1		
Eagan			1				
Edgerton		1					
Franklin					1		
Gallagher			1				
Harvey		1					
Haynes	1						
Heacock				1			
Hill		1					
Irwin		1					
Logan	1						
Merritt					1		
Parks					1		
Pico					1		
Rhodes				1			

NAMES.	Denver....	McDougall	Nugent ...	PHELPS ...	Weller	Hoge	Bowie
Ryan		1		1			
Shafter				1			
Sharp		1					
Thomas.....		1					
Thornton					1		
Watkins.....	1						
Watson			1				
Watt.....			1				
Williamson.....					1		
Amyx					1		
Avery				1			
Bacchtel... ..					1		
Banks				1			
Briggs.....				1			
Burnell.....		1					
Buell.....	1						
Campbell				1			
Chandler.....					1		
Cherry				1			
Childs			1				
Clarke				1			
Coleman.....	1						
Coltrin		1					
Conness		1					
Councilman.....				1			
Covarrubias		1					
Crocker.....				1			
Curtis.....	1						
Denniston		1					
Dougherty		1					
Durst.....		1					
Eastman.....			1				
Fargo				1			
Flanders				1			
Ford				1			
Foster.....	1						
Gillette.....			1				
Gordon					1		
Green		1					
Hagans	1						
Hanson					1		
Harr man.....				1			
Harris.....	1						
Harrison.....	1						
Henderson		1					
Hill		1					
Horrell.. ..			1				
Hunter.....		1					

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Weller....	Hoge.....	Bowie....
Johnson			1				
Kungle					1		
Lalor.....			1				
Lippincott.....			1				
Magruder					1		
Miller						1	
Montgomery					1		
Morgan.....				1			
Munday			1				
O'Brien.....			1				
Patrick.....					1		
Piercy	1						
Porter				1			
Powell.....		1					
Ross			1				
Scott			1				
Showalter.....					1		
Smith of Tulare.....							1
Smith of Placer						1	
Sorrel					1		
Spence				1			
Stearns.....		1					
Tilden		1					
Tilton				1			
Tittel.....				1			
Walden.....	1						
Walter		1					
White	1						
Wood of Plumas.....	1						
Wood of Yolo.....					1		
Wright.....		1					

Those who voted for Mr. Creanor, were—

Messrs. Crittenden, Vance, Warmcastle, Haun, Holman, Kurtz, and Laspeyre

Mr. Phelps voted for Mr. Heacock.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Denver received fifteen votes.

Mr. McDougall received twenty-five votes.

Mr. Nugent received sixteen votes.

Mr. Phelps received twenty-one votes.

Mr. Weller received nineteen votes.

Mr. Creanor received seven votes.

Mr. Hoge received two votes.

Mr. Heacock received one vote.

Mr. Bowie received one vote.

On motion of Mr. Kungle, the convention adjourned.

IN ASSEMBLY.

Mr. Showalter had leave to change his vote given yesterday on Assembly Concurrent Resolution, No. 26, On the State of the Union, from aye to no.

Messrs Baechtel, Gillette, Ross, and Haun, had leave to record their votes in the negative on said resolutions.

Messrs. Durst, Spence, Smith of Tulare, Eastman, Ford, and Campbell, had leave to record their votes in the affirmative.

On motion of Mr. Wood of Plumas, the House ordered Assembly Bill, No. 245, printed.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Laspeyre:

Resolved, That H S Homans be, and he is hereby, allowed the sum of twenty-four dollars for services as Sergeant-at-Arms of the Committee on Commerce and Navigation, appointed to visit San Francisco relative to the examination of the affairs of the Superintendent of Immigration, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Tilden:

Resolved, That the Controller is hereby authorized and required to issue his warrant, payable out of the Contingent Fund of the Assembly, in favor of John H. Housman, Clerk of the House Committee on State Prison, for per diem, at the rate of six dollars, and mileage.

Referred to a Special Committee of three, consisting of Messrs. Showalter, Blair, and Powell

On motion of Mr. Conness, Assembly Bill, No 140, An Act to create the County of Esmeralda—was taken up from unfinished business, and made the special order for March thirteenth, at one o'clock, P. M.

The following report was made by Mr. O'Brien:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have had under consideration sundry bills, have examined the same and found some so exorbitant as to need cutting down one-half, beg leave to report them correct as amended, and recommend their payment out of the Contingent Fund of the Assembly, to-wit:

Purpose.	Amount.
Account of Augustus H. Benning for covering and varnishing	
Desk of Sergeant-at-Arms of the Assembly.....	\$25 00
Repairing and covering three Tables.....	15 00
Platform for Journal Desk.....	4 00
Making two Writing Boards.....	5 00
Making two Writing Boards for Appendix Clerk.....	5 00
Sundry small fixings in different Offices.....	10 00
Account of Carpenter for making Swing Doors for Letter Rack	6 00
Painting the same.....	2 00

Purpose.	Amount.
Making one Step-Ladder.....	6 00
Account of W B Carr for repairing Furnace and Walls, per order of a Resolution of the House authorizing said work.....	40 00
Account of "Solano Herald," for one copy of said paper furnished a Member of the Assembly for the Session.....	3 00
Account of "San Francisco Le Phare," for one copy of said paper furnished a Member of the Assembly for the Session.....	3 00
Total	\$124 00

All of which is respectfully submitted.

T. O'BRIEN,
Chairman.

Adopted.

At three o'clock, P. M. on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 11th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday last read and approved.

Messrs Montgomery and Gregory had indefinite leave of absence, and Messrs. Willey and Denniston for one day each.

REPORTS.

Reports were made as follows:

By Mr. Walden:

MR. SPEAKER:—The Committee on Claims, to whom was referred Senate Bill, No. 134, An Act making appropriations for the payment of the claim of C. W. Tozer and others, for the transportation of Arms, Munitions of War, etc. to Carson Valley, Utah Territory—beg leave to report the same back, and recommend its passage.

WALDEN,
Chairman.

By Mr. Coleman:

MR. SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 158, An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character; Also, Assembly Bill, No. 223, An Act to separate the Office of County Recorder from the Office of County Clerk, in the County of Solano;

Also, Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estadillo to sell and convey the interest in certain Real Estate of her Infant Child;

Also, Assembly Bill, No. 94, An Act to change the name of Meyer Moses to Moses Meyer;

Also, Assembly Bill, No. 168, An Act to amend an Act entitled An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to other Counties herein named, approved March thirty-first, eighteen hundred and fifty-seven;

Also, Assembly Bill, No. 85, An Act to provide for the construction of a Bridge in the City of Nevada;

Also, Assembly Bill, No. 148, An Act to amend An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said Counties for the year eighteen hundred and fifty-nine, and for the year eighteen hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka, approved April nineteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 68, An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May third, eighteen hundred and fifty two;

Also, Assembly Bill, No. 155, An Act to appropriate Money to pay for services rendered under the Act creating the State Land Office, approved April tenth, eighteen hundred and fifty-eight, in the segregation of certain Swamp Lands of this State;

Also, Assembly Bill, No. 222, An Act to provide for the construction of a Wagon Road, commencing at Antelope Springs, in the County of Amador, and running thence by the best practicable route to Hope Valley, on the eastern slope of the Sierra Nevada Mountains

COLEMAN.

By Mr. Tilton :

Mr. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 82, An Act to authorize the sale of certain Real Estate by Guardians;

Also, Assembly Bill, No. 166, An Act to locate the County Seat of Yolo County;

Also, Assembly Bill, No. 83, An Act declaring the Salinas River Navigable;

Also, Assembly Bill, No. 70, An Act to amend an Act entitled An Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, eighteen hundred and fifty-three, and have presented the same to the Governor for his signature.

S. S. TILDEN,
Chairman.

By Mr. Walden :

Mr. SPEAKER:—Your Auditing Committee have examined the copying done on account of the Assembly, and find the same as follows :

Purpose.	Folio.	Per Folio.	Amount.
Copying for the Assembly.....	3,796	10 cts.	\$379 60

Your committee also recommend the adoption of the following resolution :

Resolved, That the Controller of State be, and is hereby, authorized, to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of three hundred and seventy-nine dollars and sixty cents, payable out of the Copying Fund of the Assembly.

Adopted.

WALDEN,
GILLETTE.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 9th, 1861.

To the Honorable the Assembly of California: -

I have the honor to inform your Honorable Body that I have approved Assembly Bill, No. 73, An Act to extend the time to the City of Petaluma, or Assigns, to improve the navigation of Petaluma Creek;

Also, Assembly Bill, No. 78, An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to Tulare County;

Also, Assembly Bill, No. 126, An Act to authorize and require the Trustees of the City of Petaluma to call an Election for certain purposes therein named.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 8th, 1861.

To the Honorable the Assembly of California:

I have to return to your Honorable Body, without my approval, Assembly Bill, No. 16, An Act to amend An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco, approved March thirteenth, eighteen hundred and sixty.

Section second of the act of which this is amendatory, fixes by metes and bounds the limits within which the burning of bricks is expressly prohibited, with the exception of One Hundred Vara Lot, No. 90, belonging to a charitable institution, and even this is limited to bricks for the use of the institute, and with an express proviso, that no bricks shall be manufactured on said lot for sale or commerce.

Section three of said act prescribes severe penalties for any violation of the law as it now stands.

This act proposes to extend and enlarge the area and limits within which it shall be unlawful to burn bricks, and at the same time grants special privileges to parties for the purpose of brick-burning within the bounds prescribed by the act of last year. This I consider would work injustice to the citizens engaged in this branch of industry, and who in obedience to law, had removed beyond the forbidden limits, thereby subjecting themselves to the heavy expenses incidental to their remoteness from business portions of the city and the places where bricks are needed for building purposes, besides subjecting residents to great inconvenience from an evil already declared a public nuisance by the last Legislature.

I am satisfied the Legislature, in passing this bill, could not be informed of the fact that the special exceptions of certain blocks and localities contained in this act, happen to be situated in prominent points of the city where this nuisance was abated last year.

As the title of the bill expresses but one object, to wit: To prohibit the burning of bricks within certain limits, when in fact it appears to be its intention to repeal in certain special cases the act of last Session for the benefit of special interested parties, to the detriment, as before indicated, of those engaged in similar pursuits, who in conformity with existing statutes, removed without the limits prescribed by law, and who could not now compete with those in whose favor these special grants are attempted to be made.

It would, in my opinion, be far better to remove all restrictions than suffer this bill to become a law. In that case all would have equal rights and privileges, and all cause of complaint would be obviated so far as those engaged in the manufacture of this article are concerned.

JOHN G. DOWNEY,
Governor.

On the question, "Shall the bill pass, notwithstanding the objections of the Governor?" the ayes and noes were called with the following result: Ayes, 6—noes, 49:

AYES—Messrs. Cherry, Coleman, Flanders, Green, Hunter, and Wood of Plumas—6.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Chandler, Clarke, Coltrin, Councilman, Covarrubias, Crocker, Dougherty, Durst, Eastman, Ford, Gillette, Gordon, Hagans, Hanson, Harriman, Holman, Horrell, Kurtz, Lippincott, Magruder, Miller, Morgan, Morrison, Munday, O'Brien, Porter, Ross, Showalter, Smith of Tulare, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Wright, and Mr. Speaker—49.

So the House sustained the objection of the Governor.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Ross:

Resolved, That the Speaker be, and he is, respectfully requested, to appoint an additional Page for the Assembly, at a salary of three dollars per day, payable out of the Contingent Fund of the Assembly, to date from the time of the appointment.

Adopted.

By Mr. Fargo:

WHEREAS, One or more members of this House are reported to have said, in the course of debate, upon this floor, that they recognize as being a sovereign confederacy those States presided over by Jefferson Davis, of Mississippi, and which were independent and sovereign in every respect; therefore,

Resolved, That the Judiciary Committee be, and they are hereby, instructed to report to the House, at its earliest convenience, whether or not such sentiments are compatible with the constitutional obligations of members of the Legislature of California.

Mr. Showalter moved to reject.

Mr. Fargo had leave to withdraw the resolutions.

Mr. Amyx offered an additional Standing Rule.

Laid over under the rule.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
March 8th, 1861. }

Mr. SPEAKER:—The Senate on yesterday passed Senate Bill, No. 155, An Act to change the Boundary Line between the Counties of Butte and Yuba, at the Woodville House;

Also, this day, passed Senate Bill, No. 11, An Act for the segregation, reclamation, and disposal, of the Swamp and Overflowed Lands belonging to this State;

Also, have concurred in Assembly Concurrent Resolution, No. 38, Relative to the quota of Arms due this State by the General Government;

Also, have receded from its amendment to Assembly Bill, No. 200, An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 11, above reported—was read first and second times, referred to Committee on Swamp and Overflowed Lands, and ordered printed.

Senate Bill, No. 155, above reported—was read first and second times, and referred to the delegations from Butte and Yuba counties.

SENATE CHAMBER,
March 9th, 1861. }

Mr. SPEAKER:—The Senate on yesterday concurred in Assembly amendments to Senate Bill, No. 50, An Act to establish a standard of Weights and Measures;

Also, passed Senate Bill, No. 35, An Act concerning Conveyances;

Also, Senate Bill, No. 73, An Act to provide for the sale of the Marsh or Tide Lands of this State;

Also, Senate Bill, No. 175, An Act to authorize the Guardians of the minor Heirs of E. A. Farwell, deceased, to sell Real Estate at private or public sale;

Also, Assembly Bill, No. 98, An Act to authorize the Administrator of the estate of L. W. Boggs, deceased, to sell and convey Real Estate, with amendments;

Also, indefinitely postponed Assembly Bill, No. 86, 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.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 98, above reported.

Senate Bills, Nos. 35 and 175—read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 73, above reported—read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

SENATE CHAMBER,
Monday, March 11th, 1861. }

Mr. SPEAKER:—The Senate on Saturday, March ninth, eighteen hundred and sixty-one, passed Senate Bill, No. 128, An Act concerning the

City of San José and to ratify and confirm a certain Ordinance of the Common Council of said City;

Also, Senate Bill, No. 130, An Act to appropriate Money to pay Counsel employed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis;

Also, Senate Bill, No. 133, An Act to appropriate Money for the purpose of taking testimony in regard to certain Swamp and Overflowed Lands;

Also, Senate Bill, No. 156, An Act entitled An Act to grant certain Wharf privileges to Paul Shirley and T. B. Storer and their Assigns;

Also, Senate Bill, No. 162, An Act to authorize the Trustees of the Contra Costa Educational Association of the County of Contra Costa to sell or mortgage Real Estate or other property belonging to the Association for certain purposes;

Also, Assembly Bill, No. 154, An Act to amend an Act entitled An Act fixing the time for holding the Court of Sessions and County Courts in the County of Shasta, and to change the manner of summoning Juries for the County Court of said County, approved March eighteenth, eighteen hundred and fifty-nine.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 162, above reported—read first and second times, and referred to the delegation from Contra Costa.

Senate Bill, No. 156, above reported—read first and second times, and referred to the Committee on Commerce and Navigation

Senate Bill, No. 133, above reported—read first and second times, and referred to the Committee on Swamp and Overflowed Lands

Senate Bill, No. 130, above reported—read first and second times, and referred to the State Prison Committee.

Senate Bill, No. 128, above reported—read first and second times, and referred to the Santa Clara Delegation.

SPECIAL ORDER.

Assembly Bill, No. 7½, An Act amendatory of, and supplemental to, an Act entitled An Act to provide for the location and sale of the unsold portion of the Five Hundred Thousand Acres of Land granted to this State for School purposes, and the Seventy-Two Sections donated to this State for the use of a Seminary of Learning, approved February third, eighteen hundred and fifty-eight, and the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine—the special order, was taken up, considered in Committee of the Whole.

Mr. Fargo in the Chair.

Reported with amendments, and amendments concurred in.

On the engrossment of the bill Messrs. Conness, Crocker, and Laspeyre, demanded the ayes and noes, with the following result: Ayes, 44—noes, 23:

AYES—Messrs. Avery, Banks, Briggs, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Dougherty, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Green, Harriman, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Porter, Showalter, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, White, Wood of Plumas, Wright, and Mr. Speaker—44.

NOES—Messrs. Adams, Amyx, Baechtel, Blair, Bradley, Buell, Clarke, Gillette, Hagans, Hanson, Harris, Haun, Holman, Kungle, Lalor, Las-

peyre, Magruder, Morgan, Patrick, Ross, Smith of Tulare, Sorrel, and Walden—23.

So the bill was ordered engrossed, and was made special order for Wednesday thirteenth, instant, at one o'clock, P. M.

The House took a recess for the purpose of meeting the Senate in Joint Convention for the election of United States Senator.

IN JOINT CONVENTION.

The convention met pursuant to adjournment.

The Hon Pablo de la Guerra, President of the Senate, and Hon R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Mr. Leet.

Assembly Roll called.

Absent—Messrs. Montgomery, Banks, Willey, Gregory, and Wood of Yolo.

Journal of last meeting read and approved.

Mr Irwin of the Senate offered the following resolution :

Resolved, That the Standing Rules of the Senate be, and they are hereby, declared the rules by which this convention will be governed.

Adopted.

The convention then proceeded to vote for a United States Senator.

FOR U. S. SENATOR—SIXTH BALLOT.

The Secretary called the roll for the sixth ballot, with the following result :

NAMES.	Denver....	McDougal	Nugent....	Phelps ...	Weller....	Hoge	Bowie.....
Chase		1					
Clark		1					
Crittenden	1						
De la Guerra.....			1				
DeLong			1				
Denver.....	1						
Dickinson					1		
Eagan			1				
Edgerton.....		1					
Franklin					1		
Gallagher				1			
Harvey		1					
Haynes	1						
Heacock					1		
Hill.....		1					
Irwin		1					
Logan	1						
Merritt			1				
Parks					1		
Pico					1		
Rhodes.....				1			

NAMES.	Denver ...	McDougall	Nugent ...	Pichs ...	Waller ...	Hoge ...	Bowie ...
Ryan		1					
Shafter				1			
Sharp		1					
Thomas		1					
Thornton					1		
Vance	1						
Warmcastle					1		
Watkins	1						
Watson			1				
Watt			1				
Williamson					1		
Adams		1					
Amyx					1		
Avery				1			
Baechtel					1		
Banks				1			
Briggs				1			
Burnell		1					
Buell	1						
Campbell				1			
Chandler					1		
Cherry				1			
Childs			1				
Clark				1			
Coleman	1						
Coltrin		1					
Conness		1					
Councilman				1			
Covarrubias		1					
Crocker				1			
Curtis	1						
Denniston		1					
Doughterty		1					
Durst		1					
Eastman		1					
Fargo				1			
Flanders				1			
Ford				1			
Foster	1						
Gillette			1				
Gordon					1		
Green		1					
Hagans	1						
Hanson					1		
Harriman				1			
Harris	1						
Harrison	1						
Haun					1		

NAMES.	Denver....	McDougall	Nugent ..	Phelps. .	Weller....	Hoge	Bowie
Henderson		1					
Hill.....		1					
Holman					1		
Horrell			1				
Hunter		1					
Johnson			1				
Kungle					1		
Lalor			1				
Lippincott			1				
Magruder					1		
Miller				1			
Morgan	1						
Morrison	1						
Munday			1				
O'Brien			1				
Patrick					1		
Piercy	1						
Porter				1			
Powell		1					
Ross			1				
Scott			1				
Showalter.....					1		
Smith of Tulare.....							1
Smith of Placer.....							1
Sorrel					1		
Spence				1			
Stearns		1					
Tilden		1					
Tilton				1			
Tittel				1			
Walden....	1						
Walter		1					
White	1						
Wood of Plumas	1						
Wright.....	1						

Mr. Phelps voted for Mr. Rhodes.

Those who voted for Mr. Creanor, were—

Messrs. Bradley, Kurtz, and Laspeyre.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Denver received eighteen votes.

Mr. McDougall received twenty-seven votes.

Mr. Nugent received seventeen votes.

Mr. Phelps received twenty votes.

Mr. Weller received nineteen votes.

Mr. Creanor received three votes.

Mr. Hoge received two votes.

Mr. Bowie received one vote.

Mr. Rhodes received one vote.

There being no election—no one having received a majority of all the votes cast—

FOR U. S. SENATOR—SEVENTH BALLOT

The Secretary called the roll for a second ballot, with the following result:

NAMES.	Denver ..	McDonough	Nugent . .	Phelps . .	Weller . . .	Hoge . . .	Bowie . . .
Chase		1					
Clark.....		1					
Crittenden.	1						
De la Guerra.....			1				
DeLong			1				
Denver.....	1						
Dickinson.....					1		
Eagan			1				
Edgerton		1					
Franklin					1		
Gallagher			1				
Harvey.....		1					
Haynes.....	1						
Heacock				1			
Hill		1					
Irwin		1					
Logan.....	1						
Merritt.....			1				
Parks					1		
Pico.....			1				
Rhodes.....				1			
Ryan		1					
Shafter				1			
Sharp		1					
Thomas		1					
Thornton					1		
Warmcastle					1		
Watkins	1						
Watson.....			1				
Watt			1				
Williamson					1		
Adams		1					
Amyx.....					1		
Avery				1			
Baechtel.....					1		
Banks				1			
Blair.....							1
Briggs.....				1			

NAMES.	Denver ..	McDougal	Nugent ..	Phelps . .	Weller . .	Hoge	Bowie . . .
Barnell.. .. .	1	1					
Buell.	1						
Campbell				1			
Chandler					1		
Cherry				1			
Childs			1				
Clark				1			
Coleman.....	1						
Coltrin		1					
Combs		1					
Councilman.....				1			
Covarrubias.....		1					
Crocker				1			
Curtis	1						
Denniston		1					
Dougherty.....		1					
Durst		1					
Eastman.....		1					
Fargo				1			
Flanders.....				1			
Ford				1			
Foster	1						
Gillette..			1				
Gordon..					1		
Green		1					
Hagans..	1						
Hanson.....					1		
Harriman.....				1			
Harris.....	1						
Harrison	1						
Haun.....					1		
Henderson.....		1					
Hill		1					
Holman					1		
Horrell.....			1				
Hunter		1					
Johnson			1				
Kungle					1		
Lalor			1				
Lippincott.....			1				
Magruder.....					1		
Miller						1	
Morgan.....				1			
Morrison	1						
Munday			1				
O'Brien			1				
Patrick.....					1		
Piercy	1						

NAMES.	Denver....	McDougall	Nugent...	Phelps...	Weller....	Hoge.....	Bowie.....
Porter.....				1			
Powell ..		1					
Ross			1				
Scott.....			1				
Showalter	1						
Smith of Tulare							1
Smith of Placer.....						1	
Sorrel			1				
Spence				1			
Stearns		1					
Tilden.....		1					
Tilton				1			
Tittel				1			
Walden.....	1						
Walter		1					
White ...	1						
Wood of Plumas	1						
Wright.....		1					

Mr. Phelps voted for Mr. Rhodes.

Mr. Vance voted for Mr. Ryan.

Those who voted for Mr. Creanor, were—

Messrs. Bradley, Kurtz, and Laspeyre.

Whole number of votes cast, one hundred and nine.

Necessary to a choice, fifty-five.

Mr. Denver received eighteen votes.

Mr. McDougall received twenty-seven votes.

Mr. Nugent received nineteen votes.

Mr. Phelps received twenty votes.

Mr. Weller received sixteen votes.

Mr. Creanor received three votes.

Mr. Hoge received two votes.

Mr. Bowie received two votes.

Mr. Rhodes received one vote.

Mr. Ryan received one vote.

There being no election, no one having received a majority of all the votes—

FOR U. S. SENATOR—EIGHTH BALLOT.

The Secretary called the roll for a eighth ballot, with the following result:

NAMES.	Denver...	McDougal	Nugent...	Phelps...	Weller...	Hogo....	Bowie....
Chase..		1					
Clark.....		1					
Crittenden.....	1						
De la Guerra.....			1				
De Long.....			1				
Denver	1						
Dickinson.....					1		
Eagan			1				
Edgerton		1					
Franklin					1		
Gallagher			1				
Harvey.....		1					
Haynes.....	1						
Heacock				1			
Hill.....		1					
Irwin..		1					
Logan	1						
Merritt			1				
Parks					1		
Pico			1				
Rhodes.....				1			
Ryan		1					
Shafter.....				1			
Sharp		1					
Thomas.....		1					
Thornton.....					1		
Vance			1				
Warmcastle					1		
Watkins.....	1						
Watson			1				
Watt			1				
Williamson					1		
Adams		1					
Amyx					1		
Avery				1			
Baechtel					1		
Banks				1			
Blair		1					
Briggs				1			
Burnell		1					
Buell	1						
Campbell.....				1			
Chandler					1		
Cherry				1			
Childs.....			1				
Clark.....				1			
Coleman	1						
Coltrin.....		1					

NAMES.	Denver	McDougall	Nugent ...	Phelps	Weller . .	Hoge	Bowie
Conness	1	...	...	...	...	...
Councilman	1	...	...	...
Covarrubias	1	...	...	...	...	...
Crocker	1	...	...	...
Curtis	1	...	...	...	...	...	...
Denniston	1	...	...	...	...	...
Dougherty	1	...	...	...	...	...
Durst	1	...	...	...	...	...
Fargo	1	...	...	...
Flanders	1	...	...	...
Ford	1	...	...	...
Foster	1	...	...	...	...	...	...
Gillette	1	...	...	...	...
Gordon	1	...	...
Green	1	...	...	...	...	...
Hagans	1	...	...	...	...	...	...
Hanson	1	...	...	...	...
Harriman	1	...	...	...
Harris	1	...	...	...	...	...	...
Harrison	1	...	...	...	...	...	...
Haun	1	...	...	...	...
Henderson	1	...	...	...	...	...
Hill	1	...	...	...	...	...
Holman	1	...	...
Horrell	1	...	...	...	...
Hunter	1	...	...	...	...	...
Johnson	1	...	...	...	...
Kungle	1	...	...	...	...
Lalor	1	...	...	...	...
Lippincott	1	...	...	...	...
Magruder	1	...	...
Miller	1
Morgan	1	...	...	...
Morrison	1	...	...	...	...	...	...
Munday	1	...	...	...	...
O'Brien	1	...	...	...	...
Patrick	1	...	...
Piercy	1	...	...	...	...	...	...
Porter	1	...	...	...
Powell	1	...	...	...	...	...
Ross	1	...	...	...	...
Scott	1	...	...	...	...
Showalter	1	...	...	...	...	...	...
Smith, of Tulare	1
Smith, of Placer	1	...
Sorrel	1	...	...	...	...
Stearns	1	...	...	...	...	...
Tilden	1	...	...	...	...	...

NAMES.	Denver .	McDougall	Nugent ...	Phelps	Weller	Hoge	Bowie . .
Tilton .....	...	...	...	1	...	...	...
Tittel .....	...	...	...	1	...	...	...
Walden.....	1	...	...	...	...	...	...
Walter.....	...	1	...	...	...	...	...
White	1	...	...	...	...	...	...
Wood, of Plumas	1	...	...	...	...	...	...
Wright .....	...	1	...	...	...	...	...

Those who voted for Mr. Creanor were—

Messrs. Bradley, Kurtz, and Laspeyre.

Mr. Phelps voted for Mr. Rhodes.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four

Mr. Denver received eighteen votes.

Mr. McDougall received twenty-seven votes.

Mr. Nugent received twenty-three votes.

Mr. Phelps received nineteen votes.

Mr. Weller received thirteen votes.

Mr. Creanor received three votes.

Mr. Bowie received two votes.

Mr. Hoge received one vote

Mr. Rhodes received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR U. S. SENATOR—NINTH BALLOT.

The Secretary then called the roll for a ninth ballot, with the following result :

NAMES.	Denver ...	McDougall	Nugent ..	Phelps . .	Weller . .	Hoge	Bowie
Chase.....	...	1	...	...	...	...	...
Clark	1	...	...	...	...	...
Crittenden	1	...	...	...	...	...	...
De la Guerra	1	...	...	...	...
De Long.	1	...	...	...	...
Denver	1	...	...	...	...	...	...
Dickinson	1	...	...
Eagan	1	...	...	...	...
Edgerton	1	...	...	...	...	...
Franklin	1	...	...
Gallagher.....	1	...	...	...	...
Harvey	1	...	...	...	...	...

NAMES.	Denver....	McDougal	Nugent...	Phelps...	Weller...	Hoge....	Bowie....
Haynes.....	1						
Heacock.....				1			
Hill.....		1					
Irwin.....		1					
Logan.....	1						
Merritt.....			1				
Parks.....					1		
Pico.....			1				
Rhodes.....				1			
Ryan.....		1					
Shafter.....				1			
Sharp.....		1					
Thomas.....		1					
Thornton.....					1		
Vance.....	1						
Warmcastle.....	1						
Watkins.....	1						
Watson.....			1				
Watt.....			1				
Williamson.....					1		
Adams.....		1					
Amyx.....					1		
Avery.....				1			
Bacchtel.....					1		
Banks.....				1			
Blair.....				1			
Briggs.....				1			
Burnell.....		1					
Buell.....	1						
Campbell.....				1			
Chandler.....					1		
Cherry.....				1			
Childs.....			1				
Clark.....				1			
Coleman.....	1						
Coltrin.....		1					
Conness.....		1					
Councilman.....				1			
Covarrubias.....		1					
Crocker.....				1			
Curtis.....	1						
Denniston.....		1					
Dougherty.....		1					
Durst.....		1					
Fargo.....				1			
Flanders.....				1			
Ford.....				1			
Foster.....	1						

NAMES.	Denver....	McDougall	Nugent ...	Phelps ...	Waller	Hoge	Bowie
Gillette			1				
Gordon					1		
Green		1					
Hagans	1						
Hanson			1				
Harriman				1			
Harris	1						
Harrison	1						
Henderson		1					
Hill		1					
Holman					1		
Horrell			1				
Hunter		1					
Johnson.....			1				
Kungle			1				
Jalor			1				
Lippincott			1				
Miller.....							1
Morgan				1			
Morrison		1					
Munday			1				
O'Brien			1				
Patrick					1		
Piercy		1					
Porter.....				1			
Powell		1					
Ross			1				
Scott			1				
Showalter.....	1						
Smith of Tulare.....							1
Smith, of Placer....						1	
Sorrel			1				
Stearns		1					
Tilden		1					
Tilton				1			
Tittel				1			
Walden	1						
Walter		1					
White	1						
Wood, of Plumas.....	1						
Wright.....		1					

Those who voted for Mr. Creanor were—
Messrs. Bradley, Kurtz, and Laspeyre.

Those who voted for Mr. Bowie were—
Messrs. Miller and Smith of Tulare.

Those who voted for Mr. Washington were—
Messrs. Haun and Magruder.

Mr. Phelps voted for Mr. Rhodes.

Mr. Smith of Placer voted for Mr. Hoge.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Denver received eighteen votes.

Mr. McDougall received twenty-eight votes.

Mr. Nugent received twenty-one votes.

Mr. Phelps received twenty votes.

Mr. Weller received eleven votes.

Mr. Creanor received three votes.

Mr. Bowie received two votes.

Mr. Washington received two votes.

Mr. Hoge received one vote.

Mr. Rhodes received one vote.

There being no election, no one having received a majority of all the votes cast—

On motion of Mr. Conness, the vote by which the convention adopted the rules of the Senate, was reconsidered.

The rules were then readopted, with the exception of the rule relative to the time of meeting.

Mr. Showalter moved that when the convention adjourns, it adjourns *sine die*.

Upon which, the ayes and noes were demanded, by Messrs. Wood of Plumas and Ross of the Assembly, and Mr. Thomas of the Senate, and taken with the following result: Ayes, 17—noes, 89:

AYES—Messrs. Crittenden, Franklin, Shafter, Thornton, Warmcastle, Anyx, Bradley, Flanders, Gordon, Hanson, Haun, Holman, Kungle, Laspeyre, Morgan, Showalter, and Sorrell—17.

NOES—Messrs. Chase, De la Guerra, DeLong, Denver, Dickinson, Eagan, Edgerton, Gallagher, Harvey, Haynes, Heacock, Hill, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Ryan, Sharp, Thomas, Vance, Watkins, Watson, Watt, Williamson, Adams, Avery, Baechtel, Banks, Blair, Briggs, Burnell, Buell, Campbell, Chandler, Cherry, Childs, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Gillette, Green, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Johnson, Kurtz, Lalor, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Scott, Smith of Tulare, Smith of Placer, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Wood of Plumas, and Wright—89.

So the motion was lost.

Mr. Chase moved that when the convention adjourns, it adjourns to meet on Wednesday, March thirteenth, eighteen hundred and sixty-one, at two o'clock, P. M.

Mr. Conness moved to amend—That when the convention adjourns, it adjourns to meet on Thursday, March fourteenth, eighteen hundred and sixty-one, at two o'clock, P. M.

Mr. Ryan moved to amend the amendment—That when the conven-

tion adjourns, it adjourns to meet on Tuesday, March twelfth, eighteen hundred and sixty one, at two o'clock, P. M.

The question on the shortest time being first in order, the motion of Mr. Ryan was put and carried.

So the convention agreed that when it did adjourn, it would adjourn to meet on Tuesday, March twelfth, eighteen hundred and sixty-one, at two o'clock, P. M.

FOR U. S. SENATOR—TENTH BALLOT.

The Secretary called the roll for the tenth ballot, with the following result:

NAMES.	Denver...	McDougall	Nugent...	Phelps....	Weller...	Hoge...	Bowie...
Chase		1					
Clark		1					
Crittenden	1						
De la Guerra			1				
DeLong			1				
Denver	1						
Dickinson					1		
Eagan			1				
Edgerton		1					
Franklin					1		
Gallagher			1				
Harvey		1					
Haynes	1						
Heacock				1			
Hill		1					
Logan	1						
Merritt			1				
Parks					1		
Pico			1				
Rhodes				1			
Ryan		1					
Shafter				1			
Sharp		1					
Thomas		1					
Vance			1				
Warmcastle	1						
Watkins	1						
Watson			1				
Watt			1				
Williamson					1		
Adams		1					
Amyx					1		
Avery				1			
Baehtel					1		
Banks				1			
Blair				1			
Briggs				1			
Burnell		1					

NAVES.	Denver....	McDougill	Nugent...	Phelps	Waller...	Hoge.....	Bowie....
Buell.....	1						
Campbell.....				1			
Chandler.....					1		
Cherry.....				1			
Childs.....			1				
Clarke.....				1			
Coleman.....	1						
Coltrin.....		1					
Conness.....		1					
Councilman.....				1			
Covarrubias.....		1					
Crocker.....				1			
Curtis.....	1						
Denniston.....		1					
Dougherty.....		1					
Durst.....		1					
Eastman.....		1					
Fargo.....				1			
Flanders.....				1			
Ford.....				1			
Foster.....	1						
Gillette.....			1				
Green.....		1					
Hagans.....	1						
Hanson.....			1				
Harriman.....				1			
Harris.....	1						
Harrison.....	1						
Henderson.....		1					
Hull.....		1					
Holman.....					1		
Horrell.....			1				
Hunter.....		1					
Johnson.....			1				
Kungle.....			1				
Lator.....			1				
Lippincott.....			1				
Miller.....						1	
Morgan.....				1			
Morrison.....	1						
Munday.....			1				
O'Brien.....			1				
Patrick.....					1		
Piercy.....	1						
Porter.....				1			
Powell.....		1					
Ross.....			1				
Scott.....			1				

NAMES.	Denver ...	McDougall	Nugent ...	Phelps....	Weller....	Hoge.....	Bowie....
Showalter.....	...	...	...	...	1	...	...
Smith of Tulare.....	...	...	...	...	...	...	1
Smith of Placer .....	...	...	...	...	...	1	...
Sorrel .....	...	...	1	...	...	...	...
Stearns.....	...	1	...	...	...	...	...
Tilden .....	...	1	...	...	...	...	...
Tilton .....	...	...	...	...	1	...	...
Titel.....	...	...	...	...	1	...	...
Walden.....	1	...	...	...	...	...	...
Walter .....	...	1	...	...	...	...	...
White	1	...	...	...	...	...	...
Wood of Plumas.....	1	...	...	...	...	...	...
Wright.. .....	...	1	...	...	...	...	...

Those who voted for Mr. Creanor, were—
Messrs. Thornton, Bradley, Kurtz, and Laspeyre.

Those who voted for Mr. Washington were—
Messrs. Haun and Magruder.

Mr. Gordon voted for Mr. Peachy.
Mr. Phelps voted for Mr. Rhodes.

Whole number of votes cast, one hundred and seven.
Necessary to a choice, fifty-four.

Mr. Denver received eighteen votes.
Mr. McDougall received twenty-six votes.
Mr. Nugent received twenty-two votes.
Mr. Phelps received twenty votes.
Mr. Weller received ten votes.
Mr. Creanor received four votes.
Mr. Hoge received two votes.
Mr. Washington received two votes.
Mr. Bowie received one vote.
Mr. Rhodes received one vote.
Mr. Peachy received one vote.

There being no election, no one having received a majority of all the votes cast.

On motion of Mr. Merritt, the convention adjourned.
Whereupon, the Senate repaired to their Chamber.

IN ASSEMBLY.

On motion of Mr. Conness, Assembly Bill, Nos. — and 192, were made the special order for Tuesday, March twelfth, at twelve o'clock, M.

Mr. Curtis made the following report:

MR. SPEAKER:—The Committee on Corporations to whom was referred Assembly Bill, No. 122, An Act to grant the right to construct and maintain a Ferry across the Salinas River at the City of St. Paul, in the County of Monterey;

Also, Assembly Bill, No. 258. An Act to grant the right to construct a Bridge across the American River to certain parties—have had the same under consideration and report them back and recommend their passage.

Your committee have also had under consideration Assembly Bill, No. 173, An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a special Tax for building purposes, and to levy an additional Tax for County purposes in said County—and report the same back and recommend that it be referred to the delegation from Plumas.

N. GREENE CURTIS,

Chairman.

Mr. Porter introduced a bill for An Act to provide for the collection of Delinquent Taxes in the County of Contra Costa.

Read first and second times, and referred to Contra Costa Delegation.

Mr. Wood of Plumas, moved that the House adjourn.

Upon which, Messrs. Haun, Gillette, and Kungle, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 43—noes, 26:

AYES—Messrs. Adams, Amyx, Avery, Banks, Blair, Briggs, Campbell, Chandler, Cherry, Clarke, Conness, Covarrubias, Crocker, Dougherty, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Green, Hagans, Hanson, Harriman, Harris, Harrison, Henderson, Hill, Hunter, Kungle, Laspierre, Morgan, Munday, O'Brien, Patrick, Porter, Smith of Tulare, Tilton, Tuttel, Walden, Walter, White, and Mr. Speaker—43.

NOES—Messrs. Bacchtel, Bradley, Buell, Childs, Coleman, Coltrin, Curtis, Gillette, Holman, Horrell, Johnson, Kurtz, Lalor, Lippincott, Magruder, Miller, Percy, Powell, Ross, Scott, Showalter, Smith of Placer, Sorrel, Stearns, Tilden, and Wood of Plumas—26.

And at fifteen minutes past four o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 12th, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

The roll was called.

Quorum present.

The journal of yesterday was read and approved.

Mr. Curtis had three days' leave of absence.

REPORTS.

Reports were made as follows:

By Mr. Stearns:

MR. SPEAKER:—The Committee on Agriculture have had under consideration Assembly Bill, No. 108—and report the same back with a substitute, and recommend its passage;

Also, report back, Bills, Nos. 48 and 93, and recommend that they do not pass.

STEARNS,

Chairman.

By Mr. Fargo :

MR. SPEAKER :—The Committee on Internal Improvements, to whom was referred Assembly Bill, No 254, An Act entitled An Act to amend An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States, Approved April twenty-seventh, eighteen hundred and sixty :

Also, Assembly Bill, No 232, An Act to amend an Act entitled An Act to provide for the construction of a Railroad from a point on Petaluma Creek to the City of Petaluma, and for the right of way for the same—beg leave to report that they have had the same under consideration, and report the same back with substitutes for each, and recommend their passage.

FARGO,
Chairman.

By Mr Crocker :

MR. SPEAKER :—The Committee on Corporations, to whom was referred Assembly Bill, No. 216, An Act to grant the right to lay down, and maintain, a Railroad Track in San Francisco—respectfully report the same back, and recommend that it be placed upon the same footing with the other San Francisco Railroad bills, and made the special order, and considered with them, on Thursday, the fourteenth instant, at the same hour.

C. CROCKER,
J. WHITE,
S. G. SMITH,
WM P TILDEN,
J. CHANDLER.

Bill recommitted to the San Francisco Delegation, with instructions to report on or before the fourteenth instant.

By Mr. Banks :

MR. SPEAKER :—The undersigned, a majority of the Committee on Commerce and Navigation, to whom were referred Assembly Bill, No. 33, An Act to authorize William Piper to construct a Wharf at the foot of Third Street, in the City and County of San Francisco ;

Also, Assembly Bill, No 63, An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco—having had the same under consideration, beg leave to present the following report :

A long residence in the City and County of San Francisco, and an intimate personal knowledge of matters pertaining to wharf facilities, together with frequent and thorough investigations, official as well as private, have led us to the conclusion that there is no urgent immediate necessity for the granting of further wharfing privileges in the harbor of San Francisco ; and that it is in the highest degree impolitic to increase the almost inextricable complication of affairs relating to the water front of that city, which has resulted from unsystematic and dangerous special legislation, such as that proposed in these bills.

The real requirements of the harbor of San Francisco, are at present but imperfectly understood, and without a preliminary survey they cannot be satisfactorily defined. The irregular and unbusinesslike wharf system, of which these bills are a part, has proved exceedingly detrimental to the interests of commerce, unreliable and trifling as a source of revenue, and exceedingly injurious to the harbor.

It is indispensably requisite that some better policy be adopted, and to avoid further complication, we recommend deferring all action on the subject until the meeting of the next Legislature; and we suggest, as a future city front wharf system, a plan embracing as its main features the following provisions:

First—The preliminary survey about to be made by officers of the United States Government, whose ability, integrity, and disinterestedness, will render its reliability beyond question, and whose recommendations will be entitled to general respect

Second—The preparation of plans and specifications, based upon such survey and recommendations, embracing the location, form, materials, and mode of building wharfs; constructing, on a uniform plan, a barrier or sea-wall on the line of the city front; necessary dredging, and such well defined, and clearly expressed terms and conditions adapted to thorough completion, as the public good may require.

Third—Under a general law, after due advertisement, the separate granting of wharf privileges to the parties who, under businesslike competition upon said specifications, offer the best terms to the public.

Fourth—The reducing of wharf charges to the lowest practicable point compatible with the maintenance of the wharfs, and the police regulations, and protection of the same.

For the foregoing, and many similar reasons that might be enumerated, we recommend the indefinite postponement of said bills

JOSEPH A. BANKS,
ALVAN FLANDERS,
JOHN W. CHERRY.

By Mr. Childs:

MR. SPEAKER:—The Calaveras Delegation, to whom was referred Assembly Bill, No. 238, An Act to authorize the Supervisors of Calaveras County to levy a Special Tax and to provide for building a Bridge in said County—have considered the same, and unanimously recommend its passage without amendment.

CHILDS,
LIPPINCOTT,
O'BRIEN.

The rules were suspended, and the bill above reported, considered engrossed, read a third time, and passed.

By Mr. Ross:

MR. SPEAKER:—Your Special Committee, to whom was referred Assembly Bill, No. 97, An Act to provide for the payment of the Fees of Jurors in the County of Sonoma—have had the same under consideration, and report the bill back with amendments, and recommend its passage.

W. ROSS,
Chairman.

By Mr. Munday:

MR. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 207, An Act for the permanent location of the County Seat of Stanislaus County—have had the same under consideration, report it back, and recommend its indefinite postponement.

MUNDAY,
Chairman.

By Mr. Morgan :

MR. SPEAKER :—The Santa Clara Delegation to whom was referred Senate Bill, No. 128, An Act concerning the City of San José and to ratify and confirm a certain Ordinance of the Common Council of said City—have had the same under consideration and report it back without amendments and recommend its passage

MORGAN,
BRIGGS.

Mr. Wood of Plumas, verbally reported and recommended the passage of Assembly Bill, No. 173.

The rules were suspended, bill considered engrossed, read third time, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Monday, March 11th, 1861. }

MR. SPEAKER :—The Senate this day passed Senate Bill, No. 152, An Act to change the Venue in the case of Horace Smith, notwithstanding objections of the Governor—the same having this day been sent to the Senate without the approval of the Governor

I am also directed to forward to the Assembly the message of the Governor relative to the same.

D. J. WILLIAMSON,
Assistant Secretary.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 9th, 1861. }

To the Honorable the Senate of California :

I herewith return to your honorable body Senate Bill, No. 152, entitled An Act to change the Venue in the case of Horace Smith—with my objections thereto.

Article three, section one, of the Constitution of this State, under the head of distribution of powers, reads as follows :

"The powers of the government of the State of California shall be divided into three separate department—the Legislative, the Executive, and Judicial—and persons charged with the exercise of powers properly belonging to one of these departments shall not exercise any functions appertaining to either of the others "

This act, to my mind, if suffered to become a law, would be in palpable violation of the spirit, meaning, and intention, of this clause of the Constitution.

The case of Horace Smith is now pending in the District Court of the Twelfth Judicial District for the county of San Francisco on an indictment for murder, and a motion is made for a change of venue from that county to the county of Placer, predicated upon the affidavit of the defendant, that he could not have a fair and impartial trial in the county of San Francisco, and that five-sixths of defendant's witnesses lived in the county of Placer. The court, in the exercise of the discretion properly belonging to this department of the government, decided against this motion ; and the defendant, instead of exhausting his remedy by appealing

to the Supreme Court, as provided in section four hundred and eighty-one of An Act regulating proceedings in Criminal Cases, approved April twenty-second, eighteen hundred and fifty-eight, which reads as follows:

"The party aggrieved in a criminal action, whether that party be the people, or the defendant, may appeal as follows:

Second—To the Supreme Court from a final judgment of the District Court, or Court of Sessions, in all criminal cases amounting to felony; also, from an order of the District Court, or Court of Sessions, granting or refusing a new trial, or which affects a substantive right in a criminal case amounting to felony," appeals to the Legislature, who by this act sets aside the decision of the court, thereby performing a judicial act, from which, by the fundamental law it is expressly prohibited; and upon this point the decision of our Supreme Court in 5 Cal. Reports, page 74, is very explicit.

The court say: "The Legislature cannot exercise judicial functions, and therefore cannot except one case or one party from the operation of a general rule of law, either as to right or remedy."

This act plainly proposes to except this party from a general rule of law, for in vain may we search for authority to justify the passage of such an act.

In eighteen hundred and fifty-seven a similar act to this was attempted to be passed by our Legislature for the benefit of Edward McGowan. It was referred to the Judiciary Committee of the Assembly, who promptly repudiated it, and reported a substitute making a general law to meet the case, as it was found that a special law could not be passed through the Legislature.

The lengthy preamble in this bill, following the title and preceding the enacting clause, sets forth several facts of which I have no knowledge; and although the Legislature may have had information that is not within my reach, yet I cannot subscribe to a set of recitals which are entirely unsupported by evidence.

Among these are recited that "the defendant cannot have a fair and impartial trial in San Francisco." The only party, in my judgment, capable of determining this is the court, and even the court can only determine this when it impanels its jurors, and find then whether the public mind is biased or not. The court then, I say, is the party to determine this, and not the Legislature, as the latter has no proof before it save the affidavit of the defendant.

The title of this bill is An Act to change the Venue in the case of Horace Smith, and in the first section it proposes to create an indefinite liability to the State. It provides that all expenses growing out of this indictment shall be paid by the State of California, while the general law provides that these expenses shall be borne by the different counties for the prosecution in all criminal cases happening within their respective jurisdiction. I can see no reason why the county of San Francisco should be exempted from this general law; and, if a practice of this kind be once inaugurated all the other counties may desire similar exemptions.

If this were a general law, operating alike upon all, however much the practice might be condemned of making a general law in order to meet a special case, the objections to its passage would not be so serious.

I have but little hesitancy in saying that if the judiciary should attempt to perform functions properly belonging to the legislative department of the government, that the attempt would be repudiated by the latter as a gross encroachment upon their constitutional prerogative; and, for myself, I will say that I would pay but little attention to a mandate

of a court that attempted to interfere with the functions properly belonging to the executive department of the government. With the views I have heretofore expressed in regard to the wise provisions of the Constitution in securing the judiciary from any interference on the part of the Legislature, I could not with any degree of consistency sanction an act which I conceive to be judicial in character and effect, and if persevered in cannot help subverting the very foundation of our government. The remedy in all such cases should be in the courts. The people look to the courts alone for the administration of justice, when this affects either persons or property.

The poor and the rich, the powerful and the friendless, should be made to understand that they enter the portals of justice with like penalties, and like immunities. If the Legislature grant special privileges to one, the confidence that should exist will at once be destroyed. In San Francisco, where neither the deceased or the defendant lived, is the place where one might expect an impartial trial, as that community must be entirely free from any prejudice incidental to small communities, where the faults and virtues of the parties must have been thoroughly discussed and canvassed.

I should be loth to sanction the assertion contained in the preamble to this bill, that a fair and impartial trial could not be had in San Francisco, and allow it to be placed on our statute book with my approval, when in fact I believe that in an intelligent community of seventy thousand people a jury of twelve impartial and honorable men can be found as readily there as in any other portion of the State.

JOHN G. DOWNEY.

On the question, "Shall the bill pass, notwithstanding the objections of the Governor?" Mr. Laspeyre moved the previous question.

Upon which, the ayes and noes were called, and the House refused by the following vote: Ayes, 29—noes, 39:

AYES—Messrs. Amyx, Baehtel, Bradley, Childs, Covarrubias, Gillette, Gordon, Hanson, Harris, Harrison, Haun, Hill, Holman, Horrell, Hunter, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Munday, Patrick, Piercy, Powell, Ross, Smith of Placer, Sorrel, Walden, and Wood of Plumas—29.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Crocker, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Hagans, Henderson, Johnson, Miller, Morgan, Morrison, O'Brien, Porter, Showalter, Smith of Tulare, Spence, Stearns, Tilden, Tilton, Walter, White, Willey, Wright, and Mr. Speaker—39.

On the question, Messrs. Gillette, and Wood of Plumas, demanded the ayes and noes, and the bill passed notwithstanding the objections of the Governor by the following vote: Ayes, 45—noes, 22:

AYES—Messrs. Amyx, Baehtel, Bradley, Chandler, Childs, Coleman, Coltrin, Covarrubias, Denniston, Dougherty, Durst, Foster, Gillette, Gordon, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Morrison, Munday, Patrick, Piercy, Powell, Ross, Showalter, Smith of Placer, Sorrel, Walden, White, Wood of Plumas, Wright, and Mr. Speaker—45.

NOES—Messrs. Adams, Avery, Briggs, Campbell, Cherry, Clarke, Con-

ness, Councilman, Eastman, Fargo, Flanders, Ford, Miller, Morgan, O'Brien, Porter, Spence, Stearns, Tilden, Tilton, Walter, and Willey—22.

SPECIAL ORDER.

Assembly Bills, Nos. 54 and 192, special order for this day—were postponed until Tuesday, March nineteenth, at one o'clock, P. M.

Assembly Bill, No. 66, also special order for this day—continued until March twentieth, at one o'clock, P. M.

Mr. Porter gave notice of a bill for An Act to provide for the better support of Common Schools in Contra Costa County.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Ross, for An Act to amend an Act entitled An Act to grant the right to construct and maintain a Dam and Lock, across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine

Read first and second times, and referred to the Napa Delegation.

By Mr. Powell, for An Act to amend an Act entitled An Act to repeal the act passed March twenty-sixth, eighteen hundred and fifty-one, 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 ;

Also, An Act to amend an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April twenty-fourth, eighteen hundred and fifty-eight

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Flanders, for An Act amendatory of an Act entitled An Act to repeal the several Charters of the City of San Francisco, and also supplementary thereof.

Read first and second times, referred to the San Francisco Delegation, and ordered printed.

By Mr. Magruder, 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 twenty-ninth, eighteen hundred and fifty-one.

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

By Mr. Smith of Tulare, for An Act to ratify and approve certain orders made by the Board of Supervisors of the County of Tulare, during the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, granting Land to certain parties.

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

By Mr. Kungle, for An Act to regulate the Interest of Money.

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

By Mr. Cherry, for An Act to authorize the formation of Corporations, to provide the members thereof with Homesteads, or lots of Land suitable for Homesteads.

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

By Mr. Fargo, for An Act to exempt certain Property from Taxation.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Smith of Tulare, for An Act to reduce the pay of Clerks employed in the several Offices of this State.

Read first and second times, and referred to the Committee on Ways and Means

By Mr. Buell, for An Act concerning Roads and Highways in the County of Klamath.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Cherry, for An Act to amend an Act entitled An Act to prohibit the burning of Bricks within certain limits, in the City and County of San Francisco, approved March thirteenth, eighteen hundred and sixty.

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

By Mr. Banks, 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 eighteenth, eighteen hundred and fifty-three.

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

Mr. Covarrubias introduced a Concurrent Resolution relative to paying for Translating documents into the Spanish language.

Adopted.

Mr. Lalor offered the following resolution :

Resolved, That the Engrossing Clerk be authorized to appoint an Assistant, at a per diem of eight dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

At two o'clock, P. M. the House took a recess for the purpose of meeting the Senate in Joint Convention to elect a United States Senator.

IN JOINT CONVENTION.

The convention met pursuant to adjournment.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called

Absent—Messrs. Clark, Leot Sharp, Warmcastle, and Burbank.

Assembly Roll called.

Absent—Messrs. Adams, Briggs, Councilman, Curtis, Ford, Gregory, Henderson, Montgomery, and Tittel.

Journal of preceding convention read and approved.

FOR U. S. SENATOR—ELEVENTH BALLOT.

The Secretary called the roll for the eleventh ballot, with the following result:

NAMES.	Denver....	McDougall	Nugent ...	Phelps	Weller....	Hoge	Bowie ...
Chase.....	.....	1	.....	.....	.....	.....	.....
Crittenden	1	.....	.....	.....	.....	.....	.....
De la Guerra.....	.....	.....	1	.....	.....	.....	.....
DeLong .....	.....	.....	1	.....	.....	.....	.....

NAMES.	Denver	McDonnell	Nugent ...	Phelps ...	Weller...	Hoge	Bowls ...
Denver.....	1						
Dickinson					1		
Eagan			1				
Edgerton.....		1					
Franklin					1		
Gallagher			1				
Harvey		1					
Haynes	1						
Heacock				1			
Hill.....		1					
Logan	1						
Merritt			1				
Parks					1		
Pico			1				
Rhodes.....				1			
Ryan		1					
Shafter				1			
Sharp.....		1					
Thomas		1					
Thornton.....					1		
Vance.....	1						
Watkins.....	1						
Watson			1				
Watt			1				
Adams.....		1					
Amyx.....					1		
Avery.....				1			
Baechtel					1		
Banks				1			
Blair.....				1			
Briggs				1			
Burnell		1					
Buell	1						
Campbell.....				1			
Cherry				1			
Childs.....			1				
Clark				1			
Coleman	1						
Coltrin		1					
Conness.....		1					
Councilman.....				1			
Covarrubias		1					
Crocker				1			
Denniston		1					
Dougherty.....		1					
Durst ...		1					
Eastman		1					
Fargo				1			

NAMES.	Denver....	McDougall	Nugent...	Phelps..	Weller....	Hoge...	Bowie....
Flanders				1			
Ford				1			
Foster	1						
Gillette			1				
Gordon.....					1		
Green		1					
Hagans	1						
Hansen			1				
Hartiman				1			
Harris	1						
Harrison	1						
Hill		1					
Holman					1		
Horrell			1				
Hunter		1					
Johnson			1				
Kungle			1				
Lalor			1				
Lippincott			1				
Miler						1	
Morgan				1			
Morrison	1						
Munday			1				
O'Brien			1				
Patrick					1		
Piercy	1						
Porter				1			
Powell		1					
Ross			1				
Scott			1				
Showalter.....					1		
Sorrel			1				
Spence				1			
Stearns		1					
Tilden		1					
Tilton				1			
Tittel				1			
Walden.....	1						
Walter		1					
White	1						
Wiley				1			
Wood of Plumas	1						
Wright.....		1					

Those who voted for Mr. Creanor, were—
Messrs. Bradley, Kurtz, and Laspeyre.

Those who voted for Mr. Washington were—
Messrs. Messrs. Haun and Magruder.

Mr. Phelps voted for Mr. Rhodes.

Whole number of votes cast, one hundred and one.
Necessary to a choice, fifty-one.

Mr. Denver received seventeen votes.

Mr. McDougall received twenty four votes.

Mr. Nugent received twenty-one votes.

Mr. Phelps received twenty-two votes.

Mr. Weller received ten votes.

Mr. Creanor received three votes.

Mr. Washington received two votes.

Mr. Hoge received one vote

Mr. Rhodes received one vote.

There being no election—no one having received a majority of all the votes cast—

FOR U. S. SENATOR—TWELFTH BALLOT.

The Secretary called the roll for a twelfth ballot, with the following result:

NAMES.	Denver ...	McDougall	Nugent ...	Phelps ...	Weller....	Hoge	Bowie.....
Chase		1					
Crittenden.	1						
De la Guerra.....			1				
DeLong			1				
Denver.....	1						
Dickinson.....					1		
Eagan			1				
Edgerton		1					
Franklin					1		
Gallagher			1				
Haynes.....	1						
Heacock				1			
Hill		1					
Irwin		1					
Logan.....	1						
Merritt			1				
Parks					1		
Pico.....			1				
Rhodes.....				1			
Ryan		1					
Shafter.....				1			
Sharp		1					
Thomas		1					
Thornton.....					1		
Vance.....					1		
Watkins	1						

NAMES.	Denver...	Mc Dougall	Nugent...	Phelps....	Weller....	Hoge.....	Bowie....
Watson.....			1				
Watt			1				
Williamson					1		
Adams		1					
Amyx					1		
Avery				1			
Baechtel.....					1		
Blair		1					
Briggs.....				1			
Burnell.....		1					
Buell	1						
Campbell				1			
Cherry				1			
Childs			1				
Clark				1			
Coleman.....	1						
Coltrin		1					
Conness		1					
Councilman.....				1			
Covarrubias.....		1					
Crocker				1			
Denniston		1					
Dougherty.....		1					
Durst		1					
Eastman.....		1					
Fargo				1			
Flanders.....				1			
Ford				1			
Foster.....	1						
Gillette..			1				
Gordon..					1		
Green		1					
Harriman.....				1			
Harris	1						
Harrison.....	1						
Hill		1					
Holman					1		
Horrell.....			1				
Hunter		1					
Johnson			1				
Kungle			1				
Lalor			1				
Lippincott			1				
Morgan.....				1			
Morrison	1						
Munday			1				
O'Brien			1				
Patrick.....					1		

NAMES.	Denver . .	McDougall	Nugent . . .	Phelps . . .	Weller . . .	Hoge . . .	Bowie . . .
Piercy	1	...	...	1	...	...	...
Porter.....	...	1	...	...	...	...	...
Powell ..	...	...	1	...	...	...	...
Ross .....	...	...	1	...	...	...	...
Scott.....	...	...	1	...	...	...	...
Smith of Placer .....	...	...	...	...	1	...	...
Sorrel .....	...	...	1	...	...	...	...
Spence .....	...	...	...	1	...	...	...
Stearns .....	...	1	...	...	...	...	...
Tilden .....	...	1	...	...	...	...	...
Tilton .....	...	...	...	1	...	...	...
Tittel .....	...	...	...	1	...	...	...
Walden.....	1	...	...	...	...	...	...
Walter .....	...	1	...	...	...	...	...
White ..	1	...	...	...	...	...	...
Wiley ..	...	...	...	1	...	...	...
Wood of Plumas	1	...	...	...	...	...	...
Wright.....	...	1	...	...	...	...	...

Those who voted for Mr Creanor, were—

Messrs. Bradley, Kurtz, and Laspeyre.

Those who voted for Mr. Washington were—

Messrs. Messrs. Haun and Magruder.

Mr Phelps voted for Mr Rhodes

Mr. Hagans voted for Mr Powell

Mr. Hanson voted for Mr Montgomery.

Mr. Miller voted for Mr Bidwell

Mr. Showalter voted for Mr Brent.

Whole number of votes cast, one hundred and two.

Necessary to a choice, fifty-three.

Mr. Denver received fifteen votes.

Mr. McDougall received twenty-five votes.

Mr Nugent received twenty votes.

Mr. Phelps received twenty votes.

Mr. Weller received eleven votes

Mr. Creanor received three votes.

Mr Washington received two votes.

Mr. Hoge received one vote

Mr. Rhodes received one vote.

Mr Powell received one vote.

Mr. Montgomery received one vote.

Mr. Bidwell received one vote.

Mr. Brent received one vote.

There being no election, no one having received a majority of all the votes—

Mr Crocker of the Assembly moved that the convention adjourn to Friday, March fifteenth, eighteen hundred and sixty-one, at two o'clock, P. M

Mr Wood of Plumas moved to amend—That when the convention adjourns, it will adjourn to meet on Wednesday, March thirteenth, eighteen hundred and sixty-one, at two o'clock, P. M

Carried.

FOR U. S. SENATOR—THIRTEENTH BALLOT.

The Secretary called the roll for the thirteenth ballot, with the following result :

NAMES.	Denver...	McDonnell	Nugent. ..	Phelps	Weller	Hoge	Bowie
Chase..	1	...	...	...	...	...
Crittenden.....	1	...	...	...	...	...	...
De la Guerra	1	...	...	...	...
De Long.....	1	...	...	...	...
Denver	1	...	...	...	...	...	...
Dickinson.....	1	...	...
Eagan	1	...	...	...	...
Edgerton	1	...	...	...	...	...
Franklin	1	...	...
Gallagher	1	...	...	...	...
Harvey	1	...	...	...	...	...
Haynes	1	...	...	...	...	...	...
Heacock	1	...	...	...
Hill.....	...	1	...	...	...	...	...
Irwin.....	...	1	...	...	...	...	...
Logan	1	...	...	...	...	...	...
Merritt	1	...	...	...	...
Parks	1	...	...
Pico	1	...	...	...	...
Rhodes.....	1	...	...	...
Ryan.....	...	1	...	...	...	...	...
Shafter	1	...	...	...
Sharp	1	...	...	...	...	...
Thomas.....	...	1	...	...	...	...	...
Thornton.....	1	...	...
Watkins	1	...	...	...	...	...	...
Watson	1	...	...	...	...
Watt	1	...	...	...	...
Williamson	1	...	...
Adams.....	...	1	...	...	...	...	...
Amyx	1	...	...
Avery	1	...	...	...
Baechtel	1	...	...
Banks	1	...	...	...
Bradley	1	...	...	...	...
Briggs	1	...	...	...
Burnell	1	...	...	...	...	...
Buell	1	...	...	...	...	...	...

NAMES.	Duval ..	McDonnell	Nugent ...	Phelps. ...	Weller...	Hoge	Bowie
Campbell.....				1			
Cherry				1			
Childs.....			1				
Clark				1			
Coleman	1						
Coltrin		1					
Conness		1					
Councilman				1			
Covarrubias ..		1					
Crocker				1			
Denniston.....		1					
Dougherty.....		1					
Durst.....		1					
Fargo				1			
Flanders.....				1			
Ford				1			
Foster.....	1						
Gillette.....			1				
Gordon					1		
Green.....		1					
Hagaus	1						
Hanson			1				
Harriman.....				1			
Harris	1						
Harrison	1						
Hill.....		1					
Holman					1		
Horrell	1						
Hunter.....		1					
Johnson.....			1				
Kungle			1				
Lalor			1				
Lippincott ..			1				
Morgan				1			
Munday.....			1				
O'Brien.....			1				
Patrick					1		
Piercy	1						
Porter.....				1			
Powell		1					
Ross.....			1				
Scott			1				
Showalter.....					1		
Smith, of Tulare.....							1
Smith, of Placer.....						1	
Sorrel.....					1		
Spence				1			
Stearns		1					

NAMES.	Denver....	McDougall	Nugent....	Phelps ...	Weller	Hoge	Bowie.....
Tilden.....	.....	1	.....	.....	.....	.....	.....
Tilton .....	.....	.....	.....	1	.....	.....	.....
Tittel .....	.....	.....	.....	1	.....	.....	.....
Walden.....	1	.....	.....	.....	.....	.....	.....
Walter.....	.....	1	.....	.....	.....	.....	.....
White	1	.....	.....	.....	.....	.....	.....
Willey .....	.....	.....	.....	1	.....	.....	.....
Wood, of Plumas	1	.....	.....	.....	.....	.....	.....
Wright .....	.....	1	.....	.....	.....	.....	.....

Those who voted for Mr Washington were—
Messrs Haun and Magruder.

Mr Phelps voted for Mr Rhodes.
Mr. Vance voted for Mr Parks.
Mr Blair voted for Mr Stanley.
Mr Laspeyre voted for Mr Kewen.
Mr. Miller voted for Mr. Bidwell.

Whole number of votes cast, one hundred and two.

Necessary to a choice, fifty-two

Mr. Denver received fifteen votes.
Mr. McDougall received twenty-five votes.
Mr. Nugent received twenty votes.
Mr. Phelps received twenty-one votes.
Mr. Weller received twelve votes
Mr Washington received two votes.
Mr. Hoge received one vote.
Mr. Bidwell received one vote.
Mr. Kewen received one vote.
Mr. Bowie received one vote
Mr. Stanley received one vote.
Mr Parks received one vote.
Mr. Rhodes received one vote.

There being no election, no one having received a majority of all the votes cast—

On motion of Mr DeLong the convention adjourned.

Whereupon the Senate returned to their chamber.

IN ASSEMBLY.

At ten minutes past three o'clock, P. M. on motion of Mr. Conness, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
 Wednesday, March 13th, 1861. }

House met pursuant to adjournment.
 Speaker in the Chair.
 Roll called
 Quorum present.
 Journal of yesterday read and approved.

REPORTS.

Reports were made as follows :

By Mr. Dougherty :

MR SPEAKER :—Your Committee on Ways and Means, to whom was referred Senate Bill, No 25, An Act in relation to Auctioneers—have had the same under consideration, beg leave to report the same back, and unanimously recommend its indefinite postponement.

JOHN DOUGHERTY,
 Chairman.

By Mr Tittel :

MR. SPEAKER :—Your committee, to whom was referred Assembly Bill, No 116, An Act in relation to the Militia of the State—beg leave to report the same back with sundry amendments, and recommend its passage as amended. As it is a matter of much importance, they further recommend its consideration at as early a day as practicable

TITTEL,
 HARRIS,
 MORRISON,
 COVARRUBIAS.

By Mr. Wood of Plumas :

MR. SPEAKER :—The undersigned, one of the Committee on Military Affairs, to whom was referred Assembly Bill, No 116, An Act in relation to the Militia of this State—after having given the same careful consideration, has come to the conclusion that its passage at this time is not to be desired, and therefore begs leave to recommend that it do not pass. He also begs leave to report back from the committee Assembly Bill, No. 255, An Act in relation to the Militia of this State, and recommend its passage.

A. WOOD,
 Chairman.

By Mr. Laspeyre :

MR SPEAKER :—The undersigned, a minority of the Committee of Commerce and Navigation, to whom was referred Assembly Bill, No 33, An Act to authorize William Piper to construct a Wharf at the foot of Third Street, in the City and County of San Francisco ;

Also, Assembly Bill, No 63, An Act authorizing the construction of of Wharfs at the foot of certain streets in the City and County of San Francisco to parties therein named—having had the same under consideration, beg leave to submit the following report :

Your committee, on examining these bills which contemplate the granting of wharf franchises in the city of San Francisco, have availed them-

selves of every opportunity to give the subject a most careful and thorough investigation. No one has ever asserted, as the majority report denies, that there is an immediate and urgent necessity for the granting of further wharfing privileges in the harbor of San Francisco, but from the fact that there is no urgent or immediate necessity for these privileges, is no reason why the franchises should not be granted.

Your committee, while on a recent visit to San Francisco, to examine matters which were referred to the committee, availed themselves of the opportunity offered to make personal examinations at the various wharfs and docks where these franchises are sought, and from our own observation, together with searching inquiries, we are forced to the conclusion, that by constructing these wharfs advantages will be derived in a commercial point of view. There is one fact which cannot be denied, or at least cannot be refuted by any process of reasoning—that the greater number of wharfs in the city of San Francisco the greater the competition in that character of business, and it naturally follows, as the result of such competition, that wharfage is thereby reduced, and commerce is encouraged and fostered by a reduction of the wharf charges in that city.

While in San Francisco a portion of your committee visited the ship known as the "Great Republic," and we were informed by the officers of that vessel that she was then lying at a wharf where the water was of a greater depth than any other dock in the city, and at the highest tides it would be impossible to obtain a full cargo for want of a sufficient depth of water, and that there was no other wharf in the harbor where that ship could lie with any safety.

Your committee visited the different water fronts where these franchises were sought, and we are well satisfied, from close personal observation, that if these privileges are granted no injury from them will possibly result to the harbor of San Francisco; on the contrary, they are situated in parts of the city where wharfs are greatly needed, and we are assured that the requirements of commerce do, to a certain extent, demand their construction.

In addition, these franchises are not asked for without an equivalent, for, by the provision of each bill the recipients are compelled to pay ten per cent. of the gross proceeds derived from these wharfs into the treasury of San Francisco.

Your committee deny the proposition laid down by the majority report, that by granting these franchises inextricable complications of affairs to the water front will follow. No such complications will arise from the building of these wharfs—they are plain and simple propositions easily understood.

In regard to the preliminary survey about to be made by officers of the United States Government, your committee are unaware that these privileges will in any manner conflict with said survey. If the parties seeking these franchises are willing to invest their funds in these enterprises, it is at their own risk, and they will be the sufferers if the next Legislature shall deem it a matter of public policy to adopt some general system of wharfage for the city of San Francisco, and in doing so interfere with rights now granted to them.

With these views, respectfully submitted, your committee would recommend the passage of substitute to Assembly Bill, No. 63;

Also, the passage of Assembly Bill, No. 33, with amendments.

T. LASPEYRE,
J. C. EASTMAN.

By Mr. Coleman:

Mr SPEAKER:—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 180, An Act to extend the term of Office, and define the duties and powers in certain cases, and establish the salary of the Board of Supervisors of San Bernardino County;

Also, Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento;

Also, Assembly Bill, No. 213, An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money for the use of the Contra Costa County Agricultural Society;

Also, Assembly Bill, No. 201, An Act to authorize the Board of Supervisors of Trinity County to levy a Tax to build a County Jail;

Also, Assembly Bill, No. 218, An Act to repeal so much of an Act entitled An Act supplemental to An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 74, An Act amendatory of, and supplemental to, an Act entitled An Act to provide for the location and sale of the Five Hundred Thousand Acres of Land granted to this State for School purposes, and the Seventy-Two Sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty nine.

COLEMAN.

By Mr. Tilton:

Mr SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 77, An Act fixing the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Calaveras, and the manner of summoning Jurors for the County Court of said County;

Also, Assembly Bill, No. 186, An Act amendatory of, and supplemental to, An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 127, An Act to authorize James Camp and James M. Fry to remove certain Remains;

Also, Assembly Bill, No. 235, An Act to authorize the removal of Human Remains in Stanislaus County;

Also, Assembly Concurrent Resolution, No. 34, asking an appropriation by Congress for continuing the Honey Lake Road.

S. S. TILTON,
Chairman.

By Mr. Tilden:

Mr. SPEAKER:—The State Prison Committee, to whom was referred Senate Bill, No. 135, An Act making an appropriation for the payment of the claim of I. N. Quinn for services as State Prison Director, from August eleventh, eighteen hundred and sixty, to January fifth, eighteen hundred and sixty-one—having had the same under consideration, report it back, and recommend its passage.

W. P. TILDEN,
Chairman.

Also,

Mr. SPEAKER:—The Butte County Delegation, to whom was referred Assembly Bill, No. 177, An Act to authorize Pacificus Ord to sell certain

Real Estate of his Infant Children—having had the same, under consideration, report it back and recommend its passage.

W. P. TILDEN,
P. H. HARRIS.

By Mr. Foster :

Mr. SPEAKER :—Your Auditing Committee have examined the copying done on account of the Assembly, and find the same as follows :

Purpose	Folios.	Per Folio	Amount.
Copying done for the Assembly.....	2,565	10 cts	\$256 50

Your committee also recommend the adoption of the following resolution :

Resolved, That the Controller of State be, and is hereby, authorized, to draw his warrant in favor of J. M. Anderson, for the sum of two hundred and fifty-six dollars and fifty cents, payable out of the Copying Fund of the Assembly.

FOSTER,
WALDEN.
GILLETTE.

By Mr. Lippincott :

Mr. SPEAKER :—The Special Committee appointed for that purpose, have had under consideration Senate Bill, No. 18, An Act to provide a Commission to co-operate with one appointed on behalf of the United States, to ascertain and mark a portion of the Eastern Boundary Line of this State—and have instructed me to report back the accompanying substitute therefor, and recommend its passage. Your committee deem it proper to state that the material alteration suggested in the substitute, is in respect to the amount of appropriation and the manner of its application.

The original bill proposed an appropriation of twelve thousand dollars, fixing the salary of the Commission at three hundred dollars per month, and allowing him five employes at fifty dollars per month. Your committee are satisfied that the compensation of fifty dollars per month, would be sufficient to engage the services only of laborers and camp followers; and they cannot understand how five persons of that class, at a cost of three thousand dollars per year, besides the expense of their transportation and subsistence, could be judiciously employed in a party which did not include either Surveyor or Astronomer. And, again, they do not deem the compensation of three hundred dollars per month, sufficient to remunerate properly, the services of an educated Engineer, competent to discharge the duties imposed by this bill.

Section five of the Senate bill, and section four of the substitute, herewith reported, require the performance of an amount of clerical labor which could not be expected of the Commissioner, in addition to his appropriate duties. Yet the Senate Bill, by its limitation of fifty dollars per month for salaries to those employed, placed it beyond the power of the Commissioner to obtain the services of any one competent to perform the copying of the detailed and voluminous report expected of him.

No provision was made in the Senate Bill for the necessary subsistence and transportation of the party which it contemplated to place in the field. These, with other objections, have induced your committee to pre-

sent a substitute, which they have proposed with a view to efficiency and economy, requiring still the same duties of the Commissioner. They have reduced the appropriation from twelve, to ten thousand dollars, but they enable him to perform those duties with more facility and efficiency, by permitting him to fix the compensation of those whom he employs, and whose services may be absolutely necessary for the accomplishment of the work.

If the Commissioner to be selected shall be able to discharge the higher duties properly devolving upon him—such as ascertaining for himself the correctness of the line to be marked by the party placed in the field by the United States Government—he need only employ one or two field hands, and a competent person to discharge the more clerical labor of the office.

They believe the appropriation of ten thousand dollars, used judiciously in this way, may suffice to defray the necessary expenses.

It will be observed that the bill holds the Commissioner to a strict accountability for all the public property coming under his control, and requires him also to give bonds for the proper disbursement of the appropriation.

Your committee are of opinion that the interests of the State are justly guarded, and the public interest will be promoted, by the passage of the substitute, instead of Senate Bill, No. 18.

LIPPINCOTT,
Chairman.

By Mr. Adams :

MR. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bills, Nos. 128 and 144, and Senate Bill, No. 141—have had the same under consideration, report the same back and recommend the passage of the same ;

Also, they have had under consideration Senate Bill, No. 98, and Assembly Bill, No. 220—and report the same back with amendments, and recommend their passage as amended.

ADAMS,
CROCKER.

I concur with my colleagues as to Bills Nos. 128, 141, and 144, and now concur as to Senate Bill, No. 98, and Assembly Bill, No. 220.

POWELL.

By Mr. Porter :

MR. SPEAKER:—The Contra Costa Delegation, to which was referred Senate Bill, No. 102, An Act to authorize the Trustees of the Contra Costa Educational Association of the County of Contra Costa, to sell or mortgage Real Estate, or other property belonging to the Association, for certain purposes ;

Also, Assembly Bill, No. 262, An Act to provide for the collection of Delinquent Taxes in the County of Contra Costa—having considered the same, ask leave to report them back, and recommend their passage.

C. B. PORTER,
For Delegation.

By Mr. Hagans :

MR. SPEAKER:—The Special Committee, to whom was referred Assembly Bill, No. 248—report the same back with an amendment, and recommend its passage as amended.

HAGANS,
BAECHTEL,
WALTER,
ROSS.

By Mr. Fargo :

MR. SPEAKER :—Your Special Committee, to whom was referred the claims of temporary Porters and Pages employed at the commencement of the session, beg leave to submit this additional report.

Claims for extra service not considered by your committee at their first sitting, as also additional claims by other employes, have been presented to your committee and duly considered, and the committee unanimously recommend the payment of the following items :

Charles Hanley, Robert Powell, John Crane, and D. McLaughlin, Porters, two days' per diem each, at five dollars.

G. N. Smith, Post-Office Page, three days per diem, at five dollars.

William E. Dennis and John Tingman, Assembly Pages, ten dollars each.

Respectfully submitted.

FARGO,
Chairman.

Adopted.

By Mr. Banks :

MR. SPEAKER :—The San Francisco Delegation, to whom was referred Assembly Bill, No 199, An Act to fix the location of Brady Street, in the City and County of San Francisco—ask leave to report the same back to the House, with amendments, and recommend its passage.

BANKS,
For the Delegation.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Fargo :

For the appointment of a committee to wait upon the Secretary of State and procure such information as will enable the Legislature at its present session to make the apportionment required by law. .

Mr. Crocker moved the previous question.

Sustained, and the resolution adopted.

Mr. Showalter, from the Special Committee, reported and recommended the adoption of the following resolution :

Resolved, That the Controller is hereby authorized and required, to issue his warrant, payable out of the Contingent Fund of the Assembly, in favor of John H. Housman, Clerk of the House Committee on State Prison, for per diem at the rate of six dollars, and mileage.

Adopted.

On motion of Mr. Harris, Assembly Bill, No. 41, An Act to provide for the collection of Delinquent Taxes in the County of Butte, was taken from the table, and a Committee of Conference appointed on the disagreeing vote of the two Houses.

Messrs. Harris, Tilden, and Ross, were appointed as such committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 13th, 1861. }

To the Honorable the Assembly of California :

I have to inform your Honorable Body, that I have approved Assembly

Bill, No 83, An Act declaring the Salinas River, in the County of Monterey, a navigable Stream;

Also, Assembly Bill, No. 70, An Act to amend an Act entitled An Act to amend An Act to establish an Asylum for the Insane of the State of California, passed April sixteenth, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 82, An Act to authorize the sale of certain Real Estate by Guardians.

JOHN G. DOWNEY,
Governor.

Mr. White offered Concurrent Resolution, fixing Thursday, the twenty-first instant, for Joint Convention for election of Resident and Visiting Physicians, and Trustees of State Insane Asylum.

Adopted.

Assembly Bill, No. 248—was recommitted to the Committee on Ways and Means.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Wood of Yolo, for An Act supplemental to an Act entitled An Act to provide for the formation of Corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three.

By Mr. Ross, for An Act to define the Boundary Line between the Counties of Sonoma and Marin.

By Mr. Sorrel, for An Act to grant to certain parties the right to construct a Turnpike Road from the Town of Jackson to Lone City, in the County of Amador.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Tuesday, March 12th, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 147, An Act to amend An Act to create a Sinking Fund to pay the outstanding Indebtedness of Contra Costa County, approved April third, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 168, An Act to authorize the Administrator of the Estate of Charles White, deceased, to sell and convey Real Estate, approved April sixth, eighteen hundred and sixty;

Also, Senate Bill, No. 184, An Act to authorize the Probate Court of Butte County to affirm a certain sale of Real Estate.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 147, above reported—was read first and second times, and referred to the Contra Costa Delegation.

Senate Bill, No. 168, above reported—was read first and second times, and referred to the Santa Clara Delegation.

Senate Bill, No. 184, above reported—was read first and second times, and referred to the Butte Delegation.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Johnson, for An Act to authorize J. C. Cissner to build a Wharf in the Bay of San Luis Obispo, and providing for the same.

Read first and second times, and referred to San Luis Obispo Delegation.

By Mr. Ross, for An Act to provide for the location and establishment of Roads and Highways.

Read first and second times, made special order for March twentieth, at ten o'clock, A. M. and ordered printed.

By Mr. Scott, for An Act to authorize the Board of Supervisors of the County of Napa to levy a Tax for general road purposes, and to repeal certain Acts relating thereto.

Read first and second times, and referred to the Napa Delegation.

By Mr. Banks, for An Act to change the name of Henry Nathan to Henry Chester.

Read first and second times, and referred to the Committee on Names.

By Mr. Holman, for An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain Judgment.

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

By Mr. Haun, for An Act to repeal an Act entitled An Act to aid in the erection of the Washington Monument in the District of Columbia, approved March tenth, eighteen hundred and fifty-nine

Read first and second times, and placed on file.

By Mr. Campbell, for An Act amendatory of an Act entitled An Act amendatory of, and supplemental to, an Act entitled An Act to establish Pilots, and Pilot Regulations, for the Port of San Francisco, passed May eleventh, eighteen hundred and fifty-four, and of all Acts amendatory thereto, approved April twenty-first, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Commerce and Navigation.

SPECIAL ORDER.

Assembly Bill, No. 74, An Act amendatory of, and supplemental to, an Act entitled An Act to provide for the location and sale of the unsold portion of the Five Hundred Thousand Acres of Land granted to this State for School purposes, and the Seventy-Two Sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine, the special order of the day—was read a third time

Mr. Conness moved the previous question.

Sustained.

On the passage of the bill, Messrs. Coleman, Smith of Tulare, and Ross, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 54—noes, 16:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Campbell, Chandler, Cherry, Childs, Clark, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Harriman, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Munday, O'Brien, Piercy, Porter, Powell, Ross, Shewalter, Sorrel, Spence, Stearns, Tilden, Tilton, Tittel, Walter, White, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—54.

NOES—Messrs. Baechtel, Bradley, Gillette, Gordon, Hagans, Hanson, Holman, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Patrick, Scott, Smith of Tulare, and Walden—16.

Mr. Ross gave notice of reconsideration.

Mr. Tittel, by leave, introduced a bill for An Act concerning Leases.
 Read first and second times, and referred to the Judiciary Committee.
 The House took a recess for the purpose of meeting the Senate in Joint Convention to elect a United States Senator.

IN JOINT CONVENTION.

The convention met pursuant to adjournment.
 The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.
 Senate roll called.
 Absent—Messrs. Burbank, Crittenden, Clark, and Leet.
 Assembly Roll called.
 Absent—Messrs. Campbell, Crocker, Denniston, Kurtz, Montgomery, Morrison, Scott, and Smith of Tulare.
 Journal of preceding convention read and approved.

FOR U. S. SENATOR—FOURTEENTH BALLOT.

The Secretary called the roll for the fourteenth ballot, with the following result :

NAMES.	Denver....	McDougall	Nugent...	Phelps...	Waller....	Hoge.....	Bowie....
Chase.....		1					
De la Guerra.....			1				
Denver.....	1						
Dickinson.....					1		
Eagan.....			1				
Franklin.....					1		
Gallagher.....			1				
Harvey.....		1					
Haynes.....	1						
Hill.....		1					
Irwin.....		1					
Logan.....	1						
Merritt.....			1				
Parks.....					1		
Pico.....			1				
Rhodes.....				1			
Ryan.....		1					
Shafter.....				1			
Thomas.....		1					
Thornton.....			1				
Vance.....	1						
Watkins.....	1						
Watson.....			1				
Watt.....			1				
Williamson.....					1		
Adams.....		1					
Amyx.....					1		
Avery.....				1			
Baechtel.....					1		

NAMES.	Denver....	McDougal	Nugent...	Phelps....	Weller....	Hoge.....	Bowie....
Banks.....				1			
Blair.....				1			
Bradley.....			1				
Briggs.....				1			
Burnell.....		1					
Buell.....	1						
Cherry.....				1			
Childs.....			1				
Clark.....				1			
Coleman.....	1						
Coltrin.....		1					
Conness.....		1					
Councilman.....				1			
Covarrubias.....		1					
Dougherty.....		1					
Durst.....		1					
Eastman.....		1					
Fargo.....				1			
Flanders.....				1			
Ford.....				1			
Foster.....	1						
Gillette.....			1				
Gordon.....					1		
Green.....		1					
Gregory.....			1				
Hagans.....	1						
Harriman.....				1			
Harris.....	1						
Harrison.....	1						
Henderson.....		1					
Hill.....		1					
Holman.....					1		
Horrell.....			1				
Hunter.....		1					
Johnson.....			1				
Kungle.....			1				
Kurtz.....			1				
Lalor.....			1				
Miller.....						1	
Morgan.....				1			
Morrison.....	1						
Munday.....			1				
O'Brien.....			1				
Porter.....				1			
Powell.....		1					
Ross.....			1				
Scott.....			1				
Showalter.....	1						

NAMES.	Denver.	McDougall	Nugent ..	Phelps	Weller	Hoge	Bowie
Smith of Placer .....	...	...	...	1	...	1	...
Spence .....	...	...	...	1	...	...	...
Stearns .....	...	1	...	...	...	...	...
Tilden .....	...	1	...	...	...	...	...
Tilton .....	...	...	...	1	...	...	...
Tittel .....	...	...	...	1	...	...	...
Walden	1	...	...	...	...	...	...
Walter .....	...	1	...	...	...	...	...
White	1	...	...	...	...	...	...
Willey .....	...	...	...	1	...	...	...
Wood of Plumas	1	...	...	...	...	...	...
Wright .....	...	1	...	...	...	...	...

Those who voted for Mr. Washington were—
Messrs. Haun and Magruder.

Mr. Phelps voted for Mr. Rhodes.

Those who voted for Mr. Hoge were—
Messrs. Miller and Smith of Placer

Mr. Hanson voted for Mr. Montgomery.

Those who voted for Mr. Kewen were—
Messrs. Laspeyre and Piercy.

Mr. Wood of Yolo voted for Mr. Tod Robinson.

Whole number of votes cast, ninety-six.
Necessary to a choice, forty-nine.

Mr. Denver received sixteen votes.
Mr. McDougall received twenty-three votes.
Mr. Nugent received twenty-one votes.
Mr. Phelps received nineteen votes.
Mr. Weller received eight votes.
Mr. Kewen received two votes.
Mr. Hoge received two votes.
Mr. Washington received two votes
Mr. Rhodes received one vote
Mr. Montgomery received one vote
Mr. Tod Robinson received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. DeLong moved that when the convention adjourns, it adjourn to meet on Friday, March fifteenth, eighteen hundred and sixty-one, at two o'clock, p. m.

Mr. Ryan moved to amend—That when the convention adjourns, it adjourn to meet on Thursday, March fourteenth, at two o'clock, p. m.

Upon which, the ayes and noes were demanded, by Messrs. Ryan and

Logan of the Senate, and Mr. Chandler of the Assembly, and taken with the following result: Ayes, 31—noes, 65:

AYES—Messrs. Chase, Crittenden, Denver, Eagan, Gallagher, Hill, Ryan, Sharp, Thomas, Vance, Watson, Watt, Baechtel, Blair, Burnell, Chandler, Covarrubias, Ford, Gillette, Harriman, Hill, Horrell, Kurtz, Lalor, Munday, O'Brien, Powell, Scott, Smith of Placer, Tilden, and Wood of Yolo—31.

NOES—Messrs. DeLong, Dickinson, Franklin, Harvey, Haynes, Irwin, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Shafter, Thornton, Watkins, Williamson, Adams, Amyx, Avery, Bradley, Briggs, Buell, Cherry, Childs, Clarke, Coleman, Coltrin, Conness, Councilman, Dougherty, Durst, Eastman, Fargo, Flanders, Foster, Gordon, Green, Gregory, Hagans, Harris, Harrison, Haun, Henderson, Holman, Hunter, Johnson, Kungle, Laspeyre, Magruder, Miller, Morgan, Morrison, Piercy, Ross, Showalter, Spence, Stearns, Tilton, Tittel, Walden, Walter, White, Willey, Wood of Plumas, and Wright—65.

So the motion was lost.

On motion of Mr. Conness, the convention adjourned to meet on Friday, March fifteenth, eighteen hundred and sixty-one, at two o'clock, p. m. Whereupon the Senate returned to their chamber.

IN ASSEMBLY.

The House reassembled.

Mr. Harris introduced a bill for An Act for the relief of Charles E. Curtis.

Read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 240, An Act to create the County of Esmeralda, to define its Boundaries, and provide for its Organization—was considered in Committee of the Whole.

Mr. Walden in the Chair.

Reported back, and recommitted to a Special Committee of five.

Assembly Bill, No. 110, (Sacramento Railroad) also special order of this day, made special order for March twentieth, at twelve, m.

On motion of Mr. Wood of Plumas, Assembly Bills, Nos. 116 and 255, (Militia Bills,) were made the special order for Tuesday, March nineteenth, at twelve, m.

At half-past four o'clock, p. m. on motion of Mr. Powell, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 14th, 1861. }

House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Denniston had two days' leave of absence.

The Speaker announced as the Special Committee on the resolution

adopted yesterday, to inquire into the census returns, for the purpose of the apportionment of the Assembly and Senatorial Districts, Messrs. Fargo, Harris, and Ross;

Also, appointed Messrs. Horrell, Lippincott, Smith of Tulare, Gillette, and Hunter, Special Committee on the Esmeralda Bill.

Mr. Conness moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill, No. 74.

Mr. Showalter moved to indefinitely postpone the motion to reconsider. Carried.

Mr. Ross had leave to change his vote from aye to no on said bill.

PETITIONS.

Petitions were presented as follows:

By Mr. Cherry, Of Ladies' Seamen's Friend Society.

Referred to Committee on Ways and Means.

By Mr. Fargo, Of owners of Woolen Mills, for exemption from taxation. Referred to Committee on Ways and Means.

REPORTS.

Reports were made as follows:

By Mr. Dougherty:

Mr. SPEAKER:—Your Committee of Ways and Means, to whom was referred Assembly Bill, No. 263, An Act to exempt certain Property from Taxation—beg leave to report the same back, and recommend it be indefinitely postponed;

Also, Assembly Bill, No. 120, An Act to authorize the County of Marin to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said County for the year eighteen hundred and sixty-one, and for the year eighteen hundred and sixty-two, to be applied for road purposes in said County—and recommend it be indefinitely postponed;

Also, Senate Bill, No. 66, An Act appropriating Money for the benefit of the Ladies' Seamen's Friend Society of San Francisco—and recommend it be indefinitely postponed;

Also, Senate Bill, No. 145, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty—and recommend its passage, with the following amendments:

By adding, in section one, after the word "Recorder," at the end of the nineteenth line, the words "and in the County of Yuba the County Recorder shall be *ex officio* County Recorder;" also, to strike out the word "Shasta," in the eighteenth line of section one;

Also, Senate Bill, No. 129, An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State—and recommend its passage, with the following amendment:

By striking out in seventh line of section one, the words "four thousand five hundred," and inserting "five thousand;"

Also, in line ninth, by striking out the words "fifteen hundred," and inserting "one thousand."

JOHN DOUGERTY,
Chairman.

By Mr. Flanders:

Mr. SPEAKER:—I am directed by the San Francisco Delegation to re-

port back Assembly Bill, No. 35, An Act granting to certain persons the right to lay down and construct a Railroad Track in and through certain Streets, and over a certain line, in the City and County of San Francisco—and recommend that it do not pass;

Also, Assembly Bill, No. 157, An Act to provide for Street Railroads within the City and County of San Francisco—and recommend that it do not pass;

Also, Assembly Bill, No. 167, An Act to provide for a Railroad within the City and County of San Francisco—and recommend that it do not pass;

Also, Assembly Bill, No. 216, An Act to grant the right of way to lay down and maintain a Railway Track within the limits of the City and County of San Francisco, and run Cars thereon—and recommend that it do not pass;

Also, Assembly Bill, No. 124, An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of San Francisco, with a substitute—and recommend the passage of the substitute;

Also, Assembly Bill, No. 92, An Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned, with a substitute—and recommend the passage of the substitute;

Also, Senate Bill, No. 116, An Act supplementary to an Act entitled An Act granting the right of way over certain Lands in this State in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight, without amendment—and recommend its passage.

A. FLANDERS,

For the Delegation.

By Mr. Campbell:

MR. SPEAKER:—The Judiciary Committee, to whom was referred the various bills herewith returned, beg leave to submit the following report, after having examined and considered the same:

Assembly Bill, No. 211, An Act to repeal an Act entitled An Act to authorize Married Women to transact business in their own name as Sole Traders, passed April twelfth, eighteen hundred and fifty-two—is hereby submitted, without recommendation;

Also, Assembly Bill, No. 204, An Act to amend an Act entitled An Act concerning certified copies of certain Instruments in Writing, approved April twenty-ninth, eighteen hundred and fifty-nine—submit the same, with amendment, and recommend its passage as amended;

Also, Assembly Bill, No. 205, An Act regulating the Fees of Associate Justices of the Court of Sessions, Jurors, Inspectors, Judges, and Clerks, of Elections, in Tuolumne County—is submitted, with recommendation that it be referred to the Tuolumne Delegation;

Also, Assembly Bill, No. 225, An Act concerning Roads and Highways in the County of Butte—is hereby submitted, and it is recommended that the same be referred to the Butte Delegation;

Also, Assembly Bill, No. 25, An Act to amend an Act entitled An Act defining the time for commencing Civil Actions—is herewith submitted, with the recommendation that it do not pass;

Also, Assembly Bill, No. 64, 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 twenty-first, eighteen hundred and fifty-one—is submitted, and its passage recommended;

Also, Assembly Bill, No. 162, An Act conferring further and additional power upon the Board of Supervisors of the County of Monterey—is submitted, with the recommendation that it be referred to the delegations from Monterey and Santa Clara counties;

Also, Assembly Bill, No. 114, An Act amendatory of, and supplementary to, An Act defining the right of Husband and Wife—is submitted, with the recommendation that it do not pass;

Also, Senate Bill, No. 61, An Act concerning Officers—is submitted, and its passage recommended;

Also, Senate Bill, No. 38, An Act in amendment of An Act to regulate proceedings in Criminal Cases, approved May first, eighteen hundred and fifty-seven—is submitted, with amendment, and its passage recommended as amended;

Also, Senate Bill, No. 125, An Act to convey certain Real Estate—is submitted, with the recommendation that the bill pass.

All of which is respectfully submitted.

CAMPBELL,
Chairman.

By Mr. Blair:

Mr. SPEAKER:—The Committee on Education report back a substitute for Assembly Bill, No. 20, and recommend its passage.

BLAIR,
Chairman.

By Mr. Stearns:

Mr. SPEAKER:—The Committee on Agriculture have had under consideration Assembly Bill, No. 176—and report the same back, and recommend its passage;

Also, Assembly Bill, No. 237—and report the same back, without amendment, and recommend its passage.

STEARNS,
Chairman.

By Mr. Harris:

Mr. SPEAKER:—The Butte Delegation, to whom was referred Senate Bill, No. 184, An Act to authorize the Probate Court of Butte County to affirm a certain sale of Real Estate—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

P. H. HARRIS,
WILLIAM P. TILDEN.

By Mr. Scott:

Mr. SPEAKER:—The undersigned, to whom was referred Assembly Bill, No. 274, An Act to amend An Act to grant the right to construct and maintain a Lock and Dam across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine—report the same back, without amendment, and recommend its passage.

JOHN B. SCOTT.

The rules were suspended, and the bill above reported considered engrossed, read a third time and passed.

The rules were suspended, and Assembly Bill, No. 230, An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino—was taken up, considered engrossed, read a third time and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Thursday, March 14th, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 169, An Act fixing the Salary and Fees of the District Attorney of San Bernardino County, with amendments;

Also, Assembly Bill, No. 209, An Act to authorize Charles A. Keyser, Administrator of R. B. Sherrard, deceased, to sell and convey Real Property at private sale;

Also, Assembly Bill, No. 125, An Act concerning certain Officers in the County of Los Angeles;

Also, Assembly Bill, No. 206, An Act to authorize the Board of Supervisors of Trinity County to levy a Tax to build a County Jail;

Also, Senate Bill, No. 178, An Act supplementary to An Act concerning the Debt and the Current Expenses of Monterey County, and to provide for the funding and payment of the same, and to amend the amendment thereto, and to provide for the building of a Bridge, and making Roads in Monterey County;

Also, Senate Bill, No. 174, An Act to authorize the Board of Supervisors of San Mateo County to levy a Special Tax for Road purposes;

Also, Senate Bill, No. 132, An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, Nos. 169 and 222, above reported.

Senate Bill, No. 132, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 178, above reported—was read first and second times, and placed on file.

Senate Bill, No. 174, above reported—was read first and second times, and referred to delegations from San Francisco and San Mateo.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Chandler, for An Act concerning Roads and Highways in the County of Tuolumne.

By Mr. Holman, for An Act to prevent the stealing of Cattle.

By Mr. Haun, for An Act to amend the Constitution of this State.

By Mr. Covarrubias, for An Act to legalize certain Grants and Sales made by the Mayor and Common Council of Santa Barbara.

By Mr. Laspeyre, for An Act to appropriate the State's portion of the Poll Tax collected in San Joaquin County to clearing out the Mokelumne River.

Mr. Laspeyre offered the following resolution:

Resolved, That one thousand copies of the Controller's Report be printed, and they be distributed *pro rata* among the members of the Senate and Assembly.

Laid over under the rule.

Mr. Banks made the following report :

Mr. SPEAKER :—The majority of the San Francisco Delegation, to whom was referred Senate Bill, No. 116, entitled An Act supplemental to An Act granting the right of way over certain Lands in this State in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight—respectfully beg leave to present the following report :

The San Bruno Turnpike Road Company, in eighteen hundred and fifty-eight, were granted certain tollroad privileges, with the understanding that they would keep Brannan Street in suitable repair. Nothing in regard to Brannan Street was specified in said act, because it was well known that in order to render their franchise valuable, the company would be under the necessity of improving said street, which is the main avenue connecting the thickly settled portion of the city with said road.

In eighteen hundred and sixty the privileges of said company were extended, by enabling them to collect, for three years, tolls on Brannan Street, which, with a free bridge on said street, had been constructed at the expense of the citizens of San Francisco. In the act of eighteen hundred and sixty it was distinctly specified, as a consideration for the extension of their privileges, that said company should improve Brannan Street. In view of these facts, the minority of the delegation are of the opinion that no further privileges should be granted ; and, we therefore recommend that said bill do not pass.

J. A. BANKS,
ROBERT CLARKE,
TITTEL.

SPECIAL ORDER.

Assembly Bill, No. 56, An Act to provide for a Railroad within the City and County of San Francisco, the special order of the day—was taken up.

Mr. Dougherty moved to postpone until to-morrow week.

Mr. Conness moved to amend by considering the bill in Committee of the Whole this day.

Mr. Conness then moved the previous question.

Sustained.

Upon the motion of Mr. Dougherty, Messrs. Dougherty, Wood of Plumas, and Haun, demanded the ayes and noes, and the House refused by the following vote : Ayes, 30—noes, 40 :

AYES—Messrs. Adams, Amyx, Banks, Buell, Chandler, Childs, Clarke, Coltrin, Crocker, Dougherty, Ford, Gillette, Green, Gregory, Harriman, Hill, Horrell, Hunter, Lalor, Laspeyre, Munday, Patrick, Porter, Ross, Scott, Smith of Tulare, Smith of Placer, Spence, Tittel, and Wright—30.

NOES—Messrs. Avery, Baechtel, Blair, Bradley, Briggs, Campbell, Cherry, Coleman, Conness, Councilman, Covarrubias, Durst, Eastman, Fargo, Flanders, Foster, Gordon, Hagans, Hanson, Harrison, Haun, Henderson, Johnson, Kurtz, Lippincott, Magruder, Miller, Morgan, Piercy, Powell, Showalter, Sorrel, Stearns, Tilton, Walden, Walter, White, Willey, Wood of Plumas, Wood of Yolo, and Mr. Speaker—40.

The House then resolved itself into Committee of the Whole.

Mr. Walden in the Chair.

Bill amended, reported, and recommended.

Mr. Conness offered the following amendment :

Amend section five, by substituting five cents for each passenger, when two or more passages, or tickets for passage.

Adopted.

Mr. Banks offered the following amendment to section one:

"The President of the Board of Supervisors, the Auditor, and the Treasurer, of the city and county of San Francisco, are hereby constituted a Board of Commissioners, whose duty it shall be to advertise in three daily newspapers of general circulation, published in said city and county, for not less than thirty days from and after the first day of July, eighteen hundred and sixty-one, for proposals for constructing and maintaining said road, and the rights specified in this act shall be granted to the company duly incorporated under the railroad laws of this State, who will agree to pay to the city and county of San Francisco the largest sum for the rights specified in this act. Said company and their assigns shall have the right."

Upon the adoption of the amendment, Messrs. Banks, Ross, and Tittel, demanded the ayes and noes, and the House refused by the following vote: Ayes, 15—noes, 44:

AYES—Messrs. Banks, Buell, Chandler, Clarke, Green, Gregory, Harriman, Henderson, Holman, Miller, Porter, Smith of Tulare, Smith of Placer, Spence, and Tittel—15.

NOES—Messrs. Baechtel, Blair, Campbell, Cherry, Coleman, Coltrin, Conness, Covarrubias, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Hagans, Hanson, Harris, Harrison, Haun, Hill, Horrell, Hunter, Johnson, Kunglo, Kurtz, Lippincott, Magruder, Morgan, Munday, Patrick, Piercy, Powell, Ross, Scott, Showalter, Sorrel, Stearns, Tilden, Tilton, Walden, White, Willy, Wood of Plumas, and Wood of Yolo—44.

Mr. Banks offered the following amendment to the end of the first section:

"Said company shall not construct any railroad without having first filed on the office of the County Clerk of said city and county the written consent of not less than a majority of the owners of property abutting on said route, estimated by the front foot."

On its adoption, Messrs. Banks, Clarke, and Tittel, demanded the ayes and noes, and the House refused by the following vote: Ayes, 10—noes, 43:

AYES—Messrs. Banks, Buell, Clarke, Coltrin, Green, Harriman, Miller, Spence, Tittel, and Wright—10.

NOES—Messrs. Avery, Baechtel, Blair, Campbell, Cherry, Coleman, Conness, Councilman, Covarrubias, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Hagans, Hanson, Harris, Harrison, Haun, Hill, Holman, Horrell, Johnson, Kurtz, Lippincott, Magruder, Morgan, Morrison, Patrick, Powell, Ross, Scott, Showalter, Stearns, Tilden, Tilton, Walden, White, Willey, Wood of Plumas, and Wood of Yolo—43.

Mr. Banks offered the following amendment to section first:

"Resolved, That said company shall not have the right to use or occupy any of the streets hereinbefore mentioned, for the purpose of their railway, until the Board of Supervisors of the city and county of San Francisco, by order duly passed, shall grant their consent thereto."

Lost.

Mr. Campbell offered the following amendment:

Insert after the word "act," in the sixteenth line of the ninth section as follows: "commence the construction of said roads, but no time during

which they shall be prevented therefrom, by legal process, shall be counted as a part of said six months."

Adopted.

On suspending the rules to consider the bill engrossed, Messrs. Tittel, Smith of Tulare, and Banks, demanded the ayes and noes, and the rules were suspended by the following vote: Ayes, 43—noes, 20:

AYES—Messrs. Adams, Baechtel, Blair, Campbell, Cherry, Coleman, Conness, Councilman, Covarrubias, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Hagans, Hanson, Harriman, Haun, Holman, Horrell, Johnson, Kurtz, Lippincott, Magruder, Morgan, Morrison, Patrick, Powell, Ross, Scott, Showalter, Stearns, Tilden, Tilton, Walden, Walter, White, Willey, Wood of Plumas, Wood of Yolo, and Mr. Speaker—43.

NOES—Messrs. Avery, Banks, Briggs, Buell, Clarke, Coltrin, Dougherty, Gillette, Green, Harriman, Henderson, Hill, Hunter, Kungle, Miller, Munday, Smith of Tulare, Spence, Tittel, and Wright—20.

The rules being suspended, the bill was considered engrossed, and read a third time.

On its passage, Messrs. Tittel, Wood of Plumas, and Banks, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 49—noes, 13:

AYES—Messrs. Adams, Avery, Baechtel, Blair, Bradley, Briggs, Campbell, Cherry, Coleman, Conness, Councilman, Covarrubias, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Hagans, Hanson, Harris, Harriman, Haun, Hill, Holman, Horrell, Hunter, Johnson, Kurtz, Lippincott, Magruder, Miller, Morgan, Patrick, Powell, Ross, Scott, Showalter, Stearns, Tilden, Tilton, Walden, Walter, White, Willey, Wood of Plumas, Wood of Yolo, and Mr. Speaker—49.

NOES—Messrs. Banks, Buell, Childs, Clarke, Coltrin, Gillette, Green, Harriman, Henderson, Kungle, Porter, Tittel, and Mr. Wright—13.

Mr. Hunter gave notice of reconsideration.

Assembly Bill, No. 57, An Act to grant to certain persons the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco, and to run Horse Cars thereon—also special order for this day, was taken up and considered in Committee of the Whole.

Mr. Fargo in the Chair.

Reported with amendments and recommended, amendments adopted, rules suspended, and considered engrossed.

On its passage, the ayes and noes were demanded, by Messrs. Banks, Tittel, and Buell, and the bill passed by the following vote: Ayes, 50—noes, 5:

AYES—Messrs. Adams, Avery, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Coleman, Coltrin, Conness, Councilman, Covarrubias, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Green, Hagans, Hanson, Harriman, Harris, Harriman, Haun, Hill, Horrell, Johnson, Lippincott, Magruder, Miller, Morgan, Porter, Powell, Ross, Scott, Showalter, Smith of Placer, Sorrel, Stearns, Tilden, Tilton, Walden, Walter, White, Willey, Wood of Plumas, Wood of Yolo, and Mr. Speaker—50.

NOES—Messrs. Banks, Buell, Kungle, Tittel, and Wright—5.

At ten minutes past three o'clock, P. M. on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 15th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Conness moved to reconsider the vote by which the House on yesterday passed Assembly Bill, No 56, An Act to provide for a Railroad within the City and County of San Francisco.

Mr. Walden moved to indefinitely postpone the motion to reconsider.
Carried.

REPORTS.

Reports were made as follows:

By Mr. Walden:

MR. SPEAKER:—The Committee on Claims to whom was referred Assembly Bill, No. 233, An Act for the relief of I. C. Wood—beg leave to report the same back and recommend that it do not pass;

Also, the claim of J. Valentine for pay for Vegetables furnished the Marine Hospital in eighteen hundred and fifty-five—and report the same back and recommend its rejection;

Also, Assembly Bill, No. 197, An Act to pay for the survey of the Boundary Line between the Counties of San Joaquin and Stanislaus;

Also, Assembly Bill, No. 217, An Act to authorize the Controller of State to make settlement of certain Fees with the Treasurer of San Bernardino County—and report them back and recommend their reference to the Committee on the Judiciary;

Also, Assembly Bill, No. 229, An Act for the relief of James McCauley, County Assessor of Yolo County;

Also, Assembly Bill, No. 137, An Act to pay the claim of B. F. Hastings—and beg leave to report the same back and recommend their passage.

WALDEN,
Chairman.

By Mr. Munday:

MR. SPEAKER:—Your Committee on Counties and County Boundaries; to whom was referred Assembly Bill, No. 123, An Act to create the County of Alturas—have had the same under consideration, report the bill back with amendments, and recommend its passage as amended.

MUNDAY,
Chairman.

By Mr. Gillette:

MR. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 123, entitled An Act to create the County of Alturas, etc.—have considered the same and submit this minority report:

Considerable time and attention was given this bill in committee and the matter at length discussed, involving a presentation of many reasons for and against the passage of this bill.

• Your committee submitting this minority report, desire briefly to direct attention to a few of the leading facts upon which this opinion has been based.

An abstract of the Treasurer's and Recorder's books in Sierra County show an existing debt, funded and in outstanding warrants, amounting to seventy-six thousand two hundred and sixty-nine dollars and sixty-five cents, to be paid by the citizens of Sierra County.

Said abstract—to which attention was especially called in committee—also discloses the fact that for the year eighteen hundred and sixty, notwithstanding the taxes levied and paid by citizens of said county, was two dollars and twenty-five cents on each one hundred dollars' worth of property, yet there was an excess in the expenses of said county, over all sources of revenue, of seven thousand five hundred and sixty-four dollars and sixty-five cents—to meet which excess, as the House is fully informed, an act has been, this session, passed, increasing the taxes twenty cents on each one hundred dollars, and this has been done with the consent and at the request of the delegation from Sierra, in both branches of this Legislature. Your committee are credibly informed that the late census shows a population in the county, as it now stands, of eleven thousand four hundred and ninety; of this number three thousand six hundred, by the terms of this bill, are left in the proposed new county, leaving the residue, seven thousand eight hundred and ninety, in Sierra County.

It was conceded in the argument before the committee, that the population in the proposed new county favored the passage of this bill and *vice versa*; hence, it follows that if this bill be passed, you controvert the opinion of more than two-thirds of the people of Sierra County, which clearly ought not to be done.

It will be observed that the county, as it now stands, is largely in debt, and though paying an extreme high rate of taxes, is still increasing its debt; and your committee would submit that if this people have been heretofore, and are now, unable to meet and pay the expenses incident and necessary to carry on a single county government, it would not only be unwise and impolitic but extremely unjust in this Legislature to entail upon them the expenses of two; and your committee can discover in such a course, nothing save increase of indebtedness and increased taxation.

Much stress was laid by the advocates of this bill upon unnecessary expenses and upon the proper economy in carrying on county governments; but your committee would say that long experience in matters of this kind, especially in California, enforce upon us the opinion that the question of economy in county matters is in no case governed by the necessities of the case, and we repeat that we can discover nothing in this bill but increase of indebtedness and taxation; and although your committee concede that the difficulties and hardships, as presented by the advocates of this bill, of getting to and from the county seat in winter are serious and important, yet we express as our deliberate opinion that the footing of bills, not only to carry on the proposed new county government, but to pay their portion of the now existing debt, will be found to embrace more serious difficulties. In consideration of which reasons your committee submit this minority report, and recommend that the bill do not pass, all of which is respectfully presented.

M. G. GILLETTE.

By Mr. Lalor:

MR. SPEAKER:—Your Committee on Engrossment have examined and found correctly engrossed Assembly Bill, No. 56, An Act to provide for a Railroad within the City and County of San Francisco;

Also, Assembly Bill, No. 57, An Act to grant to certain persons the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco and to run Horse Cars thereon;

Also, Assembly Bill, No. 171, An Act for the relief of Marin County;

Also, Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of Calaveras County to levy a special Tax and to provide for building a Bridge in said County;

Also, Assembly Bill, No. 130, An Act authorizing James P. Sargeant, the Guardian of Policarpi Chebollo, a Minor, to sell at private sale the Lands and Real Estate of said Minor;

Also, Assembly Bill, No. 183, An Act to provide for the collection of Delinquent Taxes in the County of Calaveras.

LALOR,
Chairman.

By Mr. Tilton:

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 206, An Act to authorize the Board of Supervisors of Trinity County to levy a Tax to build a County Jail;

Also, Assembly Bill, No. 98, An Act to authorize the Administrators of the estate of L. W. Boggs, deceased, to sell and convey Real Estate;

Also, Assembly Bill, No. 200, An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco;

Also, Assembly Bill, No. 154, An Act to amend an Act entitled An Act fixing the time for holding the Courts of Sessions and County Courts in the County of Shasta, and to change the manner of summoning Juries for the County Court of said County, approved March eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 27, An Act concerning the infant Heirs and Devisees of Bernardo Yorbo, deceased.

TILTON,
Chairman.

By Mr. Smith of Tulare:

MR. SPEAKER:—The Committee on Public Lands, having had under consideration Assembly Bill, No. 160, An Act amendatory of an Act to amend An Act concerning the office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four, passed March twenty-sixth, eighteen hundred and fifty-nine—report the same back and unanimously recommend its passage.

SMITH of Tulare,
Chairman.

By Mr. Briggs:

MR. SPEAKER:—The Santa Clara Delegation, to whom was referred Senate Bill, No. 168, An Act to amend an Act entitled An Act to authorize the Administrator of the estate of Charles White, deceased, to sell and convey Real Estate, approved April sixth, eighteen hundred and sixty—have had the matter under consideration and now report the bill back and recommend its passage without amendment.

BRIGGS,
MORGAN

By Mr. Amyx:

Mr. SPEAKER:—The Tuolumne Delegation, to whom was recommit-
ted Assembly Bill, No. 205, An Act regulating the Fees of certain Of-
ficers in Tuolumne County therein named—have had the same under con-
sideration, made amendments thereto, and report the same back and re-
commend the passage of the bill as amended.

AMYX,
For Tuolumne Delegation.

By Mr. Tilton:

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred
Assembly Bill, No. 6, An Act granting to certain parties the right to con-
struct a Macadamized Road within the City and County of San Francisco
—have considered and amended the same, and report it back recommend-
ing its passage as amended.

TILTON,
Of Committee.

By Mr. Banks:

Mr. SPEAKER:—The minority of the San Francisco Delegation, to whom
was referred Assembly Bill, No. 6, An Act to grant to certain parties the
right to construct a Macadamized Road within the City and County of
San Francisco—respectfully beg leave to report that the portion of the
city and county of San Francisco through which the proposed road ex-
tends is rapidly improving, and before the expiration of five years any
toll-gate located east of Lone Mountain Cemetery will be an annoying ob-
struction. The right to maintain toll-gates on other streets of said city
and county will in a short time expire, much to the gratification of the
citizens of San Francisco, and the franchises with which they are con-
nected will revert to said city and county.

The time has arrived when the streets of the metropolis of California
should cease to be encumbered with toll-gates.

This bill unwisely provides for granting the contemplated privileges for
the unreasonable term of fifteen years without the consent or control of
the local government of the city and county of San Francisco.

The minority of the delegation therefore recommend that said bill do
not pass, and further recommend the adopting of some plan by which the
aid of the government of the city and county of San Francisco may be
extended in improving the main avenues leading out of the city.

A small sum to be expended annually under the direction of the Board
of Supervisors in aiding in the improvement of the roads west and south
of the densely populated portions of the city would contribute materially
to securing justice to those of the people of San Francisco, who, while
they are heavily taxed for municipal purposes, desire little or no benefit
from the gas and water privileges, the police protection, and many other
municipal advantages of the local government.

J. A. BANKS.

By Mr. Scott:

Mr. PRESIDENT:—The undersigned, to whom was referred Assembly
Bill, No. 278, An Act to authorize the Board of Supervisors of the County
of Napa to levy a Tax for general Road purposes and to repeal certain
Acts relative thereto—beg leave to report the same back and recommend
its passage.

JOHN B. SCOTT.

The rules were suspended, and the bill above reported, considered en-
grossed, read a third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 15th, 1861.

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No 186, An Act amendatory of, and supplemental to. An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 77, An Act fixing the time of holding the Court of Sessions, County Court, and Probate Court in the County of Calaveras and the manner of summoning Jurors for the County Court of said County ;

Also, Assembly Bill, No 235, An Act to authorize the removal of Human Remains in Stanislaus County ;

Also, Assembly Bill, No 127, An Act to authorize James Kemp and James M. Fry to remove certain Remains.

JOHN G. DOWNEY,
Governor.

On motion of Mr. Fargo, Assembly Bill, No. 124, An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of San Francisco, was made special order for this day at one o'clock, P. M.

The resolution offered by Mr. Laspeyre on yesterday providing for the printing of one thousand copies of the Controller's report, was indefinitely postponed.

The House adopted the resolution offered by Mr. Amyx, providing for the appointment of an additional Standing Committee, to be known as the Committee on Appropriations

GENERAL FILE.

Senate Bill, No. 145, An Act to amend an Act entitled An Act to provide Revenue for the support of the government of this State, approved April thirtieth, eighteen hundred and sixty—was recommitted to Committee on Ways and Means and the delegations from Tuolumne and Yuba.

Senate Bill, No. 134, An Act making an appropriation for the payment of the claim of C. W. Tozer and others, for the transportation of Arms, Munitions of War, etc to Carson Valley, Utah Territory—was considered in Committee of the Whole.

Mr. Powell in the Chair.

Reported and recommended.

Mr. Amyx moved to recommit the bill to the Judiciary Committee.

Mr. Gregory moved the previous question.

Sustained.

The motion to recommit was lost.

The bill read third time, and on its passage Messrs. Amyx, Chandler, and Haun, demanded the ayes and noes, with the following result: Ayes, 45—noes, 16 :

AYES—Messrs. Banks, Bradley, Buell, Campbell, Cherry, Coleman, Conness, Councilman, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gillette, Green, Gregory, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Lalor, Laspeyre, Lippincott, Ma-

gruder, Miller, O'Brien, Piercy, Powell, Ross, Scott, Showalter, Sorrel, Tilden, Tilton, Walton, White, Wood of Plumas, and Mr. Speaker—45

Noes—Messrs. Amyx, Avery, Blair, Briggs, Chandler, Hanson, Haun, Holman, Kungle, Kurtz, Montgomery, Morgan, Munday, Patrick, Spence, and Willey—16.

And so the bill passed.

Assembly Bill, No. 42, An Act to provide for the payment of expenses incurred in the transportation of the State Arms and Munitions of War from Carson Valley to the State Armory at Sacramento—was considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No. 176, An Act to amend An Act to prevent the trespassing of Animals upon private property, Approved March thirty-first, eighteen hundred and fifty-five—was read third time, and returned to the top of the file.

The House took a recess for the purpose of meeting the Senate in Joint Convention for the election of a United States Senator.

IN JOINT CONVENTION.

The convention met pursuant to adjournment.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Mr. Leet.

Assembly Roll called

Absent—Messrs. Durst, Curtis, and Montgomery.

Journal of preceding convention read and approved.

Mr. Ross of the Assembly nominated Mr. Jackson Temple for the United States Senate.

FOR U. S. SENATOR—FIFTEENTH BALLOT.

The Secretary then called the roll for a fifteenth ballot, with the following result:

NAMES.	Denver....	McDougall	Nugent....	Phelps....	Weller....	Temple...	Bowie.....
Burbank				1			
Chase... ..		1					
Clark		1					
De la Guerra.....			1				
De Long.....			1				
Denver	1						
Eagan			1				
Edgerton		1					
Franklin					1		
Gallagher			1				
Harvey.....		1					
Haynes.....	1						
Heacock				1			

NAMES.	Denver...	McDougal	Nugent ...	Phelps ...	Weller ...	Temple ...	Bowie ...
Hill.....		1					
Irwin.....		1					
Logan.....	1						
Merritt.....			1				
Parks.....					1		
Pico.....			1				
Rhodes.....				1			
Ryan.....		1					
Shafter.....				1			
Sharp.....		1					
Thomas.....		1					
Watkins.....	1						
Watson.....			1				
Watt.....			1				
Williamson.....					1		
Adams.....		1					
Amyx.....					1		
Avery.....				1			
Bacchtel.....						1	
Banks.....				1			
Blair.....				1			
Briggs.....				1			
Burnell.....		1					
Buell.....	1						
Campbell.....				1			
Chandler.....					1		
Cherry.....				1			
Childs.....			1				
Clark.....				1			
Coleman.....	1						
Coltrin.....		1					
Conness.....		1					
Councilman.....				1			
Covarrubias.....		1					
Crocker.....				1			
Denniston.....		1					
Dougherty.....		1					
Eastman.....		1					
Fargo.....				1			
Flanders.....				1			
Ford.....				1			
Foster.....	1						
Gillette.....			1				
Gordon.....						1	
Green.....		1					
Gregory.....			1				
Hagans.....	1						
Hanson.....					1		

NAMES.	Bowie ...	Temple ...	Weller ...	Phelps ...	Nugent...	McDougal	Deuell ..
Harriman.....	1			1			
Harris							1
Harrison							1
Haun		1					
Henderson						1	
Hill.....						1	
Holman			1				
Horrell				1			
Hunter.....						1	
Johnson.....				1			
Lalor				1			
Lippincott.....				1			
Montgomery			1				
Morgan			1				
Morrison	1						
Munday.....				1			
O'Brien.....				1			
Patrick.....			1				
Piercy.....	1						
Porter.....				1			
Powell						1	
Ross		1					
Scott				1			
Smith, of Tulare.....							1
Smith, of Placer...						1	
Spence				1			
Stearns						1	
Tilden.....						1	
Tilton				1			
Tittel				1			
Walden.....	1						
Walter.....						1	
White	1						
Willey				1			
Wood, of Plumas	1						
Wright						1	

Those who voted for Mr Creanor were—

Messrs. Crittenden, Thornton, Warmcastle, Bradley, Kurtz, Laspeyre, Showalter, and Sorrel.

Those who voted for Mr. Washington were—

Messrs. Kungle and Magruder.

Mr. Phelps voted for Mr. Rhodes.

Mr. Vance voted for Mr. Parks

Mr. Wood of Yolo voted for Mr. Tod Robinson.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Denver received fifteen votes.
 Mr. McDougall received twenty-seven votes.
 Mr. Nugent received eighteen votes.
 Mr. Phelps received twenty-three votes.
 Mr. Weller received nine votes.
 Mr. Creanor received eight votes.
 Mr. Temple received one vote.
 Mr. Washington received two votes.
 Mr. Bowie received one vote.
 Mr. Parks received one vote.
 Mr. Rhodes received one vote.
 Mr. Tod Robinson received one vote.

Mr. Dickinson of the Senate, and Mr. Miller of the House, declined voting.

There being no election, no one having received a majority of all the votes cast—

FOR U. S. SENATOR—SIXTEENTH BALLOT.

The Secretary called the roll for the sixteenth ballot, with the following result:

NAMES.	Denver....	McDougall	Nugent....	Phelps....	Weller....	Temple...	Bowie....
Burbank				1			
Chase		1					
Clark		1					
Crittenden			1				
De la Guerra.....			1				
DeLong		1					
Denver.....	1						
Eagan			1				
Edgerton.....		1					
Franklin					1		
Gallagher			1				
Harvey		1					
Haynes	1						
Heacock				1			
Hill.....		1					
Irwin		1					
Logan	1						
Merritt			1				
Parks					1		
Pico			1				
Rhodes.....				1			
Ryan		1					
Shafter				1			
Sharp.....		1					
Thomas.....		1					
Warmcastle.....	1						

NAMES.	Denver...	McDougal	Nugent...	Phelps...	Waller...	Temple...	Bowie...
Watkins.....	1						
Watson			1				
Watt			1				
Williamson.....					1		
Adams		1					
Amyx.....					1		
Avery				1			
Bacchtel					1		
Banks				1			
Blair.....				1			
Briggs.....				1			
Burnell		1					
Buel	1						
Campbell.....				1			
Chandler					1		
Cherry				1			
Childs.....			1				
Clark.....				1			
Coleman	1						
Coltrin		1					
Conness.....		1					
Councilman.....				1			
Covarrubias		1					
Crocker				1			
Denniston		1					
Dougherty.....		1					
Eastman		1					
Fargo				1			
Flanders				1			
Ford				1			
Foster		1					
Gillette			1				
Gordon.....						1	
Green		1					
Gregory.....			1				
Hagans		1					
Hanson					1		
Harriman				1			
Harris	1						
Harrison	1						
Haun						1	
Henderson.....		1					
Hill.....		1					
Holman					1		
Horrell			1				
Hunter		1					
Johnson			1				
Kungle						1	

NAMES.	Denver....	McDougall	Nugent ...	Phelps....	Weller....	Temple...	Bowie
Lalor						1	....
Laspeyro						1	....
Lippincott			1				....
Miller		1					....
Montgomery					1		....
Morgan				1			....
Munday			1				....
O'Brien			1				....
Patrick					1		....
Piercy		1					....
Porter				1			....
Powell		1					....
Ross						1	....
Scott						1	....
Smith of Tulare							1
Smith of Placer		1					....
Sorrel					1		....
Spence				1			....
Stearns		1					....
Tilden		1					....
Tilton				1			....
Tittel				1			....
Walden....	1						....
Walter		1					....
White	1						....
Willey				1			....
Wood of Plumas	1						....
Wright.....		1					....

Those who voted for Mr. Creanor, were—

Messrs. Thornton, Bradley, and Kurtz.

Those who voted for Mr. Tod Robinson were—

Messrs. Showalter and Wood of Yolo.

Mr. Magruder voted for Mr. Washington.

Mr. Phelps voted for Mr. Rhodes.

Mr. Vance voted for Mr. Parks.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Denver received twelve votes.

Mr. McDougall received thirty-two votes.

Mr. Nugent received sixteen votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received eleven votes.

Mr. Temple received seven votes.

Mr. Creanor received three votes.

Mr. Robinson received two votes.

Mr. Washington received one vote.

Mr. Bowie received one vote.

Mr. Rhodes received one vote.

Mr. Parks received one vote.

Mr. Dickinson of the Senate, and Mr. Morrison of the House, declined voting.

There being no election—no one having received a majority of all the votes cast—

Mr. Showalter moved that the convention adjourn until Tuesday, March nineteenth, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which, the ayes and noes were demanded, by Messrs Powell and Porter of the Assembly, and Mr. Vance of the Senate, and taken with the following result: Ayes, 57—noes, 55:

AYES—Messrs. Crittenden, De la Guerra, Denver, Dickinson, Eagan, Franklin, Gallagher, Logan, Merritt, Parks, Pico, Thornton, Vance, Warneastle, Watkins, Watson, Watt, Williamson, Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Foster, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Munday, O'Brien, Patrick, Pierce, Ross, Scott, Showalter, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—57.

NOES—Messrs. Burbank, Chase, Clark, DeLong, Edgerton, Harvey, Haynes, Heacock, Hill, Irwin, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Adams, Avery, Banks, Blair, Briggs, Burnell, Campbell, Cherry, Clarke, Coltrin, Conness, Councilman, Cevarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Harriman, Henderson, Hill, Hunter, Morgan, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, and Wright—55.

So the motion prevailed.

Whereupon the Senate returned to their chamber.

IN ASSEMBLY.

At fifteen minutes past three o'clock, P. M. on motion of Mr. Conness, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 16th, 1860. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The Speaker announced as the Standing Committee on Appropriations, Messrs. Amyx, Smith of Tulare, Miller, Harriman, and Foster.

Mr. Laspeyre presented a petition Of Citizens of San Joaquin County, for a Gravel Road;

Also, An Act to provide for the construction of a Gravel Road in the County of San Joaquin.

Read first and second times, and referred to the San Joaquin Delegation.

REPORTS.

Reports were made as follows :

By Mr. Walden :

MR. SPEAKER :—The Committee on Claims, to whom was referred Assembly Bill, No 227, An Act making an appropriation for the payment of M. F. Game, for services rendered by him in the Office of Superintendent of Public Instruction—have had the same under consideration, and beg leave to report it back, with a substitute, and recommend the passage of the substitute.

WALDEN,
Chairman.

By Mr. Dougherty :

MR. SPEAKER :—Your Committee of Ways and Means, to whom was referred Senate Bill, No. 67, entitled An Act authorizing the Treasurer of State to issue Bonds—have had the same under consideration, beg leave to report the same back, and recommend it be referred to the Judiciary Committee ;

Also, Assembly Bill, No. 228, An Act to prescribe the number and pay of Attachés of the Legislature, and the per diem of Members—beg leave to report a substitute for the same, and unanimously recommend its passage.

JOHN DOUGHERTY,
Chairman.

By Mr. Campbell :

MR. SPEAKER :—The Judiciary Committee, to whom was referred Senate Bill, No. 56, An Act to grant the right to certain parties to supply the people of Red Bluff with Gas—having considered the same, report it back, with a substitute, and recommend the passage of the substitute.

CAMPBELL,
Chairman.

By Mr. Laspeyre, from Committee on Commerce and Navigation :

MR. SPEAKER :—The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 47, entitled An Act concerning the Office of Superintendent of Immigration, and who were instructed by a resolution, passed January twenty-eighth, to proceed to San Francisco and institute an examination into the manner in which the laws, relating to the arrival of immigrants into this state are carried out, and ascertain the amount of moneys collected under said laws, and what disposition is made of the same, have, in accordance with said requirements of the Assembly, done all in their power to comply strictly with the mandates of said resolution ; and after a complete and searching investigation into the manner in which the duties of the office of Superintendent of Immigration have been discharged, would ask leave to submit the following report :

Your committee will state, from evidence, facts, and data, which they have obtained by the examination of a large number of witnesses, and a careful scrutiny into the books, papers, and records, of said office, that the intent and requirements of the law have been but imperfectly carried out by the present incumbent, as well as by many who have held the

office of Commissioner of Immigrants previous to the abolishment of that office. The law, it is true, may be somewhat ambiguous in its meaning, and may not be positive and explicit enough in its character, but the evident intention of its framers was that it should operate as a security to the State against the burdens which might be inflicted upon her of supporting a large number of Asiatic paupers, or, at least, provide some revenue which would pay, in part, for their support. However doubtful the law may have appeared to those who were acting under it, still it would seem too susceptible of but one construction to those who were disposed to discharge their duties faithfully to the State, especially as regards those provisions intended for the State protection. Section second of the Act concerning Passengers arriving in the Ports of the State of California, passed May third, eighteen hundred and fifty-two, provides the Mayor (or Superintendent of Immigration,) shall require the owner, or consignee, of any vessel bringing foreign passengers, to give a joint and several bond to the people of the State of California, in a penalty of five hundred dollars, for each of such passengers, conditioned to indemnify and save harmless each and every county, town, and city, in this State, against all costs and expenses which may be by them incurred for the relief, support, or medical care, of the persons named in the bond; and that each and every bond shall be secured by two or more sufficient sureties, residents of the State, each of whom shall prove by oath, or otherwise, indorsed in writing on each bond, that he is a freeholder and resident of the State, and is worth the sum of one thousand dollars in real estate, over and above all his debts and reponsibilities, and any responsibilities, actual or contingent, which may accrue from, or under, any former bond given under the provisions of this act.

Your committee would particularly direct the attention of the House to the manner in which this part of the law has been complied with. The evidence shows that it has been, apparently, the universal custom to take the same sureties for an entire cargo of passengers, without respect to numbers—in some cases as many as four or five hundred; and to require such sureties to justify on one bond only, and sign the balance, so that the sureties for four or five hundred passengers, were only required to swear that they were worth one thousand dollars in real estate. The form of the justification on the bond, however, is so loosely drawn that the sureties might, with perfect safety, take the oath on an indefinite number of bonds, even if they were worth in real estate but one thousand dollars. As an illustration of the loose manner in which these bonds have been taken, and of their worthless character, it may be stated that in some cases the Custom House brokers furnish a fictitious list of Chinese names with which to fill them up, so that the names in the bond do not correspond with the real names of the passengers, and identification would be impossible. And again, on some occasions, brokers have been employed to go on the bonds as sureties, receiving, as a compensation, one dollar for each passenger.

As to the amount of moneys collected under the law, the evidence and the books of the Superintendent show that there have arrived at the port of San Francisco, from May fifteenth, eighteen hundred and sixty, the date on which the present Superintendent of Immigration entered upon the duties of his office, to March fifth, eighteen hundred and sixty-one, six hundred and thirty-eight passengers who have paid the commutation tax, of five dollars each, provided by law, making in the aggregate three thousand one hundred and ninety dollars, ten per cent. of which is deducted as the commission of the Superintendent of Immigration, and, also,

office rent, at the rate of twenty dollars per month, leaving a balance of two thousand six hundred and seventy-seven dollars and sixty-seven cents, as the total net receipts going to the State during that period. But the Superintendent of Immigration assumes to collect other items which he claims belong to him as perquisites of his office, and, by far, the larger amount collected by him are items of that nature. He collects on each bond the sum of two dollars and fifty cents, and for each vessel reported at his office, three dollars; he also charges, and is allowed, for office rent twenty dollars per month.

The following statement, estimated from the evidence and the books of the Superintendent, will show his perquisites from May fifteenth, eighteen hundred and sixty, to March fifth, eighteen hundred and sixty-one, a period of a little less than ten months:

Passengers, bonded at \$2 50 each, 6,069.....	\$15,172 50
Passengers, commuted at \$5 each, 638, is \$3,090, 10 per cent. commissions	319 00
Vessels, upon which \$3 each was paid, 420.....	1,260 00
Rent of Office, at \$20 per month, 9½ months.....	193 33
Total perquisites of Superintendent	\$16,944 83
COLLECTED FOR STATE DURING SAME TIME.	
On 638 Passengers, commuted at \$5 each.....	\$3,190 00
Less 10 per cent. commissions.....	319 00
Rent of Office.....	193 33
	512 33
Leaves net for State.....	\$2,677 67

A *pro rata* estimate, made from the foregoing statement, would give to the State three thousand three hundred and twenty-four dollars for the year ending May fifteenth, eighteen hundred and sixty-one, while the Superintendent would receive, during the same time, twenty-one thousand thirty-four dollars and ninety-five cents, nearly all of which is a net income to him as the expenses of his office are but trifling.

From the above statistics, and from the evidence obtained from some of the largest and most respectable shipping merchants, masters of vessels, and others, which is herewith submitted, it will be perceived that it is much more to the interest of the Superintendent of Immigration to take bonds in the manner which he has done, than to comply strictly with the intent of the law. It is clearly palpable that if the Superintendent had required a legal bond to be given in strict accordance with the passenger act, the commutation money would have been paid in nearly every instance, thereby reducing his compensation to fifty cents, instead of two dollars and fifty cents, on each passenger who so paid. If all the passengers had paid the commutation tax instead of giving bonds, the amount which would properly have gone to the State since the present Superintendent went into office, would have been about thirty thousand one hundred and eighty-two dollars, in place of two thousand six hundred and seventy-seven dollars and sixty-seven cents; and the emoluments of the office, for the same time, would have been about four thousand eight hun-

dred and six dollars, instead of sixteen thousand nine hundred and forty-four dollars and eighty-three cents

The evidence shows that, practically, the passengers always pay the five dollars, and that the arrangement for the payment of that amount is made when the passage is secured ; and that when the bond is given, the masters, or consignees, of the vessel retain two dollars and fifty cents, and pay the balance to the Superintendent of Immigration for the bond.

For this charge of two dollars and fifty cents, your committee have been unable to find any authority in the law.

By reference to the report of the Controller of State it will be perceived that the amount paid into the treasury, under the passenger law, for the fiscal year ending June third eighteen hundred and sixty, was two thousand three hundred and forty-four dollars, being a less sum than was ever paid in any previous year, except the fiscal year ending June, eighteen hundred and fifty-six, when the meager sum of six hundred and two dollars and ninety-five cents reached the treasury from that source. The largest amount ever paid, under the law in any one year, was paid by Edward McGowan, Commissioner of Immigrants in the fiscal year ending June thirtieth, eighteen hundred and fifty three, the amount then reaching the treasury being eighty-five thousand eight hundred and eighty-five dollars and seventy cents.

By a proper administration of the law, there ought to be received from that source at least from twenty-five to thirty thousand dollars per annum.

From all the investigations made by your committee, we, unhesitatingly, state that the law has, for a number of years, been almost entirely disregarded by those who have been intrusted with its administration ; or, at least, all proof that has been adduced before the committee goes to establish the fact that if it has not been disregarded, it has been tortured into a construction which has proved anything but beneficial to the interests of the State.

Your committee find that Assembly Bill No. 47, does not in any manner remedy the various defects in the law, and would, therefore, recommend its indefinite postponement ; and we herewith submit a bill which we think will meet the exigencies of the case, insure a more perfect administration of the law, and, hereafter, prevent any misconstruction of its provisions.

Your committee would respectfully urge upon the Assembly prompt action upon this important subject. Unless some bill is passed by the present Legislature, changing the law, the State will look in vain for any considerable sum from this source during the next fiscal year, or for any adequate protection against an influx of Chinese paupers.

All of which is respectfully submitted,

THOMAS LASPEYRE,

Chairman Committee on Commerce and Navigation.

The amendments reported to Assembly Bill, No. 47, above reported—were adopted.

On suspending the rules to consider the bill engrossed, Messrs. Tilton, Munday, and Piercy, demanded the ayes and noes, and the House refused by the following vote : Ayes, 40—noes, 28 :

AYES—Messrs. Adams, Baechtcl, Blair, Bradley, Briggs, Buell, Campbell, Childs, Coleman, Coltrin, Conness, Crocker, Dougherty, Durst, Fargo, Foster, Gordon, Green, Gregory, Henderson, Hill, Holman, Hunter, Lippincott, Millor, Morgan, O'Brien, Powell, Ross, Scott, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tittel, Walden, White, Wright, and Mr. Speaker—40.

NOES—Messrs. Amyx, Avery, Banks, Chandler, Cherry, Clarke, Councilman, Covarrubias, Flanders, Hanson, Harriman, Haun, Horrell, Johnson, Kungle, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Munday, Patrick, Piercy, Showalter, Sorrel, Tilton, Willey, and Wood of Plumas—28.

The bill was ordered to top of file.

Mr. White verbally reported, with amendments, Senate Bill, No 145, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Amendments adopted, read a third time and passed.

By Mr. Lalor :

MR. SPEAKER :—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No 178, An Act to authorize the County Auditors of the Counties of San Luis Obispo and Tulare to issue certain Bonds, and to provide for the construction of a Road herein named ;

Also, Assembly Bill, No. 164, An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes ;

Also, Assembly Bill, No. 185, An Act to authorize the Board of Supervisors of Shasta County to levy a Special Tax for building purposes ;

Also, Assembly Bill, No. 149, An Act to define the Duties and Liabilities of Pawnbrokers and Pledges.

E. LALOR,
Chairman

By Mr. Ross :

MR. SPEAKER :—Your Committee on Mileage, have had under consideration the subject of the mileage to which the different Standing Committees are entitled, and beg leave to submit the following report :

COMMITTEE ON INSANE ASYLUM.

Mr. Durst, ninety miles	\$18 00
Mr. Smith of Tulare, ninety miles.....	18 00
Mr. Ford, ninety miles	18 00
Mr. Spence, ninety miles	18 00
Mr. Coleman, ninety miles	18 00

COMMITTEE ON STATE PRISON.

Mr. Tilden, two hundred and eighty miles.....	\$56 00
Mr. Haun, two hundred and eighty miles	56 00
Mr. Banks, two hundred and eighty miles.....	56 00
Mr. Hunter, two hundred and eighty miles.....	56 00
Mr. Tilton, two hundred and eighty miles.....	56 00
Mr. Powell, two hundred and eighty miles.....	56 00
Mr. Gordon, two hundred and eighty miles.....	56 00

COMMITTEE ON COMMERCE AND NAVIGATION.

Mr. Laspeyre, two hundred and forty miles	\$48 00
Mr. Flanders, two hundred and forty miles..	48 00
Mr. Cherry, two hundred and forty miles	48 00
Mr. Eastman, two hundred and forty miles..	48 00

Your committee have carefully examined, and inquired into, the facts as to the mileage to which the above committees are entitled, and find the same set opposite the names of the members of the committees to be the amount due to each respectively, and respectfully recommend the payment of the same.

ROSS,
Chairman.

Adopted.

By Mr. Briggs :

MR. SPEAKER :—The Committee on Public Morals, to whom was referred Assembly Bill, No. 147, An Act to define and punish Adultery, Seduction, and Fornication—have had the matter under advisement, and deeming that due regard to the purity of society, and to the maintenance inviolate of the domestic relations demand some such restraint upon the indulgence of unbridled passion as that contemplated by this bill, report the same back, and recommend its passage.

BRIGGS,
Chairman.

By Mr. Montgomery :

MR. SPEAKER :—The Committee on Indian Affairs, to whom was referred Assembly Bill, No. 242—have had the same under consideration, and beg leave to report it back, and recommend its passage.

MONTGOMERY,
Chairman.

By Mr. Piercy :

MR. SPEAKER :—The San Bernardino Delegate, to whom was referred Assembly Bill, No. 179—has had the same under consideration, and reports the same back, with a substitute, and recommend the passage of the substitute.

PIERCY.

By Mr. Briggs :

MR. SPEAKER :—The Santa Clara Delegation, to whom was referred Assembly Bill, No. 260, An Act to incorporate the City of Santa Clara and repeal certain Acts—have examined the bill carefully, and being satisfied that its provisions are such as the citizens interested approve, report the bill back, and respectfully recommend its passage.

BRIGGS,
MORGAN.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT,
Sacramento, March 16th, 1861. }

To the Honorable the Assembly of California :

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 166, An Act to locate the County Seat of Yolo County ;

Also, Assembly Bill, No. 200, An Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco;

Also, Assembly Bill, No. 154, An Act to amend an Act entitled An Act fixing the time for holding the Court of Sessions and County Court in the County of Shasta, and to change the manner of summoning Juries for the County Court of said County, approved March eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 98, An Act to authorize the Administrators of the Estate of L. W. Boggs, deceased, to sell and convey Real Estate;

Also, Assembly Bill, No. 206, An Act to authorize the Board of Supervisors of Trinity County to levy Taxes to build a County Jail

JOHN G. DOWNEY,
Governor.

Senate Bill, No. 25, An Act in relation to Auctioneers—was recommit-
ted to the Committee on Ways and Means.

On motion of Mr. Tilton, Assembly Bill, No. 252, An Act to change the time of holding Municipal Elections in the City and County of San Francisco, and to define the official Terms of certain Officers therein mentioned—was made special order for Thursday, March twenty-first, at twelve, M.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Lippincott: Relative to change of Order of Business.

Laid over for one day.

By Mr. Tilton:

Resolved, That the Enrolling Clerk be allowed to appoint an Assistant at a salary of eight dollars per day, payable out of the Contingent Fund of the Assembly, and payable from the date of his appointment.

Adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Friday, March 15th, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 218, An Act to repeal so much of an Act entitled An Act supplementary to An Act for the protection of Game;

Also, Assembly Bill, No. 213, An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money for the use of Contra Costa Agricultural Society;

Also, Senate Bill, No. 173, An Act to appropriate Moneys for the benefit of the Home for the care of the Inebriates in the City and County of San Francisco;

Also, Assembly Bill, No. 131, An Act concerning Wild Animals in Marin County;

Also, Assembly Bill, No. 163, An Act to amend Section Twenty-Two of An Act to regulate Fees of Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty;

Also, Assembly Bill, No. 94, An Act to change the name of Meyer Moses to that of Moses Meyer, with an amendment;

Also, Assembly Concurrent Resolution, No. 40, Relative to a Joint Convention for the election of Physicians and Trustees of the Insane Asylum.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 94, above reported.

Senate Bill, No. 173, above reported—was read first and second times, and referred to Committee on Ways and Means

SENATE CHAMBER,
Saturday, March 16th, 1861. }

MR. SPEAKER :—The Senate, on yesterday, passed Senate Bill, No. 176, An Act extending Stuart Street, in San Francisco;

Also, Senate Bill, No. 154, An Act entitled An Act in relation to the Water Front adjacent to Block No. 9, in the City and County of San Francisco;

Also, Senate Bill, No. 197, An Act to Incorporate the Town of Grass Valley;

Also, Senate Bill, No. 198, An Act in relation to the compensation of the County Auditor of Butte County;

Also, Senate Bill, No. 195, An Act defining the time of holding the Court of Sessions in the County of Fresno;

Also, Assembly Bill, No. 183, An Act to provide for the collection of Delinquent Taxes in the County of Calaveras

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 176 and 154, above reported—were read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 197, above reported—was read first and second times, and referred to the Nevada Delegation.

Senate Bill, No. 198, above reported—was read first and second times, and referred to the Butte Delegation.

Senate Bill, No. 195, above reported—were read first and second times, and referred to the Tulare Delegation.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Baechtel, for An Act to amend An Act passed April twenty-seventh, eighteen hundred and fifty-five, concerning Lawful Fences.

By Mr. Briggs, for An Act for the observance of the Sabbath.

By Mr. Morgan, for An Act authorizing the Board of Supervisors of the County of Santa Clara to pay certain outstanding County Common School Warrants.

By Mr. Ford, for An Act to authorize the reissue of a certain lost School Warrants.

By Mr. Powell, for An Act to change the name of Juan A. Suñiga to that of Alfred J. Hermozilla.

By Mr. Banks, for An Act amendatory of the Revenue Act of this State.

By Mr. Baechtel, for An Act concerning Roads and Highways in Mendocino County;

Also, for An Act supplemental to An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional Tax for County purposes, approved April thirteenth, eighteen hundred and fifty-nine;

Also, for An Act to amend Section Twelve of An Act to define the Boundaries and provide for the Organization of Mendocino County, approved March eleventh, eighteen hundred and fifty-nine.

By Mr. Morrison, for An Act for the creation of a new County, to be called the County Tejon;

Also, An Act for the relief of Edward F. Beale and Samuel A. Bishop.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Wood of Yolo, for An Act supplemental to An Act to provide for the formation of Corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three.

Read first and second times, and referred to Committee on Corporations.

By Mr. Montgomery, for An Act to define the Boundaries of Sutter County.

Read first and second times, and referred to delegations from Placer and Sutter, with instructions to report on March twentieth.

By Mr. Piercy, for An Act making the County Clerk of San Bernardino County *ex officio* County Superintendent of Public Instruction.

Read first and second times, and placed on file;

Also, An Act defining the mode of serving Civil Process in the County of San Bernardino

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

By Mr. Harris, for An Act concerning the collection of Taxes in the County of Butte.

Read first and second times, and referred to the Butte Delegation.

By Mr. Horrell, for An Act to grant the right to construct a Turnpike Road between the Township of Jackson and Ione City, in the County of Amador.

Read first and second times, and referred to the Amador Delegation.

By Mr. Morrison, for An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grade of certain Streets in said City and County.

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

By Mr. Flanders, for An Act in relation to Roads, Streets, and Highways, in the City and County of San Francisco.

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

By Mr. Childs, for An Act to fund the Debt of Calaveras County.

Read first and second times, and referred to the Calaveras Delegation.

By Mr. Laspeyre, for An Act to provide for the removing of Obstructions in the Mokelumne River, and to devise means for carrying the same into effect.

Read first and second times, and referred to the San Joaquin Delegation.

By Mr. Holman, for An Act to prohibit skinning of Cattle in certain cases.

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

Mr. Coleman moved to adjourn

Upon which, Messrs. Wood of Plumas, Gregory, and Showalter, demanded the ayes and noes, and at ten minutes past one o'clock, P. M. the House agreed by the following vote: Ayes, 27—noes, 25:

AYES—Messrs. Adams, Cherry, Covarrubias, Denniston, Flanders, Foster, Green, Gregory, Hanson, Harris, Harrison, Haun, Henderson, Hunter, Johnson, Kungle, Lalor, Magruder, Morgan, Munday, Patrick, Piercy, Powell, Sorrel, Stearns, Tilton, and White—27.

NOES—Messrs. Avery, Banks, Briggs, Conness, Crocker, Dougherty, Durst, Eastman, Fargo, Ford, Harriman, Hill, Holman, Laspeyre, Lipincott, Miller, Montgomery, O'Brien, Ross, Scott, Showalter, Smith of Placer, Spence, Wood of Plumas, Wood of Yolo, and Wright—25.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 18th, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

The roll was called.

Quorum present.

The journal of Saturday was read and approved.

Messrs. Fargo, Tilton, Ford, Willey, Wood of Plumas, Bacchtel, Campbell, Avery, Morgan, and Coltrin, had one day's leave of absence each, and Mr. Porter for three days.

PETITIONS.

Petitions were presented as follows :

By Mr. Ross, Of Petaluma Guards for Military Law.

Referred to Committee on Military Affairs.

By Mr. Childs, Of Benjamin F. Marshall

Referred to Committee on Claims.

Mr. Curtis verbally reported and recommended the passage of Assembly Bill, No. 245, An Act to amend An Act to provide for the Incorporation of Water Companies, approved April twenty-second, eighteen hundred and fifty-eight.

REPORTS.

Reports were made as follows :

By Mr. Denniston :

MR. SPEAKER :—The committee to whom was referred Senate Bill, No. 174, An Act to authorize the Board of Supervisors of the County of San Mateo to levy a Special Tax for Road purposes—having had the same under consideration, report the same back, and recommend its passage.

JAMES G. DENNISTON.

By Mr. Foster :

MR. SPEAKER :—Your Auditing Committee have examined the copying done on account of Assembly, and find the same as follows :

Purpose.	Folios.	Per Folio	Amount.
Journal for Printer.....	1,389	10 cts.	\$138 90
Tabular Statement.....	980	10 cts.	98 00
Assembly Bill, No. 255.....	13	10 cts.	1 30
Assembly Bill, No. 116 ...	240	10 cts.	24 00
Assembly Bill, No. 66.....	63	10 cts.	6 30
Assembly Bill, No. 270 ...	120	10 cts.	12 00
Senate Bill, No. 11.....	75	10 cts.	7 50
Appendix	1,278	10 cts.	127 80
Totals.....	4,158	.....	\$415 80

Your committee recommend the adoption of the following resolution :

Resolved, That the Controller of State be, and is hereby, authorized, to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of four hundred and fifteen dollars and eighty cents, payable out of the Copying Fund of the Assembly.

Adopted.

T. FOSTER,
M. WALDEN.

The following resolution, offered by Mr. Lippincott, on Saturday, was adopted :

Resolved, That on and after Monday, the eighteenth instant, one hour and a half be exclusively set apart for the consideration of bills on the General File, after the reading of the Journal.

By Mr. Kungle :

Resolved, That the Committee on Hospitals be instructed to make their report on Tuesday, the nineteenth.

Laid on the table.

By Mr. Johnson : Concurrent Resolution, Relative to the Overland Mail.

Mr. Blair offered a substitute for the resolution.

Adopted.

NOTICES.

Notices of the introduction of bills were given as follows :

By Mr. Curtis, for An Act to amend Section Thirty-Six of An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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.

By Mr. Blair, for An Act to authorize the Board of Supervisors of the County of Monterey to levy a Tax, and make appropriations for the construction of a Road from San Juan to Natividad, in the County of Monterey.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Munday, for An Act making an appropriation for the Salary of the State Librarian from the sixteenth of March to the thirtieth of June, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Amyx, for An Act supplementary and amendatory of several Acts to establish an Asylum for the Insane of the State of California.

Read first and second times, and referred to the Committee on Hospitals.

By Mr. Piercy, for An Act to authorize the construction of a Turnpike Road through the Cajon Pass, in San Bernardino County.

Read first and second times, and referred to the delegation from Los Angeles and San Bernardino counties.

By Mr. Powell, for An Act to change the name of Juan H. Suñiga to that of Alfred J. Hermozilla.

Read first and second times, and referred to the Committee on Names.

By Mr. Hunter, for An Act to prevent the unlawful publication of the testimony of facts of Crime.

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

By Mr. Blair, for An Act to repeal so much of Section Seventeen of an Act entitled An Act concerning Estray Animals, passed April nineteenth, eighteen hundred and fifty-six, as relates to the County of Monterey, and to make said Act applicable to said County of Monterey.

Read first and second times, and placed on file

By Mr. Banks, for An Act exempting Lots in Cemeteries, and Pews in Churches, from levy and forced sale.

Read first and second times and referred to the Judiciary Committee

By Mr. Morrison, for An Act for the relief of Samuel A. Bishop and Edward F. Beale.

Read first and second times, and referred to the Committee on Claims.

GENERAL FILE

Assembly Bill, No. 176, An Act to amend an Act entitled An Act to prevent the trespassing of Animals upon Private Property, approved March thirty-first, eighteen hundred and fifty-five—was read a third time, and passed.

Assembly Bill, No. 64, 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 twenty-ninth, eighteen hundred and fifty-one—rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No. 98, An Act to amend an Act entitled An Act to repeal the Act passed March twenty-ninth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento—amendments adopted, read a third time, and passed

Assembly Bill, No. 262, An Act to provide for the collection of Delinquent Taxes in the County of Contra Costa—rules suspended, considered engrossed, read a third time, and passed

Assembly Bill, No. 47, An Act concerning the Superintendent of Immigration

Mr. Morrison moved to strike out the word "ten," in the first section, and insert "twenty."

Mr. Wood of Plumas moved the previous question.

Sustained, and the amendment of Mr. Morrison lost

The rules were suspended, and the bill read a third time

On its passage, Messrs. Piercy, Ross, and Harriman, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 52—noes, 3:

AYES—Messrs. Adams, Banks, Blair, Bradley, Briggs, Buell, Childs, Coleman, Conness, Councilman, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Flanders, Foster, Gillette, Gordon, Green, Gregory, Hanson, Harriman, Haun, Henderson, Hill, Holman, Horrell, Kurtz, Laspeyre, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Patrick, Piercy, Ross, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Tilden, Walden, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—52.

NOES—Messrs. Covarrubias, Kungle, and Lalor—3.

Mr. Piercy gave notice of reconsideration

The title of the bill was amended.

Assembly Bill, No. 168, An Act to amend an Act entitled An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven—was read a third time and passed.

Assembly Bill, No. 135, An Act to amend an Act entitled An Act to

provide for the appointment of a Gauger for the Port of San Francisco, passed May third, eighteen hundred and fifty-two—was read a third time and passed.

Assembly Bill, No. 146, An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for the payment of the expenses of Surveying the Harbor of San Francisco—amendments adopted, rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 123, An Act to create the County of Alturas—was made the special order for Friday, March twenty-second, at half-past twelve o'clock, p. m.

Assembly Bill, No. 199, An Act to fix the location of Brady Street, in the City and County of San Francisco—amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No. 129, An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State—was considered in Committee of the Whole, reported, recommended, and amendments of committee concurred in.

Mr. Conness moved the previous question.

Sustained, and the bill was read a third time.

On its passage, Messrs. Wood of Plumas, Patrick, and Crocker, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 48—noes, 3:

AYES—Messrs. Adams, Banks, Blair, Briggs, Buell, Childs, Coleman, Conness, Councilman, Crocker, Curtis, Dougherty, Durst, Eastman, Flanders, Foster, Green, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Johnson, Kungle, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Powell, Ross, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Walden, and White—48.

NOES—Messrs. Patrick, Piercy, and Wood of Plumas—3.

Mr. Crocker gave notice of reconsideration.

At four o'clock, p. m. on motion of Mr. Smith of Tulare, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 19th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

GENERAL FILE.

Assembly Bill, No. 171, An Act for the relief of Marin County;

Also, Assembly Bill, No. 130, An Act authorizing James P. Sargeant, Guardian of Policarpia Chebollo, a Minor, to sell at private sale the Lands and Real Estate of said Minor;

Also, Assembly Bill, No. 178, An Act authorizing the County Auditors of the Counties of San Luis Obispo and Tulare to issue certain Bonds and to provide for the construction of a Road herein named;

Also, Senate Bill, No. 157, An Act to legalize the survey of the Town of Red Bluff—were read third time, and passed.

Senate Bill, No. 56, An Act to grant the right to certain parties to supply the people of Red Bluff with Gas—amendments adopted, read a third time, and passed.

Assembly Bill, No. 236, An Act to authorize the Board of Supervisors of San Diego County to levy a special Tax to be applied for County Jail purposes—was ordered engrossed.

Senate Bill, No. 70, An Act authorizing the Placerville Turnpike Company to have and maintain a Bridge across Weber Creek in El Dorado County—was read third time.

On its passage Messrs. Conness, Hill, and Hunter, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 34—noes, 29:

AYES—Messrs. Avery, Banks, Blair, Campbell, Cherry, Clarke, Conness, Councilman, Covarrubias, Crocker, Fargo, Flanders, Ford, Foster, Green, Hagans, Henderson, Hill, Hunter, Kungle, Lippincott, Montgomery, O'Brien, Patrick, Ross, Smith of Tulare, Spence, Stearns, Tittel, Walden, Willey, Wood of Yolo, Wright, and Mr. Speaker—34.

NOES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Curtis, Gillette, Gregory, Hanson, Harris, Harrison, Holman, Horrell, Kurtz, Lalor, Laspeyre, Morgan, Morrison, Piercy, Scott, Showalter, Smith of Placer, Sorrel, Tilden, Walter, White, and Wood of Plumas—29.

Senate Bill, No. 184, An Act to authorize the Probate Court of Butte County to affirm a certain sale of Real Estate—was read third time, and passed.

Assembly Bill, No. 240, An Act supplementary and explanatory of the First Section of An Act to provide a Fund for the redemption of, and prescribing the manner of redeeming, the outstanding Warrants drawn upon the Treasury of Tuolumne County, and further to provide for the payment of all the current expenses of said County in Cash, approved February twenty-second, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Senate Bill, No. 116, An Act supplementary to an Act entitled An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight—was read third time.

On its passage the ayes and noes were called, with the following result: Ayes, 35—noes, 24:

AYES—Messrs. Blair, Coleman, Covarrubias, Crocker, Denniston, Durst, Fargo, Flanders, Ford, Foster, Gordon, Green, Gregory, Hagans, Hanson, Harriman, Haun, Henderson, Horrell, Hunter, Johnson, Kungle, Lippincott, Munday, O'Brien, Piercy, Powell, Showalter, Smith of Tulare, Tilden, Tilton, Walden, White, Willey, and Wright—35.

NOES—Messrs. Adams, Amyx, Avery, Banks, Bradley, Briggs, Buell, Campbell, Clarke, Curtis, Harris, Harrison, Hill, Holman, Lalor, Montgomery, Morgan, Patrick, Porter, Ross, Spence, Tittel, Walter, and Wood of Plumas—24.

And so the bill passed.

Mr. Ford gave notice of reconsideration.

Assembly Bill, No. 97, An Act to provide for the payment of the Fees of Jurors in the County of Sonoma—read third time, title amended, and passed.

The following report was made by Mr. Lalor :

MR. SPEAKER :—Your Committee on Engrossment have examined and found correctly engrossed Assembly Bill, No. 205, An Act regulating the Fees of Associate Justices of the Court of Sessions, Jurors, and Inspectors, Judges, and Clerks, of Elections, in Tuolumne County ;

Also, Assembly Bill, No. 274, An Act to amend an Act entitled An Act to grant the right to construct and maintain a Dam and Lock across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No. 230, An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino ;

Also, Assembly Bill, No. 173, An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a special Tax for building purposes, and to levy an additional Tax for County purposes in said County ;

Also, Assembly Bill, No. 278, An Act to authorize the Board of Supervisors of the County of Napa to levy a Tax for general Road purposes and to repeal certain Act relative thereto.

E. LALOR,
Chairman.

Assembly Bill, No. 124, An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of San Francisco—special order of the day, was taken up.

Mr. Showalter moved to lay on the table.

Lost.

The House then went into Committee of the Whole to consider the bill. Bill reported and recommended.

Mr. Banks offered a substitute which was lost.

Mr. Conness offered the following amendment :

“ Provided, that the franchise herein granted the corporation shall not have the right to lay tracks or run cars upon streets occupied by any other railroad corporation, except when it shall be necessary to cross the same at right angles.”

Adopted.

On motion of Mr. Munday the bill was indefinitely postponed.

Mr. Miller gave notice of reconsideration.

On motion of Mr. Conness, Assembly Bills, No. 54 and 192, also special order for this day—were continued until Friday, March twenty-second at twelve o'clock, M.

Assembly Bill, No. 116, An Act in relation to the Militia of the State ;

Also, special order of the day—was taken up, considered in Committee of the Whole, reported and had leave to sit again.

The vote by which Senate Bill, No. 129, An Act for appropriating Money for the benefit of certain Orphan Asylums in this State—was passed on yesterday was reconsidered, the bill amended, read a third time, and passed.

Mr. Tilton made the following report :

MR. SPEAKER :—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 222, An Act to provide for the construction of a Wagon Road commencing at Antelope Springs in the County of Amador and running thence by the best practicable route to Hope Valley on the Eastern slope of the Sierra Nevada Mountains ;

Also, Assembly Bill, No. 131, An Act concerning Wild Animals in the County of Marin;

Also, Assembly Bill, No. 209, An Act to authorize Charles A. Keyser, Administrator of the estate of R. B. Sherrard, deceased, to sell and convey Real Property at private sale;

Also, Assembly Bill, No. 213, An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money for the use of Contra Costa County Agricultural Society;

Also, Assembly Bill, No. 163, An Act to amend Section Twenty-Two of an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty;

Also, Assembly Concurrent Resolution, No. 38, Relative to the quota of Arms due this State by the General Government.

S. S. TILTON,
Chairman.

At ten minute before two o'clock, P. M. the House took a recess to meet the Senate in Joint Convention.

IN JOINT CONVENTION.

The convention met pursuant to adjournment.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs Haynes and Edgerton.

Assembly roll called.

All present.

Minutes of preceding convention read and approved.

Mr. Showalter moved that the convention adjourn until to-morrow, at two o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. DeLong and Phelps of the Senate, and Mr. Fargo of the House, and taken with the following result: Ayes, 47—noes, 62:

AYES—Messrs. Crittenden, De la Guerra, Denver, Dickinson, Eagan, Franklin, Gallagher, Lect, Logan, Merritt, Parks, Pico, Thornton, Warmcastle, Watkins, Watt, Williamson, Bradley, Buell, Chandler, Childs, Foster, Gillette, Gregory, Hagans, Hanson, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magrader, Morrison, O'Brien, Patrick, Piercy, Scott, Showalter, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—47.

NOES—Messrs. Burbank, Chase, Clark, DeLong, Harvey, Hancock, Hill, Irwin, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Watson, Adams, Amyx, Avery, Baechtel, Banks, Blair, Briggs, Burnell, Campbell, Cherry, Clarke, Coleman, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Green, Harriman, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Montgomery, Morgan, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Walter, Willey, and Wright—62.

So the motion was lost, and the convention refused to adjourn.

FOR U. S. SENATOR—SEVENTEENTH BALLOT.

The Secretary called the roll for the seventeenth ballot, with the following result:

NAMES.	Denver....	McDougall	Nugent...	Phelps...	Weller...	Hoge.....	Bowie....
Burbank		1		1			
Chase.....		1					
Clark.....		1					
De la Guerra.....			1				
Denver.....	1						
Eagan			1				
Franklin					1		
Gallagher.....			1				
Harvey		1					
Heacock				1			
Hill		1					
Irwin		1					
Leet.....	1						
Logan.....	1						
Merritt			1				
Parks					1		
Rhodes				1			
Ryan.....		1					
Shafter				1			
Sharp.....		1					
Thomas		1					
Thornton			1				
Vance	1						
Warmcastle	1						
Watkins	1						
Watson			1				
Watt.....			1				
Adams.....		1					
Amyx					1		
Avery				1			
Baechtel					1		
Banks				1			
Blair				1			
Briggs				1			
Burnell		1					
Buell.....	1						
Campbell				1			
Chandler					1		
Cherry.....				1			
Childs			1				
Clark.....				1			
Coleman	1						
Conness		1					
Councilman				1			
Covarrubias		1					
Crocker				1			
Curtis	1						
Denniston		1					

NAMES.	Denver....	McDougall	Nugent...	Phelps....	Waller....	Hoge.....	Bowie....
Dougherty.....		1					
Durst.....		1					
Eastman.....		1					
Fargo.....				1			
Flanders.....				1			
Ford.....				1			
Foster.....	1						
Gillette.....			1				
Gordon.....		1					
Green.....			1				
Gregory.....	1						
Hagans.....							1
Hanson.....					1		
Harriman.....				1			
Harris.....	1						
Harrison.....	1						
Henderson.....		1					
Hill.....		1					
Holman.....					1		
Horrell.....			1				
Hunter.....		1					
Johnson.....			1				
Lalor.....			1				
Lippincott.....			1				
Miller.....			1				
Montgomery.....						1	
Morgan.....				1			
Morrison.....	1						
Murday.....			1				
O'Brien.....			1				
Patrick.....					1		
Porter.....				1			
Powell.....		1					
Ross.....			1				
Scott.....			1				
Smith of Tulare.....							1
Smith of Placer.....		1					
Sorrel.....						1	
Spence.....				1			
Stearns.....		1					
Tilden.....		1					
Tilton.....				1			
Tittel.....				1			
Walter.....		1					
White.....	1						
Willey.....				1			
Wood of Plumas.....	1						
Wright.....		1					

Those who voted for Mr. Creanor were—

Messrs. Crittenden, Williamson, Bradley, and Laspeyre.

Those who voted for Mr. Washington were—

Messrs. Messrs. Haun, Kungle, and Magruder.

Those who voted for Mr. Bowie were—

Messrs. Hagans and Smith of Tulare.

Those who voted for Mr. Brent were—

Messrs. Pico, Piercy, Showalter, and Wood of Yolo.

Mr. Dickinson voted for Mr. Bidwell.

Mr. Kurtz voted for Mr. Curtis.

Mr. Phelps voted for Mr. Heacock.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. Denver received fifteen votes.

Mr. McDougall received twenty-six votes.

Mr. Nugent received nineteen votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received eleven votes.

Mr. Creanor received four votes.

Mr. Brent received four votes.

Mr. Washington received three votes.

Mr. Bowie received two votes.

Mr. Heacock received one vote.

Mr. Bidwell received one vote.

Mr. Curtis received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR U. S. SENATOR—EIGHTEENTH BALLOT.

The Secretary called the roll for the eighteenth ballot, with the following result:

NAMES.	Denver ...	McDougall	Nugent ...	Phelps	Weller	Hoge	Bowie.....
Burbank.....				1			
Chase		1					
Clark		1					
De la Guerra.....			1				
Denver.....	1						
Dickinson.....				1			
Eagan			1				
Franklin					1		
Gallagher			1				
Harvey.....		1					
Heacock				1			
Hill		1					

NAMES.	Denver....	McDougall	Nugent ...	Phelps....	Weller....	Hoge.....	Bowie
Irwin		1					
Leet	1						
Logan.....	1						
Merritt.....			1				
Parks					1		
Rhodes.....				1			
Ryan		1					
Shafter.....				1			
Sharp		1					
Thomas		1					
Thornton.....			1				
Watkins	1						
Watson.....			1				
Watt			1				
Amyx					1		
Avery				1			
Baechtel.....					1		
Banks				1			
Blair				1			
Briggs.....				1			
Burnell.....		1					
Buell.....	1						
Campbell				1			
Chandler.....					1		
Cherry				1			
Childs			1				
Clark				1			
Coleman.....	1						
Conness		1					
Councilman.....				1			
Covarrubias.....		1					
Crocker				1			
Denniston		1					
Dougherty.....		1					
Durst		1					
Eastman.....		1					
Fargo				1			
Flanders.....				1			
Ford				1			
Foster.....	1						
Gillette.....			1				
Gordon					1		
Green		1					
Hagans..			1				
Hanson.....					1		
Harriman.....				1			
Harris.....	1						
Harrison.....	1						

NAMES.	Denver...	McDougal	Nugent...	Phelps...	Waller...	Hoge.....	Bowie....
Henderson		1					
Hill		1					
Holman					1		
Horrell			1				
Hunter		1					
Johnson			1				
Lalor			1				
Lippincott			1				
Montgomery					1		
Morgan				1			
Morrison		1					
Munday							1
O'Brien			1				
Patrick					1		
Porter				1			
Powell		1					
Ross			1				
Scott			1				
Smith of Tulare							1
Smith of Placer		1					
Sorrel					1		
Spence				1			
Stearns		1					
Tilden		1					
Tilton				1			
Tittel				1			
Walter		1					
White	1						
Willey				1			
Wood of Plumas	1						
Wright		1					

Those who voted for Mr. Creanor, were—

Messrs. Crittenden, Warmcastle, Williamson, Bradley, Gregory, and Laspeyre.

Those who voted for Mr. Washington were—

Messrs. Haun, Kungle, and Magruder.

Those who voted for Mr. Brent were—

Messrs. Pico, Piércey, Showalter, and Wood of Yolo.

Those who voted for Mr. Bowie were—

Messrs. Munday and Smith of Tulare.

Mr. Phelps voted for Mr. Heacock.

Mr. Vance voted for Mr. Dickinson.

Mr. Kurtz voted for Mr. Curtis.

Whole number of votes cast, one hundred and eight.
Necessary to a choice, fifty-five.

Mr. Denver received eleven votes.

Mr. McDougall received twenty-seven votes.

Mr. Nugent received seventeen votes.

Mr. Phelps received twenty-four votes.

Mr. Weller received eleven votes.

Mr. Creanor received six votes.

Mr. Brent received four votes.

Mr. Washington received three votes.

Mr. Bowie received two vote.

Mr. Heacock received one vote.

Mr. Dickinson received one vote.

Mr. Curtis received one vote.

There being no election, no one having received a majority of all the votes—

Mr. Burbank moved that the convention do now adjourn, until Wednesday, March twentieth, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs Ryan and Gallagher of the Senate, and Mr. Spence of the House, and taken with the following result: Ayes, 63—noes, 47:

AYES—Messrs Burbank, Chase, Crittenden, De la Guerra, Denver, Dickinson, Eagan, Franklin, Gallagher, Lect, Logan, Merritt, Parks, Phelps, Pico, Rhodes, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Banks, Bradley, Buell, Campbell, Chandler, Cherry, Childs, Coleman, Crocker, Flanders, Foster, Gillette, Gordon, Gregory, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Munday, O'Brien, Patrick, Piercy, Ross, Scott, Showalter, Sorrel, Walden, White, Willey, and Wood of Plumas—63.

NOES—Messrs. Clark, DeLong, Harvey, Heacock, Hill, Irwin, Ryan, Shafter, Sharp, Thomas, Adams, Avery, Baechtel, Blair, Briggs, Burnell, Clarke, Conness, Councilman, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Ford, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Montgomery, Morgan, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Wood of Yolo, and Wright—47.

So the motion prevailed.

Whereupon the Senate returned to their chamber.

IN ASSEMBLY.

At twenty minutes past two o'clock, P. M. on motion of Mr. Crocker, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 20th, 1861. }

House met pursuant to adjournment.
The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr Miller made the following report :

Mr. SPEAKER :—The Nevada Delegation, to whom was referred Senate Bill, No. 197, An Act to incorporate the Town of Grass Valley—have had the same under consideration and beg leave to report the same back with an amendment and recommend its passage.

N. C. MILLER,
J. M. AVERY,
E. F. SPENCE,
J. C. EASTMAN.

The rules were suspended, amendments to bill above reported adopted, bill read a third time, and passed.

GENERAL FILE.

Assembly Bill, No. 244, An Act to amend An Act to Fund the debt of the County of Sonoma and to provide for the payment of the same, approved April twentieth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 156, An Act amendatory of, and supplemental to, an Act entitled An Act supplementary to An Act to provide for the Funding the outstanding debt of the City of Oakland and to prevent the creation of new debts by said City ;

Also, Assembly Bill, No. 122, An Act to grant the right to construct and maintain a Ferry across the Salinas River at the City of St. Paul in the County of Monterey—were, the rules being suspended, considered engrossed, read third time, and passed

Senate Bill, No. 125, An Act to convey certain Real Estate—was read third time, and passed.

Assembly Bill, No. 187, An Act to amend an Act entitled An Act concerning Forcible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty—was ordered engrossed.

Assembly Bill, No. 150, An Act to amend An Act concerning Forcible Entries and Unlawful Detainers :

Also, Assembly Bill, No. 181, An Act to amend an Act entitled An Act amendatory of an Act entitled An Act to regulate Fees in Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven, approved April twenty-second, eighteen hundred and fifty-nine—were indefinitely postponed.

Senate Bill, No. 136, An Act authorizing Gustave Touchard, Executor of the estate of Henry Mathey, deceased, to sell the Real Estate of said Henry Mathey, deceased, at public or private sale—was read third time, and passed.

Senate Bill, No. 18, An Act to provide a Commission to co-operate with one appointed on behalf of the United States to ascertain and mark a portion of the Eastern Boundary Line of this State—amendments adopted, considered in Committee of the Whole, reported with amendments and recommended, amendments adopted, read third time, and passed.

SPECIAL ORDER.

Assembly Bill, No. 110, An Act granting the right to lay a Railroad Track through certain Streets in the City of Sacramento and to use and maintain the same—special order of the day, was postponed until Wednesday, March twenty-seventh, at one o'clock, P. M.

Assembly Bill, No. 252, An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the official terms of certain Officers therein mentioned—also special order, was ordered engrossed.

REPORTS.

Reports were made as follows :

By Mr. Curtis :

MR. SPEAKER:—The Sacramento Delegation, to which was referred Senate Bill, No. 104, An Act to grant to certain parties the right of laying a Railroad Track along certain Streets within the City and County of Sacramento—have had the same under consideration and report it back with amendments and recommend its passage as amended.

CURTIS.
CROCKER.

I concur in the above report and amendments, except that portion which permits the parties to build the road without the permission of the Supervisors of the City and County of Sacramento.

A. ADAMS.

By Mr. Powell, from minority :

MR. SPEAKER:—The undersigned, one of the Sacramento Delegation, to whom was referred Senate Bill, No. 104, granting to certain parties therein named the right to construct a Railroad along certain Streets in the City of Sacramento—dissent from, and protest against, the adoption of the report and amendments submitted by his colleagues, Messrs. Crocker, Curtis, and Adams.

One of the amendments embrace subjects over which this House has no control, and another embraces the manner and substance of a bill heretofore reported and been made a special order.

The undersigned would therefore ask the rejection of the amendments proposed, and recommend the passage of said Senate Bill, No. 104, without amendment.

POWELL.

Assembly Bill, No. 228, An Act to proscribe the number and pay of Attachés of the Legislature and the Per Diem of the Members, also special order of the day, was considered in Committee of the Whole—recommended to special committee of five with instructions.

Mr. Campbell moved to reconsider the vote by which the House on yesterday passed Senate Bill, No. 116, An Act supplementary to an Act entitled An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo, approved April twenty-sixth eighteen hundred and fifty-eight.

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

Mr. White demanded the previous question.

Sustained.

On the motion to indefinitely postpone the motion to reconsider, Messrs. Briggs, Campbell, and Clarke, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 40—noes, 20 :

AYES—Messrs. Adams, Chandler, Cherry, Coleman, Covarrubias, Curtis, Denniston, Dougherty, Durst, Flanders, Ford, Foster, Gordon, Green, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Holman, Horrell, Hunter, Lippincott, Morrison, Munday, O'Brien,

Piercy, Powell, Ross, Tilden, Tilton, Walden, White, Willey, Wood of Plumas, Wood of Yolo, and Wright—40.

NOES—Messrs. Amyx, Bacchtel, Banks, Blair, Briggs, Buell, Campbell, Childs, Clarke, Conness, Crocker, Hill, Johnson, Lalor, Miller, Montgomery, Porter, Spence, Stearns, and Tittel—20.

At two o'clock, p. m. the House took a recess to meet the Senate in Joint Convention.

IN JOINT CONVENTION.

The convention met pursuant to adjournment.

The Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Edgerton and Haynes.

Assembly roll called.

All present.

Journal of preceding convention read and approved.

Mr. Wood of Plumas withdrew the name of J. W. Denver as a candidate for United States Senator.

FOR U. S. SENATOR—NINETEENTH BALLOT.

The Secretary then called the roll for a nineteenth ballot, with the following result:

NAMES.	McDougal	Nugent...	Phelps ...	Weller...	Hoge	Bowie
Burbank			1			
Chase... ..	1					
Clark	1					
Crittenden.....		1				
De la Guerra.....		1				
De Long.....					1	
Denver		1				
Dickinson		1				
Eagan		1				
Franklin				1		
Gallagher		1				
Harvey.....	1					
Heacock			1			
Hill	1					
Irwin.....	1					
Logan		1				
Merritt		1				
Parks				1		
Pico		1				
Rhodes			1			
Ryan	1					
Shafter			1			
Sharp	1					
Thomas.....	1					

NAMES.	McDougall	Nugent ...	Phelps ...	Weller ...	Hoge ...	Bowie ...
Thornton		1				
Warmcastle		1				
Watson		1				
Watt		1				
Williamson		1				
Adams	1					
Amyx				1		
Avery			1			
Baechtel				1		
Banks			1			
Blair			1			
Briggs			1			
Burnell	1					
Buell		1				
Campbell			1			
Chandler		1				
Cherry			1			
Childs		1				
Clark			1			
Coleman	1					
Coltrin	1					
Conness	1					
Councilman			1			
Covarrubias	1					
Crocker			1			
Curtis		1				
Denniston	1					
Dougherty	1					
Durst	1					
Eastman					1	
Fargo			1			
Flanders			1			
Ford			1			
Foster	1					
Gillette		1				
Gordon				1		
Green	1					
Gregory		1				
Hagans		1				
Hanson		1				
Harriman			1			
Harris		1				
Harrison		1				
Haun		1				
Henderson	1					
Hill	1					
Holman		1				
Horrell		1				

NAMES.	McDougall	Nugent ...	Phelps ...	Weller...	Hoge	Bowie
Hunter.....	1					
Johnson.....		1				
Kungle		1				
Kurtz.....		1				
Lalor.....		1				
Laspeyre		1				
Lippincott.....		1				
Magruder		1				
Montgomery				1		
Morgan.....			1			
Morrison.....		1				
Munday.....		1				
O'Brien.....		1				
Patrick		1				
Porter.....			1			
Powell	1					
Ross.....		1				
Scott		1				
Showalter		1				
Smith, of Tulare.....						1
Smith, of Placer.....	1					
Sorrel		1				
Spence			1			
Stearns	1					
Tilden.....	1					
Tilton			1			
Tuttel			1			
Walden.....	1					
Walter.....	1					
White		1				
Willey			1			
Wood, of Plumas		1				
Wood of Yolo.....		1				
Wright	1					

Mr. Leet voted for Mr. Casserly.

Mr. Phelps voted for Mr. Burbank.

Mr. Vance voted for Mr. Parks.

Mr. Watkins voted for Mr. Inge.

Mr. Bradley voted for Mr. Creanor.

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. McDougall received twenty-nine votes.

Mr. Nugent received forty-five votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received six votes.

Mr. Hoge received two votes.

Mr. Creanor received one vote.
 Mr. Inge received one vote.
 Mr. Casserly received one vote.
 Mr. Burbank received one vote.
 Mr. Parks received one vote
 Mr. Bowie received one vote.

Messrs. Piercy and Miller declined voting.

There being no election, no one having received a majority of all the votes cast—

Mr. DeLong moved that the convention adjourn to Friday, March twenty-second, at two o'clock, P. M.

Lost.

FOR U. S. SENATOR—TWENTIETH BALLOT.

The Secretary called the roll for the twentieth ballot, with the following result :

NAMES.	McDougal	Nugent ...	Phelps	Weller	Hoge	Bowie
Burbank .....		...	1			
Chase	1					
Clark	1					
Crittenden		1				
De la Guerra.....		1				
Denver.....		1				
Dickinson		1				
Eagan		1				
Franklin.....				1		
Gallagher		1				
Harvey	1					
Heacock			1			
Hill.....	1					
Irwin	1					
Logan		1				
Merritt		1				
Parks				1		
Pico		1				
Rhodes.....			1			
Ryan	1					
Shafter			1			
Sharp	1					
Thomas.....	1					
Thornton.....		1				
Vance.....	1					
Warmcastle.....		1				
Watson		1				
Watt		1				
Williamson.....		1				
Adams	1					
Amyx				1		
Avery			1			

NAMES.	McDougall	Nugent ...	Pielps	Weller	Hooge	Bowie
Baechtel				1		
Banks			1			
Blair.....			1			
Briggs.....			1			
Burnell	1					
Buell		1				
Campbell.....			1			
Chandler		1				
Cherry			1			
Childs.....		1				
Clark.....			1			
Coleman	1					
Coltrin	1					
Conness.....	1					
Councilman.....			1			
Covarrubias	1					
Crocker			1			
Curtis.....		1				
Denniston	1		1			
Doughterty.....	1					
Durst	1					
Eastman					1	
Fargo			1			
Flanders.....			1			
Ford			1			
Foster	1					
Gillette		1				
Gordon.....				1		
Green	1					
Gregory.....		1				
Hagans		1				
Hanson		1				
Harriman			1			
Harris		1				
Harrison		1				
Haun		1				
Henderson.....	1					
Hill.....	1					
Holman		1				
Horrell		1				
Hunter	1					
Johnson		1				
Kungle		1				
Kurtz		1				
Lalor		1				
Laspeyro		1				
Magruder		1				
Montgomery.....				1		

NAMES.	McDougall	Nugent ...	Phelps	Weller	Hoge	Bowie
Morgan			1			
Morrison		1				
Munday		1				
O'Brien		1				
Patrick		1				
Piercy				1		
Porter			1			
Powell	1					
Ross		1				
Scott		1				
Showalter		1				
Smith of Tulare						1
Smith of Placer	1					
Sorrel		1				
Spence			1			
Stearns	1					
Tilden	1					
Tilton			1			
Tittel			1			
Walden.....	1					
Walter	1					
White		1				
Willey			1			
Wood of Plumas		1				
Wood of Yolo..		1				
Wright.....	1					

Mr Leet voted for Mr. Casserly.

Mr Phelps voted for Mr. Burbank.

Mr Watkins voted for Mr. Harris.

Mr. Bradley voted for Mr. Creanor.

Whole number of votes cast, one hundred and ten.

Necessary to a choice, fifty-six.

Mr. McDougall received thirty votes.

Mr. Nugent received forty-four votes.

Mr. Phelps received twenty-three votes.

Mr. Weller received seven votes.

Mr. Casserly received one vote.

Mr. Burbank received one vote.

Mr. Harris received one vote.

Mr. Creanor received one vote.

Mr. Hoge received one vote.

Mr. Bowie received one vote.

There being no election—no one having received a majority of all the votes cast—

Mr. Gallagher moved that the convention adjourn to Friday, March twenty-second, eighteen hundred and sixty-one, at two o'clock, P. M.

FOR U. S. SENATOR—TWENTY-FIRST BALLOT.

The Secretary called the roll for the twenty-first ballot, with the following result :

NAMES.	McDougal	Nugent...	Phelps...	Waller...	Hoge....	Bowie....
Burbank.....			1			
Chase	1					
Clark	1					
Crittenden		1				
De la Guerra		1				
DeLong					1	
Denver		1				
Dickinson.....		1				
Eagan		1				
Franklin.....				1		
Gallagher.....		1				
Harvey	1					
Heacock			1			
Hill	1					
Irwin	1					
Logan		1				
Merritt.....		1				
Parks				1		
Pico		1				
Rhodes			1			
Ryan	1					
Shafter			1			
Sharp	1					
Thomas.....	1					
Thornton		1				
Vance.....	1					
Warmcastle		1				
Watkins.....		1				
Watt		1				
Williamson.....		1				
Adams.....	1					
Amyx				1		
Avery			1			
Baechtel				1		
Banks			1			
Bradley		1				
Briggs.....			1			
Burnell.....	1					
Buell.....		1				
Campbell			1			
Chandler.....		1				
Cherry			1			
Childs		1				
Clarke			1			
Coleman	1					

NAMES.	McDougall	Nugent....	Phelps ...	Weller	Hoge	Bowie
Coltrin	1					
Conness	1					
Councilman.....			1			
Covarrubias	1					
Crocker.....			1			
Curtis.....		1				
Denniston	1					
Dougherty	1					
Durst.....	1					
Eastman.....					1	
Fargo			1			
Flanders			1			
Ford			1			
Foster	1					
Gillette		1				
Gordon				1		
Green	1					
Gregory		1				
Hagans		1				
Hanson		1				
Harriman.....			1			
Harris.....		1				
Harrison.....		1				
Haun.....		1				
Henderson	1					
Hill	1					
Holman		1				
Horrell		1				
Hunter	1					
Johnson		1				
Kungle		1				
Kurtz		1				
Lalor.....		1				
Laspeyre		1				
Magruder		1				
Montgomery				1		
Morgan.....			1			
Munday		1				
O'Brien.....		1				
Patrick		1				
Piercy				1		
Porter			1			
Powell.....	1					
Ross.....		1				
Scott		1				
Showalter.....		1				
Smith of Tulare.....						1
Smith of Placer.....	1					

NAMES.	McDougall	Nugent ...	Phelps ...	Weller ...	Hoge	Bowie
Sorrel		1				
Spence].....			1			
Stearns	1					
Tilden	1					
Tilton		1				
Tittel.....		1				
Walden.....	1					
Walter	1					
White		1				
Willey.....			1			
Wood of Plumas.....		1				
Wood of Yolo.....		1				
Wright.....	1					

Mr. Leet voted for Mr. Casserly.

Mr. Phelps voted for Mr. Burbank.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. McDougall received thirty votes.

Mr. Nugent received forty-four votes.

Mr. Phelps received twenty-two votes.

Mr. Weller received seven votes.

Mr. Hoge received two votes.

Mr. Burbank received one vote.

Mr. Bowie received one vote.

Mr. Casserly received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Kungle moved that the convention adjourn *sine die*.

Upon which, the ayes and noes were demanded, by Messrs. Kungle, Laspeyre, and Wood of Plumas, of the Assembly, and taken with the following result: Ayes, 29—noes, 74:

AYES—Messrs. Burbank, Crittenden, Franklin, Leet, Merritt, Parks, Pico, Shafter, Thornton, Warmcastle, Amyx, Bradley, Clarke, Councilman, Crocker, Flanders, Gordon, Haun, Holman, Kungle, Laspeyre, Magruder, Montgomery, Morgan, Porter, Scott, Showalter, Sorrel, and Willey—29.

NOES—Messrs. Chase, Clark, De la Guerra, DeLong, Denver, Eagan, Gallagher, Harvey, Hill, Irwin, Logan, Rhodes, Ryan, Sharp, Thomas, Vance, Watkins, Watson, Watt, Williamson, Adams, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Gillette, Green, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Hunter, Johnson, Kurtz, Lalor, Lippincott, Miller, Morrison, Munday, O'Brien, Patrick, Piercy, Powell, Ross, Smith of Tulare, Smith

of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Wood of Plumas, and Wright—74.

So the motion was lost.

Mr. Chandler moved that the convention adjourn to Friday, March twenty-second, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. Magruder and Fargo of the Assembly, and Mr. Irwin of the Senate, and taken with the following result: Ayes, 36—noes, 75 :

AYES—Messrs. Crittenden, De la Guerra, De Long, Denver, Dickinson, Egan, Franklin, Gallagher, Irwin, Logan, Merritt, Pico, Warmcastle, Watkins, Watson, Watt, Williamson, Buell, Chandler, Childs, Crocker, Eastman, Gillette, Hanson, Harrison, Holman, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Morrison, O'Brien, Ross, and Scott—36.

NOES—Messrs. Burbank, Chase, Clark, Harvey, Heacock, Hill, Leet, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Vance, Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Burnell, Campbell, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Curtis, Denniston, Dougherty, Durst, Fargo, Flanders, Ford, Foster, Gordon, Green, Gregory, Hagans, Harriman, Harris, Haun, Henderson, Hill, Horrell, Hunter, Montgomery, Morgan, Munday, Patrick, Piercy, Porter, Powell, Showalter, Smith of Tulare, Smith of Placer, Sorrell, Spence, Stearns, Tilden, Tilton, Tittel, Walden, Walter, White, Willey, Wood of Plumas, Wood of Yolo, and Wright—75.

So the motion was lost.

FOR U. S. SENATOR—TWENTY-SECOND BALLOT.

The Secretary called the roll for the twenty-second ballot, with the following result :

NAMES.	McDougall	Nugent ...	Phelps....	Weller....	Hoge.....	Bowie.....
Burbank	1					
Chase.....	1					
Clark.....	1					
Crittenden.		1				
De la Guerra.....		1				
DeLong	1					
Denver.....		1				
Dickinson		1				
Egan		1				
Franklin				1		
Gallagher.....		1				
Harvey	1					
Heacock	1					
Hill	1					
Irwin	1					
Logan.....		1				
Merritt		1				
Parks				1		
Phelps.....	1					

NAMES.	McDougal	Nugent ...	Phelps ...	Weller ...	Hoge	Bowie
Pico.....		1				
Rhodes	1					
Ryan.....	1					
Shafter	1					
Sharp.....	1					
Thomas	1					
Thornton		1				
Vance	1					
Warmcastle		1				
Watson		1				
Watt.....		1				
Williamson		1				
Adams.....	1					
Amyx				1		
Avery	1					
Baechtel				1		
Banks.....	1					
Blair	1					
Bradley		1				
Briggs	1					
Burnell	1					
Buell.....		1				
Campbell	1					
Chandler		1				
Cherry.....	1					
Childs		1				
Clark	1					
Coleman	1					
Coltrin.....	1					
Conness	1					
Councilman	1					
Crocker			1			
Curtis		1				
Denniston	1					
Dougherty.....	1					
Durst.....	1					
Eastman	1					
Fargo	1					
Flanders	1					
Ford.....	1					
Foster.....	1					
Gillette		1				
Gordon				1		
Green	1					
Gregory		1				
Hagans.....		1				
Hanson		1				
Harriman	1					

NAMES.	McDongall	Nugent ...	Phelps	Weller	Hoge	Bowie
Harris.....		1				
Harrison		1				
Haun		1				
Henderson	1					
Hill	1					
Holman		1				
Horrell		1				
Hunter	1					
Johnson.....		1				
Kung.e		1				
Kurtz.....		1				
Lalor.....		1				
Laspeyre.....		1				
Lippincott		1				
Magruder		1				
Miller.....		1				
Montgomery				1		
Morgan	1					
Morrison		1				
Munday.....		1				
O'Brien		1				
Patrick		1				
Piercy	1					
Porter.....	1					
Powell.....	1					
Ross		1				
Scott		1				
Showalter		1				
Smith of Tulare	1					
Smith of Placer	1					
Sorrel.....		1				
Spence	1					
Stearns.....	1					
Tilden.....	1					
Tilton	1					
Tittel	1					
Walder	1					
Walter.....	1					
White		1				
Wiley	1					
Wood of Plumas		1				
Wood of Yolo.....		1				
Wright.....	1					

Mr. Leet voted for Mr. Casserly.
 Mr. Watkins voted for Major Anderson.
 Mr. Covarrubias voted for Mr. Creanor.
 Mr. Crocker voted for Mr. Phelps.

Whole number of votes cast, one hundred and thirteen.

Necessary to a choice, fifty-seven.

Mr. McDougall received fifty-six votes.

Mr. Nugent received forty-seven votes.

Mr. Weller received six votes.

Mr. Phelps received one vote.

Mr. Creanor received one vote.

Mr. Casserly received one vote.

Major Anderson received one vote.

The President of the convention announced the following to be the result:

Whole number of votes cast, one hundred and eleven.

Necessary to a choice, fifty-six.

Mr. McDougall received fifty-six votes.

Mr. Nugent received forty-seven votes.

Mr. Weller received six votes.

Mr. received one vote.

Mr. Creanor received one vote.

[Omitting the votes cast for Mr. Casserly and Major Anderson.]

Also, declared that Mr. James A. McDougall having received a majority of all the votes cast, was duly elected United States Senator, to fill the vacancy which has occurred by the expiration of the term of the Hon. Wm. M. Gwin.

After much confusion, the President further announced that the business for which the convention had assembled having been accomplished, he declared the convention adjourned *sine die*.

Whereupon the Senate returned to their chamber.

IN ASSEMBLY.

At half past four o'clock, p. m. on motion of Mr. Campbell, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 21st, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday was read and approved.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Flanders, for An Act to amend an Act entitled An Act to authorize the Board of Supervisors, the Auditor, and the Treasurer, of

the City and County of San Francisco, to provide for the actual and prospective deficiency in the Corporation Debt Fund of said City and County for the fiscal years eighteen hundred and fifty-nine and eighteen hundred and sixty, approved April sixth, eighteen hundred and sixty;

Also, for An Act to authorize the modification or alteration of the grade of certain Streets in the City of San Francisco;

Also, for An Act to amend an Act entitled An Act to provide for the funding and payment of the outstanding and unfunded Claims against the City of San Francisco as they existed prior to the first day of July, A. D. eighteen hundred and fifty-six, approved April twentieth, eighteen hundred and fifty-eight;

Also, An Act to authorize the City and County of San Francisco to protect the Water Front of said City—

Were read first and second times, and referred to the San Francisco Delegation.

By Mr. Conness, for An Act to amend An Act fixing the time when the General Laws shall take effect.

Read first and second times, and placed on file.

Mr. Durst, from Committee on Hospitals, made the following report :

Your Committee on State Hospitals have visited the State Insane Asylum, at the city of Stockton. The general outer aspect of the institution is very inviting. The grounds are exquisitely and tastefully laid out, and highly cultivated. Of the sanitary condition of the entire institution, your committee can speak in the highest terms, with one material exception, which is, the erection of the mad-house. The cells in said mad-house are entirely too small, and very imperfectly ventilated. The construction of said mad-house so illy comports with what your committee think it should, that they believe that no State, at this period of the world, should be willing, under any circumstances, to use it for the purposes for which it was constructed. The crime the State will commit, in incarcerating those poor, unfortunate, creatures in said mad-house, is of a nature in atrocity unpardonable. We think the cells should be superseded, in all cases, and for all purposes, in the asylum, by well ventilated rooms.

We find, by referring to the *American Journal of Medical Sciences*, of January, eighteen hundred and fifty-seven, edited by Isaac Hays : Article twenty-two. Reports of the New American Institution for the Insane, on page one hundred and fifty-six, he says, in his comments on the strong rooms, (in this having particular reference to the strong rooms of the Massachusetts Insane Asylum, constructed in eighteen hundred and fifty-four) : During the eight months since this hospital was opened, there have been received every class of patients. Of the two hundred and eleven who came from Worcester Hospital, no reduction was made in our favor ; of the one hundred and nineteen received since, it is fair to suppose that the average share were troublesome patients ; and, if not, it would be exceedingly improbable that there should not have been a few, at least, who would try the system thoroughly. But not a single case has occurred to make us feel the need of anything different from the ordinary room. Vigilance, attention, and kindness, are stronger than bars of iron. The only mechanical, or forcible, means of restraint made use of in this hospital, are the ordinary leathern strap, passed around the waist, with leathern rings attached for the wrists, and the camisole. The former we use with male patients, when required, which is seldom, only

one man wearing them at the present time, and often none being in use in the house. The latter is now the only means used with females

Your committee are of the opinion that instead of constructing a mad-house, the State should have purchased additional ground. They were much in need of an additional wing, and had no proper grounds whereupon to erect the same, in conjunction with the main building.

In the opinion of your committee, the police department of the institution is conducted in a manner that reflects credit upon the State.

In the financial department, we find a full and complete record, in detail, of the outlays for the institution. We find the contract system having been closely adhered to, according to law. Your committee believe, however, it to be their duty to recommend the amending of section five of the act establishing the Insane Asylum, in such a manner as to give less latitude to the construction of said section, recommending the law to be so amended as to give the Superintendent a fixed salary, sufficient to enable him to supply his own house out of his own purse

It would be a pleasure to your committee, if they could report as favorably of the curative department of the institution as we have been enabled to do of the sanitary, police, and financial, departments. The general health of the inmates of the institution, it is true, is good; but the first great and high object to be attained by and through the institution, is the restoring of those lamentably unfortunate creatures to reason immediately, or in the briefest possible period, and also discover, disclose, and treasure up, new light and knowledge upon the subject of treatment, whether moral, or medical, in this startling malady. The aid that this State might, and should, thus give to science, and thus indirectly greatly and afflicted humanity beyond her borders, would add power and luster to her pillar of greatness well worthy to be sought for by her. In these things, in the opinion of your committee, the institution has not attained what is reasonably expected of it.

In the first place, your committee found that a record of treatment of cases has not been kept; their treatment and progress from time to time has not been recorded. This neglect, in the judgment of your committee, should not be lightly passed over. By referring to the law establishing the Insane Asylum, we find that the Superintendent had the power to employ attachés, (as apothecaries,) if more help was needed, to enable him to do full justice, particularly to the curative department. In consequence of the neglect to keep a case book, the experience of the institution is lost to science, and lost to the institution; for her past experience cannot, under existing circumstances, revert to her future good to any practical degree.

It has occurred to your committee that all cases that find their way into the Insane Asylum of our State, are recent; for it is a notorious fact that as soon as persons are found to be insane, they are hurried off to the asylum without delay, and then, of course, put under treatment at once, which is different, in older States, or other countries, where there is a different condition of society. Persons in other countries losing their reason, are surrounded with kindred and friends, who exhaust every means at their command to restore their unfortunate kindred, or friend, to reason, without subjecting them to a residence in the Insane Asylum; and in such efforts, from eight months to a year, or even a longer time, is consumed, before the removing of the patient to the asylum is concluded upon. By referring to the report of the Southern Ohio Insane Asylum, for a particular year, we find that about one-third of the admissions for

that year, were cases of over a year's standing. And your committee feel satisfied that the same rule obtains at least in all other asylums in our own country, the Stockton Asylum excepted. We all must know that many cases of temporary insanity in the older States, never find their way within the doors of an asylum—that character of cases that would naturally be desired by the Superintendent of an Insane Asylum, who felt a great pride in excelling in the per centage of cures. It must be apparent to every one, that in this State, every case of insanity finds its way into the asylum, no matter how temporary the case may be. And your committee would express a further opinion, that it being a fact that the exciting causes to insanity in this State surpass those of any other country, it follows as a matter of course, that many persons become insane in this country who would not have fallen victims to the malady, had they remained at home among their friends, where the exciting causes are not so powerful. And this further fact suggests itself in this connection: that in cases of insanity wherein the existing, predisposing, causes are not so strong, and the exciting causes powerful, (which they must be, when the predisposition is not strong,) that the case is more curable than when the reverse is the case. We must, however, always recollect the importance of early treatment; and to the establishment of the importance of that fact, your committee would here, in conclusion, cite the following reliable authorities:

We take the following extract from the *British and Foreign Medical and Chirurgical Review* for July, eighteen hundred and sixty, page sixty-nine:

"Dr. Kirkbride, Physician to the Pennsylvania Hospital for the Insane, in his book on the *Construction and Organization of Hospitals for the Insane*, says, (page two,) of recent cases of insanity properly treated, between eighty and ninety per cent recover; of those neglected, or improperly managed, very few get well.

At St. Luke's Hospital, London, where the rules require that the disorder be not more than of one year's duration, on admission, the cures have averaged sixty-two per cent during the last ten years.

In the third report of Dr. Hitchman, that able physician writes, (page five): "It cannot be too often repeated, that the date of the patient's illness at the time of admission, is the chief circumstance which determines whether four patients in a hundred, or seventy in a hundred, shall be discharged cured."

The following is from the *Select Medical Library* (new series) and *Bulletin of Medical Science*, for July, eighteen hundred and forty-one, book three, page forty-nine:

"Since it has been found that upwards of eighty insane patients in the hundred, can be restored to the enjoyment of their mental faculties, when the malady is treated in its earliest stages, we may consider insanity as a disease as likely to be relieved, as any other affection."

In connection with these authorities we will give a statement of the admissions, discharges, and deaths, in the Stockton Asylum, since the first of December, eighteen hundred and fifty-eight, to the twenty-eighth of February, eighteen hundred and sixty-one, a period of twenty-seven months, excluding from this statement all persons in the asylum previous to December one, eighteen hundred and fifty-eight—thus presenting a basis of recent cases:

Number admitted.....	600
Number discharged.....	208
Number died.....	74
Per cent. discharged.....	32
Per cent. died.....	12½

We find in the report of Dr Langdon, that during the first three months he had charge of the institution, the number of patients discharged, exceeded the number admitted. When he (Langdon,) took charge of the institution, the number of patients on hand was one hundred and eighty-eight; admitted, thirty-nine; discharged, sixty-one.

Signed :

D. P. DURST,
Chairman.

SPENCE,
COLEMAN,
FORD,
SMITH

Mr Laspeyre offered a Concurrent Resolution, Relative to the election of United States Senator, and providing for the appointment of a committee.

- At twelve o'clock, M the House took a recess for the purpose of meeting the Senate in Joint Convention to elect Physicians and Trustees of the State Insane Asylum.

IN JOINT CONVENTION.

In accordance with a Concurrent Resolution adopted by both branches of the Legislature the Senate and Assembly met in Joint Convention this twenty-first day of March, eighteen hundred and sixty-one, at two o'clock, P M for the purpose of electing a Resident, and Visiting, Physician, and two Trustees, for the State Insane Asylum, at Stockton.

Hon. R. Irwin, President *pro tem.* of the Senate, and R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Mr. Edgerton.

House roll called.

Absent—Mr Wright

The Clerk of the House by direction of the President read a Concurrent Resolution by authority of which the Convention met.

On motion of Mr. Parks, the rules of the Senate were adopted, with the exception of Rules Twenty-Seven and Twenty-Nine

On motion of Mr Shafter, the Twenty-Ninth Rule above excepted, was adopted

On motion of Mr. Amyx, two Tellers were appointed.

The President appointed Mr. Rhodes of the Senate and Mr. Henderson of the House, as such Tellers.

The President then announced nominations for Resident Physician to be in order, whereupon—

Mr. De Long nominated Dr. W. T. Tilden

Mr. Morrison nominated Dr. W. D. Aylette.

Mr Magruder nominated Dr. S. T. Thomas.

Mr. Parks nominated Dr. R. P. Ellis.

Mr. Blair nominated Dr. A. J. Spencer.

RESIDENT PHYSICIAN—FIRST BALLOT

There being no further nominations the Secretary by direction of the President called the roll for the first ballot, with the following result :

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis	Spencer...
Burbank					1
Chase		1			
Clark		1			
Crittenden	1				
De Leng		1			
Denver				1	
Dickinson	1				
Eagar	1				
Franklin	1				
Gallagher				1	
Harvey		1			
Haynes				1	
Irwin		1			
Leet			1		
Logan				1	
Merritt	1				
Phelps					1
Pico	1				
Rhodes					1
Ryan		1			
Shafter					1
Sharp		1			
Thomas			1		
Thornton	1				
Vance	1				
Warmcastle	1				
Watkins	1				
Watson		1			
Watt	1				
Williamson	1				
Adams		1			
Amyx	1				
Avery					1
Baechtel			1		
Banks					1
Blair					1
Bradley	1				
Briggs					1
Burnell		1			
Buell				1	
Campbell					1
Chander	1				
Cherry					1
Childs				1	

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis.....	Spencer...
Clark				1	1
Coleman				1	
Coltrin		1			
Conness		1			
Councilman					1
Crocker					1
Curtis	1				
Dougherty		1			
Durst		1			
Eastman		1			
Fargo					1
Flanders					1
Ford					1
Foster			1		
Gillette	1				
Gordon	1				
Green		1			
Gregory	1				
Hagans	1				
Hanson	1				
Harriman			1		
Harris	1				
Harrison			1		
Haun	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell				1	
Hunter		1			
Johnson	1				
Kungle	1				
Lalor	1				
Laspeyre	1				
Lippincott		1			
Magruder			1		
Miller			1		
Montgomery	1				
Morgan					1
Morrison	1				
Munday			1		
O'Brien		1			
Patrick	1				
Piercy				1	
Porter					1
Powell		1			
Scott	1				
Showalter	1				
Smith of Tulare				1	

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis	Spencer...
Smith of Placer			1		
Sorrel	1				
Spence					1
Stearns.....		1			
Tilden				1	
Tilton					1
Tittel.....					1
Walden				1	
White.....				1	
Willey					1
Wood of Plumas			1		
Wood of Yolo	1				

Whole number of votes cast, one hundred and four.

Necessary to a choice, fifty-three.

Mr. Tilden received twenty-three votes.

Mr. Ayette received thirty-five votes.

Mr. Thomas received eleven votes.

Mr. Ellis received thirteen votes.

Mr. Spencer received twenty-two votes.

After the above roll was called for the first ballot, and before the result was announced by the President, Mr. Gallagher, not being within the bar of the House when his name was called, asked that his name should be again called, that he might vote.

The President decided that, according to rule twenty-nine, just adopted, he had no right to vote, not being within the bar of the House when his name was first called.

Mr. Gallagher appealed

The question being, shall the decision of the chair stand as the judgment of the Convention, the roll was called with the following result :

AYES—Messrs. Burbank, Chase, Clark, Dickinson, Eagan, Haynes, Heacock, Parks, Phelps, Rhodes, Shafter, Sharp, Thornton, Vance, Warmcastle, Williamson, Adams, Avery, Banks, Barnell, Buell, Coleman, Coltrin, Crocker, Dougherty, Durst, Eastman, Fargo, Flanders, Gordon, Henderson, Hill, Laspeyre, Montgomery, Morgan, Piercy, Porter, Powell, Spence, Stearns, Tilton, Tittel, Willey, and Wood of Plumas,—45.

NOES—Messrs. Crittenden, DeLong, Denver, Franklin, Gallagher, Harvey, Logan, Merritt, Pico, Ryan, Thomas, Watson, Watt, Amyx, Baechtel, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Childs, Clarke, Conness, Councilman, Curtis, Ford, Foster, Gillette, Green, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Holman, Horrell, Hunter, Johnson, Kungle, Lalor, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Walden, White, and Wood of Yolo—58.

So the decision of the chair was not sustained, and the Secretary called the name of Mr. Gallagher, that he might vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—SECOND BALLOT.

The Secretary called the roll for the second ballot, with the following result:

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis	Spencer...
Burbank		1			
Chase		1			
Clark		1			
Crittenden	1				
Denver			1		
Dickinson	1				
Eagan	1				
Franklin	1				
Gallagher				1	
Harvey		1			
Haynes				1	
Irwin		1			
Leet			1		
Logan				1	
Merritt	1				
Phelps					1
Pico	1				
Rhodes			1		
Ryan		1			
Shafter		1			1
Sharp		1			
Thomas			1		
Thornton	1				
Vance	1				
Warmcastle	1				
Watson ...		1			
Watt	1				
Williamson	1				
Adams		1			
Amyx.....	1				
Avery					1
Baechtel			1		
Banks					1
Blair					1
Bradley	1				
Briggs					1
Burnell		1			
Buell				1	
Campbell					1
Chandler	1				
Cherry					1
Childs				1	

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis	Spencer...
Clark					1
Coleman				1	
Coltrin		1			
Conness		1			
Councilman					1
Crocker				1	
Curtis	1				
Dougherty		1			
Durst		1			
Eastman		1			
Fargo					1
Flanders					1
Ford					1
Foster			1		
Gillette	1				
Gordon	1				
Green		1			
Gregory	1				
Hagans	1				
Hanson	1				
Harriman			1		
Harris	1				
Harrison			1		
Haun	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell	1				
Hunter		1			
Johnson	1				
Kungle	1				
Lalor	1				
Laspeyre	1				
Lippincott		1			
Magruder			1		
Miller			1		
Montgomery	1				
Morgan					1
Morrison	1				
Munday			1		
O'Brien		1			
Patrick	1				
Piercy				1	
Porter					1
Powell		1			
Scott	1				
Smith, of Tulare				1	
Smith, of Placer			1		

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis	Spencer...
Sorrel	1				
Spence				1	
Stearns		1			
Tilton					1
Tittel		1			
Walden				1	
Walter		1			
White				1	
Wiley					1
Wood, of Plumas			1		
Wood of Yolo	1				

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-one.

Mr. Tilden received twenty-five votes.

Mr. Ayette received thirty-four votes.

Mr. Thomas received thirteen votes.

Mr. Ellis received twelve votes.

Mr. Spencer received seventeen votes.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—THIRD BALLOT.

The Secretary called the roll for the third ballot, with the following result:

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis	Spencer...
Burbank		1			
Chase		1			
Clark		1			
Crittenden	1				
DeLong		1			
Denver				1	
Dickinson			1		
Eagan	1				
Franklin	1				
Gallagher				1	
Harvey		1			
Haynes				1	
Irwin		1			
Leet			1		

NAMES.	Ayette ...	Tuden	Thomas...	Ells	Spencer...
Logan				1	
Merritt	1				
Phelps.....				1	
Pico	1				
Rhodes.....			1		
Ryan		1			
Shafter					1
Sharp.....		1			
Thomas.....			1		
Thornton.....	1				
Vance.....	1				
Warmcastle.....	1				
Watson		1			
Watt	1				
Williamson.....	1				
Adams		1			
Amyx.....	1				
Avery					1
Baechtel			1		
Banks					1
Bradley	1				
Briggs.....					1
Burnell		1			
Buell				1	
Campbell.....					1
Chandler	1				
Cherry			1		
Childs.....				1	
Clark.....					1
Coleman				1	
Coltrin		1			
Conness.....		1			
Cour cilman.....		1			
Crocker				1	
Curtis.....	1				
Doughterty.....		1			
Durst ...		1			
Eastman		1			
Fargo					1
Flanders			1		
Ford					1
Foster			1		
Gillette	1				
Gordon.....	1				
Green		1			
Gregory.....	1				
Hagans	1				
Hanson .	1				

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis	Spencer...
Harris	1				
Harrison			1		
Henderson.....		1			
Hill.....		1			
Holman	1				
Horrell	1				
Hunter		1			
Johnson	1				
Kungle	1				
Lalor	1				
Laspeyro	1				
Magruder			1		
Miller			1		
Montgomery.....	1				
Morgan					1
Morrison	1				
Munday			1		
O'Brien		1			
Patrick	1				
Piercy ..				1	
Porter			1		
Powell.....		1			
Scott	1				
Showalter	1				
Smith of Tulare				1	
Smith of Placer.....			1		
Sorrel	1				
Spence		1			
Stearns		1			
Tilden				1	
Tilton					1
Walden....				1	
Walter		1			
White				1	
Willey			1		
Wood of Plumas			1		
Wood of Yolo..	1				

Whole number of votes cast, ninety-nine.

Necessary to a choice, fifty.

Mr. Tilden received twenty-six votes.

Mr. Aylette received thirty-three votes.

Mr. Thomas received sixteen votes.

Mr. Ellis received fourteen votes.

Mr. Spencer received ten votes.

There being no election—no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—FOURTH BALLOT.

The Secretary called the roll for the fourth ballot, with the following result:

NAMES.	Aylette ...	Tuden ...	Thomas...	Ellis	Spencer...
Burbank.....	.....	1	.....	.....	.....
Chase .....	.....	1	.....	.....	.....
Clark .....	.....	1	.....	.....	.....
Crittenden	1	.....	.....	.....	.....
DeLong .....	.....	1	.....	.....	.....
Denver.. ..	.....	.....	.....	1	.....
Dickinson.....	.....	.....	1	.....	.....
Eagan	1	.....	.....	.....	.....
Franklin.....	1	.....	.....	.....	.....
Gallagher.....	1	.....	.....	.....	.....
Harvey .....	.....	1	.....	.....	.....
Haynes.....	.....	.....	.....	1	.....
Irwin .....	.....	1	.....	.....	.....
Leet.....	.....	.....	1	.....	.....
Logan .....	.....	.....	.....	1	.....
Merritt	1	.....	.....	.....	.....
Phelps.....	.....	1	.....	.....	.....
Rhodes.....	.....	.....	1	.....	.....
Ryan .....	.....	1	.....	.....	.....
Shafter .....	.....	.....	.....	.....	1
Sharp .....	.....	1	.....	.....	.....
Thomas.....	.....	.....	1	.....	.....
Thornton	1	.....	.....	.....	.....
Vance.....	1	.....	.....	.....	.....
Warmcastle.....	1	.....	.....	.....	.....
Watson .....	.....	1	.....	.....	.....
Watt.....	1	.....	.....	.....	.....
Williamson.....	1	.....	.....	.....	.....
Adams.....	.....	1	.....	.....	.....
Amyx	1	.....	.....	.....	.....
Avery .....	.....	.....	.....	.....	1
Baechtel.....	.....	.....	1	.....	.....
Banks .....	.....	.....	.....	.....	1
Blair.....	.....	1	.....	.....	.....
Bradley	1	.....	.....	.....	.....
Briggs.....	.....	.....	1	.....	.....
Burnell.....	.....	1	.....	.....	.....
Buell.....	.....	.....	.....	1	.....
Campbell .....	.....	1	.....	.....	.....
Chandler.....	.....	.....	1	.....	.....
Cherry .....	.....	.....	1	.....	.....
Clarke .....	.....	.....	1	.....	.....
Coleman.....	.....	.....	.....	1	.....
Coltrin .....	.....	1	.....	.....	.....
Conness .....	.....	1	.....	.....	.....

NAMES.	Aylette ...	Tilden	Thomas...	Ellis	Spencer...
Councilman.....		1			
Curtis.....	1				
Dougherty		1			
Durst.....		1			
Eastman.....		1			
Fargo		1			
Flanders			1		
Foster			1		
Gillette.....	1				
Gordon	1				
Green		1			
Gregory	1				
Hagans			1		
Hanson	1				
Harriman.....			1		
Harris.....	1				
Harrison.....			1		
Haun.....	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell				1	
Hunter		1			
Johnson	1				
Kungle	1				
Lalor.....	1				
Laspeyre	1				
Lippincott		1			
Magruder			1		
Miller			1		
Montgomery	1				
Morgan.....					1
Morrison.....	1				
Munday			1		
O'Brien.....		1			
Piercy				1	
Porter			1		
Powell.....		1			
Scott	1				
Showalter.....	1				
Smith of Tulare.....				1	
Smith of Placer.....			1		
Sorrel	1				
Spence			1		
Stearns.. ..		1			
Tilden				1	
Tilton					1
Walden.....				1	

NAMES.	Aylette...	Tilden...	Thomas...	Ellis.....	Spencer...
Walter	1	.....	.....	.....
White	1	.....
Willey.....	1	.....	.....
Wood of Plumas.....	1	.....	.....
Wood of Yolo.....	1	.....	.....	.....	.....

Whole number of votes cast, ninety-eight.

Necessary to a choice, forty-five.

Mr. Tilden received thirty votes.

Mr. Aylette received thirty votes.

Mr. Thomas received twenty-two votes.

Mr. Ellis received eleven votes.

Mr. Spencer received five votes.

There being no election, no one having received a majority of all the votes cast—

Mr. Gregory moved that the convention adjourn until Friday, the twenty-second March, eighteen hundred and sixty-one, at two o'clock, P. M.
Lost.

FOR RESIDENT PHYSICIAN—FIFTH BALLOT.

The Secretary called the roll for the fifth ballot, with the following result:

NAMES.	Aylette...	Tilden...	Thomas...	Ellis.....	Spencer...
Burbank .....	.....	1	.....	.....	.....
Chase.....	.....	1	.....	.....	.....
Clark .....	.....	1	.....	.....	.....
Crittenden.	1	.....	.....	.....	.....
DeLong .....	.....	1	.....	.....	.....
Denver .....	.....	.....	.....	1	.....
Dickinson .....	.....	.....	1	.....	.....
Eagan.....	1	.....	.....	.....	.....
Franklin	1	.....	.....	.....	.....
Gallagher.....	1	.....	.....	.....	.....
Harvey.....	.....	1	.....	.....	.....
Haynes.....	.....	.....	.....	1	.....
Heacock .....	.....	1	.....	.....	.....
Irwin .....	.....	1	.....	.....	.....
Leet.....	.....	.....	1	.....	.....
Logan.....	.....	.....	.....	1	.....
Merritt	1	.....	.....	.....	.....
Phelps.....	.....	1	.....	.....	.....
Rhodes .....	.....	.....	1	.....	.....

NAMES	Aylette ..	Tilden...	Thomas...	Ellis	Spencer...
Ryan	1	1			
Sharp	1	1			
Thomas	1				
Thornton	1				
Vance	1				
Warmcastle		1			
Watson		1			
Watt	1				
Williamson	1				
Adams		1			
Amyx	1				
Avery					1
Baechtel			1		
Banks					1
Blair					1
Bradley	1				
Briggs			1		
Burnell		1			
Buell			1		
Campbell		1			
Chandler			1		
Cherry			1		
Childs				1	
Clark			1		
Coleman			1		
Coltrin		1			
Conness		1			
Councilman		1			
Crocker				1	
Curtis	1				
Dougherty		1			
Durst		1			
Eastman		1			
Flanders			1		
Ford		1			
Foster			1		
Gillette	1				
Gordon	1				
Green		1			
Gregory	1				
Hagans				1	
Hanson	1				
Harriman			1		
Harris	1				
Harrison			1		
Haun			1		
Henderson		1			
Hill		1			

NAMES.	Aylotte ...	Tilden ...	Thomas...	Ellis	Spencer...
Holman	1				
Horrell	1				
Hunter		1			
Johnson.....	1				
Kungle	1				
I alor.....	1				
Laspeyre.....	1				
Lippincott		1			
Magruder			1		
Miller.....			1		
Montgomery	1				
Morgan					1
Morrison	1				
Munday			1		
O'Brien		1			
Patrick	1				
Piercy				1	
Porter.....			1		
Powell		1			
Scott	1				
Showalter	1				
Smith of Tulare				1	
Smith of Placer ...			1		
Sorrel.....	1				
Sperce			1		
Stearns		1			
Tilden.....				1	
Tilton					1
Walden				1	
Walter.....				1	
White				1	
Willey			1		
Wood of Plumas			1		
Wood of Yolo.....	1				

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-two.

Mr. Tilden received twenty-nine votes.

Mr. Aylotte received thirty-one.

Mr. Thomas received twenty-three votes.

Mr. Ellis received thirteen votes.

Mr. Spencer received five votes.

There being no election, no one having received a majority of all the votes cast—

Mr. Morrison moved that the convention adjourn until to-morrow at two o'clock, P. M.

Mr Burbank moved to amend—To adjourn to seven o'clock this evening.
Lost.

Question recurring on Mr. Morrison's motion, was put and lost.

FOR RESIDENT PHYSICIAN—SIXTH BALLOT.

The Secretary then called the roll for the sixth ballot, with the following result:

NAMES.	Ayette ...	Tilden ...	Thoms...	Ells	Spencer...
Burbank	1	1			
Chase	1	1			
Clark	1	1			
Crittenden ..	1				
De Long	1	1			
Denver				1	
Dickinson ..			1		
Eagan	1				
Franklin	1				
Gallagher	1				
Harvey		1			
Haynes				1	
Heacock		1			
Irwin		1			
Leet			1		
Logan				1	
Merritt ..	1				
Phelps		1			
Rhodes ..			1		
Ryan		1			
Shafter					1
Sharp		1			
Thomas			1		
Thornton	1				
Vance	1				
Warmcastle	1				
Watson	1				
Watt	1				
Williamson	1				
Adams		1			
Amyx	1				
Avery					1
Baechtel			1		
Banks					1
Blair		1			
Bradley	1				
Briggs			1		
Burnell		1			
Buell				1	
Campbell		1			
Chandler			1		
Cherry			1		

NAMTS.	Avette ...	Tilden ...	Thomas...	Ellis	Spencer ...
Childs.....				1	
Clark			1		
Coleman ..				1	
Coltrin		1			
Conness		1			
Councilman		1			
Crocker.....				1	
Curtis	1				
Dougherty		1			
Durst.....		1			
Eastman		1			
Fargo		1			
Flanders			1		
Ford		1			
Foster			1		
Gillette	1				
Gordon	1				
Green		1			
Gregory	1				
Hagens ..				1	
Hanson	1				
Harriman			1		
Harris	1				
Harrison			1		
Haun	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell	1				
Hunter.....		1			
Johrson	1				
Kungle ..	1				
Lalor	1				
Laspeyre	1				
Lippincott ..		1			
Magruder ..			1		
Miller			1		
Montgomery.....	1				
Morgan					1
Morrison	1				
Munday.....			1		
O'Brien		1			
Patrick	1				
Piercy				1	
Porter.....			1		
Powell		1			
Scott	1				
Showalter..	1				

NAMES.	Aylette...	Tilden...	Thomas...	Ellis.....	Spencer...
Smith of Tulare				1	.....
Smith of Placer			1		.....
Sorrel	1				.....
Spence			1		.....
Stearns		1			.....
Tilden				1	.....
Tilton					1
Walden				1	.....
Walter		1			.....
White.....				1	.....
Willey		1			.....
Wood of Plumas			1		.....
Wood of Yolo	1				.....

Whole number of votes cast, one hundred and three.

Necessary to a choice, fifty-two.

Mr. Tilden received thirty-two votes

Mr. Aylette received thirty-three votes.

Mr. Thomas received twenty votes.

Mr. Ellis received thirteen votes

Mr. Spencer received five votes

There being no election—no one having received a majority of all the votes cast—

On motion of Mr. Smith of Tulare, the convention adjourned to meet on Friday, March twenty-second, eighteen hundred and sixty-one, at two o'clock, P. M.

Whereupon the Senate returned to their chamber.

IN ASSEMBLY.

At half-past two o'clock, P. M. on motion of Mr. Hunter, the House adjourned

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 22d, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present

Journal of yesterday read and approved

On motion of Mr. Conness, the Journal of yesterday was so amended as to leave the following Concurrent Resolution, offered by Mr. Laspeyre, and adopted on yesterday, spread at length on the Journal:

WHEREAS, doubts exist as to the accuracy of the count of the votes given in Joint Convention yesterday for the office of Senator of the United States; therefore, be it—

Resolved, By the Assembly, the Senate concurring, that a committee of three be appointed by the Speaker, to act with a similar committee on the part of the Senate, for the purpose of properly investigating the matter, and they be requested to report the result of their investigations as early as practicable.

The Speaker appointed Messrs. Laspeyre, Conness, and Fargo, such committee.

PETITIONS.

Petitions were presented as follows :

By Mr. Flanders, Of property owners on Stuart Street, San Francisco, for extension of Street

Referred to the San Francisco Delegation.

By Mr. Curtis, Of Sacramento Turn Verein, for exemption of Taxation. Referred to the Sacramento Delegation.

REPORTS.

Reports were made as follows :

By Mr. Walden :

MR. SPEAKER :—The Committee on Claims, to whom was referred Senate Bill, No. 138, An Act making an appropriation for the payment of the claim of James R. Hardenbergh for Postage Stamps furnished Senate, Eleventh Session—beg leave to report the same back, and recommend its passage ;

Also, Senate Bill, No. 137, An Act making an appropriation for the payment of I. & S. Wormser, assignees of William Dougherty and J. C. Lewis, for Newspapers furnished Senate, Eleventh Session—beg leave to report the same back, and recommend its passage ;

Also, Assembly Bill, No. 219, An Act to appropriate Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy—and report the same back, without recommendation ;

Also, Assembly Bill, No. 285, An Act for the relief of C. E. Curtis—and report the same back, and recommend that it do not pass.

WALDEN,

Chairman.

By Mr. Curtis :

MR. SPEAKER :—The Committee on Corporations, to whom was referred Assembly Bill, No. 276, An Act to incorporate the Town of Hornitas—beg leave to report the same back, and recommend its passage.

N. GREENE CURTIS,

Chairman.

The rules were suspended, the bill above reported considered engrossed, read a third time, and passed.

By Mr. Campbell :

MR. SPEAKER :—The Judiciary Committee, to whom was referred certain bills, having considered the same, ask leave to make the following report :

Assembly Bill, No. 217, An Act to authorize the Controller of State to make a settlement of certain Fees with the Treasurer of San Bernardino

County—with a recommendation that it be referred to the Committee on Ways and Means;

Also, Assembly Bill, No. 31, An Act to authorize County Judges to hold Terms of the County Courts, Courts of Sessions, and Probate Courts, in other Counties than their own—with the recommendation that it do not pass;

Also, Assembly Bill, No. 271, An Act to regulate the Interest of Money—with the recommendation that it be indefinitely postponed;

Also, Assembly Bill, No. 243, An Act to provide for the appointment and compensation of Counsel for the defense in Criminal Cases—with the recommendation that it be indefinitely postponed;

Also, Assembly Bill, No. 246, An Act to amend An Act supplementary to An Act concerning the Courts of Justice of this State, and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three—amended, and its passage recommended as amended;

Also, Senate Bill, No. 119, An Act to ascertain and correct the errors and defects of the Statute Laws of this State—amended, and its passage recommended;

Also, Assembly Bill, No. 53, An Act to repeal an Act entitled An Act to prohibit the collection of Accounts for Liquors sold at retail—with the recommendation that it do pass;

Also, substitute for Assembly Bill, No. 53—with the recommendation that it be indefinitely postponed;

Also, Senate Bill, No. 175, An Act to authorize the Guardian of the Minor Heirs of E. A. Farwell, deceased, to sell Real Estate at public or private sale—with the recommendation that it do not pass;

Also, Assembly Bill, No. 277, An Act concerning Leases—with the recommendation that it be indefinitely postponed.

CAMPBELL,
Chairman

By Mr. Munday :

MR. SPEAKER :—Your Committee on Counties and County Boundaries, to whom was referred certain petitions, asking for the organization of Lake County, beg leave to report a bill back to the House, and recommend its passage.

MUNDAY,
Chairman.

The bill above reported, was read first and second times, and placed on file

By Mr. Stearns :

MR. SPEAKER :—The Committee on Agriculture have had under consideration Assembly Bill, No. 165, An Act to protect Sheep and Lambs in this State—and report the same back, with a substitute, and recommend the passage of the substitute;

Also, Assembly Bill, No. 202, An Act to repeal An Act restricting the herding of Sheep to certain Pastures in the Counties of Sonoma and Marin, and the acts amendatory thereof—report the same back, with a substitute, and recommend the passage of the substitute.

STEARNS,
Chairman.

By Mr. Henderson :

MR. SPEAKER :—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 240, An Act supplementary

to, and explanatory of, the First Section of An Act to provide a fund for the redemption of, and prescribing the manner of, redeeming the Outstanding Warrants drawn upon the Treasury of Tuolumne County, and further to provide for the payment of all the Current Expenses of said County in Cash, approved February twenty-second, eighteen hundred and sixty-one;

Also, Assembly Bill, No. 252, An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the official Terms of certain Officers therein mentioned;

Also, Assembly Bill, No. 236, An Act to authorize the Board of Supervisors of San Diego County to levy a Special Tax to be applied for County Jail purposes;

Also, Assembly Bill, No. 156, An Act amendatory of, and supplementary to, an Act entitled 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.

HENDERSON.

By Mr. Adams:

MR. SPEAKER:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill, No. 133, An Act to appropriate Money for the purpose of taking testimony in regard to certain Swamp and Overflowed Lands—have had the same under consideration, and report it back, and recommend that it be indefinitely postponed.

They have also had under consideration Senate Bill, No. 109, An Act amendatory of an Act entitled An Act for the relief of Purchasers of Lands from the State of California—and beg leave to report the same back, and recommend that it be referred to the Judiciary Committee

ADAMS,

Chairman.

By Mr. Childs:

MR. SPEAKER:—The Committee on Roads and Highways, have considered Assembly Bill, No. 267, An Act concerning Roads and Highways in the County of Klamath—and propose amendments to the same and recommend its passage as amended.

CHILDS,

Chairman.

By Mr. Johnson:

MR. SPEAKER:—The San Luis Obispo Delegation, to whom was referred Assembly Bill, No. 284, An Act to authorize J. C. Cissna to build a Wharf in the Bay of San Luis Obispo and providing for the same—report the same back, with amendments, and recommend its passage as amended.

JOHNSON.

By Mr. Flanders:

MR. SPEAKER:—I am instructed by the San Francisco Delegation to report back Assembly Bill, No. 251, An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco—and recommend the passage of the bill;

Also, Senate Bill, No. 154, An Act entitled An Act in relation to the Water Front adjacent to Block, No. 9, in the City and County of San Francisco—with an amendment, and recommend the passage of the bill as amended;

Also, Senate Bill, No. 148, An Act authorizing the Board of Supervisors

of the City and County of San Francisco to procure Chambers for the Judges of certain Courts—and recommend the passage of the bill ;

Also, Assembly Bill, No. 247, 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, approved April nineteenth, eighteen hundred and fifty-six—with an amendment, and recommend the passage of the bill as amended ;

Also, Assembly Bill, No. 307, An Act entitled An Act to authorize the President of the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco, to provide for the actual and prospective deficiency in the Corporation Debt Fund of said City and County for the fiscal years eighteen hundred and fifty-nine and eighteen hundred and sixty, approved April sixth, eighteen hundred and sixty—without amendment, and recommend the passage of the bill ;

Also, Assembly Bill, No. 259, An Act in relation to the Common Pound in the City and County of San Francisco—with an amendment, and recommend the passage of the bill as amended ;

Also, Assembly Bill, No. 308, An Act to amend an Act entitled An Act to provide for the funding and payment of the outstanding unfunded Claims against the City of San Francisco, as they existed prior to the first day of July, A. D. eighteen hundred and fifty-six, approved April twentieth, eighteen hundred and fifty-eight—without amendment, and recommend its passage.

All of which is respectfully submitted.

FLANDERS,

For the Delegation.

By Mr. Briggs :

MR. SPEAKER :—The Committee on Public Morals, to whom was referred Assembly Bill, No. 51, An Act to prevent the amalgamation of the different Races of Men in this State—have had the same under consideration, and report the same, with amendments, and recommend its passage as amended.

BRIGGS,

Chairman.

Also, by Mr. Briggs :

MR. SPEAKER :—The Santa Clara Delegation, to whom was referred Assembly Bill, No. 212, An Act to authorize the Board of Supervisors of Santa Clara County to take and subscribe Three Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto—have had the same under consideration, and report the same back, with the following amendments, and recommend the passage of the bill, with the amendments, to wit :

SECTION 1. Strike out the words, where they occur in said section, “on the first Tuesday,” and insert “on the third Tuesday,” so as to read “on the third Tuesday of May next.”

SEC. 9. Strike out, where they occur in said section, the words “ten per cent. of the whole amount of said bonds issued under this act,” and insert “not exceeding fifteen cents on the one hundred dollars’ worth of taxable property in said county.” Insert before the last section the following section, to wit :

SEC. 17. The subscription of stock authorized by virtue of the provisions of this act shall be made by said Board of Supervisors on the

books of said company, upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed, and that this provision, as to the liability of said county shall be a part of, and be expressly stipulated in, all contracts made by said company for the construction and equipment of said road; and in case the said company shall fail, or refuse, to make such stipulation in all of their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal, and the said county shall never make any other or further subscription to the capital stock of said company than that provided for by this act.

Respectfully submitted.

BRIGGS,
MORGAN.

By Mr. Tilton:

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred Senate Bill, No. 132, An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco—have considered and amended the same, and report it back, recommending its passage as amended.

TILTON,
For a majority of Delegation.

By Mr. Banks:

Mr. SPEAKER:—The minority of the San Francisco Delegation, to whom was referred Senate Bill, No. 154—having considered the same, recommend its passage, with the accompanying amendment, as a new section:

“When directed to do so by the Board of Supervisors of the city and county of San Francisco, said parties shall, at their own expense, construct, operate, and maintain, a draw in said street, so as to admit of the use of said street for ordinary street purposes. Said draw shall be constructed, operated, and maintained, under the supervision of the Superintendent of Streets of said city and county.

BANKS,
CLARKE,
TITTEL.

Also,

Mr. SPEAKER:—The minority of the San Francisco Delegation, to whom was referred Senate Bill, No. 132—having considered the same, respectfully recommend that it do not pass, for reasons formerly assigned against the establishment of toll-gates in the streets of the city and county of San Francisco.

J. A. BANKS,
ALEX. CAMPBELL,
T. G. E. TITTEL.

By Mr. Denniston:

Mr. SPEAKER:—The San Mateo Delegation, to whom was referred Assembly Bill, No. 224, An Act to authorize the Board of Supervisors of San Mateo County to take and subscribe One Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters pertaining thereto—have had the same under consideration, and report the same back, with the following amendments, and recommend the passage of the bill, with the amendments, to wit:

SECTION 1. Strike out the words, when they occur in said section, "on the first Tuesday," and insert "on the third Tuesday," so as to read "on the third Tuesday of May next."

SEC. 9. Strike out, where they occur in said section, the words "ten per cent. of the whole amount of said bonds issued under this act," and insert "not exceeding twenty-five cents on the one hundred dollars' worth of property of said county."

- Insert before the last section the following section, to wit :

SEC. 17. The subscription of stock authorized by virtue of the provisions of this act shall be made by said Board of Supervisors on the books of said company, upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed; and this provision, as to the liability of said county, shall be a part of, and be expressly stipulated in all contracts made by said company for the construction and equipment of said road; and in case the said company shall fail, or refuse, to make such stipulation in all of their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made them at the time of such failure, or refusal, and the said county shall never make any other, or further, subscription to the capital stock of said company than that provided for by this act.

Respectfully submitted.

JAMES G. DENNISTON.

By Mr. Adams :

MR. SPEAKER :—The Sacramento Delegation, to whom was referred Assembly Bill, No. 264, An Act to amend An Act to repeal an Act passed March twenty-first, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento, and the several Acts amendatory thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight—have had the same under consideration, and beg leave to report the same back, with certain amendments, and recommend that the bill be passed, with amendments.

ADAMS,
POWELL,
CURTIS.

By Mr. Harris :

MR. SPEAKER :—The Committee of Free Conference, appointed by the Senate and Assembly, to consider Assembly Bill, No. 41, An Act for the collection of Delinquent Taxes in the County of Butte for the purpose of adjusting the difference between the two Houses—recommend that the word "fifty per cent." be stricken from Senate amendment, and insert in lieu thereof the words "eighteen per cent."

All other amendments to be concurred in.

P. H. HARRIS,

Also,

Chairman of House Committee.

MR. SPEAKER :—The Delegation from Butte County, to whom was referred Senate Bill, No. 198—have had the same under consideration, and report the bill back, and recommend its passage, without amendment.

P. H. HARRIS.

Verbal reports were made as follows :

By Mr. Laspyre, recommending the passage of Assembly Bill, No. 156, An Act to grant certain Wharf privileges to Paul Shirley and T. B. Storer, and their assigns.

By Mr. Flanders, recommending the passage of Assembly Bill, No. 309, An Act to authorize the modification or alteration of certain Streets in the City and County of San Francisco.

Rules suspended, considered engrossed, read a third time and passed.

By Mr. Smith of Tulare, recommending the passage of Senate Bill, No. 68

By Mr. Porter, recommending the passage of Senate Bill, No. 147.

By Mr. Curtis :

MR. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 226, An Act supplementary to an Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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—have had the same under consideration, and report it back, and recommend its passage.

CURTIS,
For the Delegation.

By Mr. Foster :

MR. SPEAKER:—Your committee to whom was referred Assembly Bill, No. 182, An Act amendatory of, and entitled 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 twenty-first—beg leave to report the same back, and recommend its passage.

FOSTER,
HUNTER,
CONNES.

By Mr. Hill :

MR. SPEAKER:—The undersigned, a majority of the El Dorado Delegation, to whom was referred Assembly Bill, No. 182—having had said bill under consideration, report the same back, and recommend that it be indefinitely postponed.

HILL,
HENDERSON,
GREEN,
COLTRIN,
COLEMAN.

By Mr. Piercy :

MR. SPEAKER:—The Los Angeles and San Bernardino delegations, to whom was referred Assembly Bill, No. 304, An Act to authorize the construction of a Turnpike Road through the Cajon Pass, in San Bernardino County—have had the same under consideration, and report the same back, without amendment, and unanimously recommend its passage.

PIERCY,
For the Delegation.

Mr. Laspeyre verbally reported and recommended the passage of Assembly Bill, No. 299, An Act to provide for the removing of Obstructions in the Mokelumne River, and to devise Ways and Means for carrying the same into effect.

By Mr. Magruder :

MR. SPEAKER:—The Yuba and Butte delegations, to whom was referred Senate Bill, No. 155, An Act to change the Boundary Line between

the Counties of Butte and Yuba, at the Woodville House—have had the same under consideration, and report the bill back, and recommend that it be referred to the Committee on Counties and County Boundaries.

MAGRUDER,

On behalf of Delegation.

By Mr. Blair :

Mr. SPEAKER :—The Santa Clara and Monterey delegations report back Assembly Bill, No. 162, with a substitute, and recommend that the substitute do pass.

BLAIR,

For Delegation.

By Mr. Tilton :

Mr. SPEAKER :—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 125, An Act concerning certain Officers of the County of Los Angeles ;

Also, Assembly Bill, No. 94, An Act to change the name of Myer Moses to Moses Myer ;

Also, Assembly Bill, No. 169, An Act fixing the Salary and Fees of the District Attorney of San Bernardino County ;

Also, Assembly Bill, No. 218, An Act to repeal so much of an Act entitled An Act supplemental to An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirtieth, eighteen hundred and sixty.

TILTON,

Chairman.

By Mr. Dougherty :

Mr. SPEAKER :—Your Committee of Ways and Means, to whom was referred Assembly Bill, No. 248, entitled An Act to amend An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said Counties for the years eighteen hundred and fifty-nine and eighteen hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka, approved April eighteenth, eighteen hundred and fifty-nine—have had the same under consideration, and beg leave to report that they cannot recognize the correctness of the principle contained in this bill of appropriating in that way the revenue collected for general purposes to be applied to the locality where collected, as it would ultimately result, if such precedent be established, in a total loss of that portion of the revenue for public purposes, as every county in the State would ask a similar grant.

Your committee, therefore, recommend the indefinite postponement of the bill, and would suggest that the object may be attained by the passage of an act levying a special tax for the purpose ;

Also, Assembly Bill, No. 298, An Act making an appropriation for the Salary of the State Librarian, and recommend its passage ;

Also, Assembly Bill, No. 173, An Act appropriating Money for the benefit of the Home of the Inebriate.

A majority of your committee recommend that it do not pass, and a minority recommend its passage by striking out "six thousand," and inserting "two thousand," which amount will cover their present indebtedness, and pay the rent of the institution for one year.

JOHN DOUGHERTY,

Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 19th, 1861. }

To the Honorable the Assembly of California :

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 27, An Act concerning the Infant Heirs and Devisees of Bernardo Yorba.

JOHN G. DOWNEY,
Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER, }
March 20th, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 167, An Act for the relief of William L. Patterson ;

Also, Senate Bill, No. 169, An Act to amend an Act entitled An Act to regulate Fees in Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven ;

Also, Senate Bill, No. 100, An Act to amend an Act entitled An Act amendatory of An Act supplementary to An Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April nineteenth, eighteen hundred and fifty-nine.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 167, above reported—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 169, above reported—was read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 100, above reported—was read first and second times, and referred to the Sacramento Delegation.

SENATE CHAMBER, }
March 20th, 1861. }

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 199, An Act to create the County of Esmeralda, to define its Boundaries, and provide for its Organization.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 199, above reported—was read first and second times, and referred to Special Committee.

SENATE CHAMBER, }
Monday, March 18th, 1861. }

Mr. SPEAKER:—The Senate, on Saturday, March sixteenth, eighteen hundred and sixty-one, passed Senate Bill, No. 192, An Act to authorize the Board of Supervisors of the County of Tehama to levy, assess, and collect, certain Taxes in said County ;

Also, Senate Bill, No. 189, An Act authorizing the Board of Trustees

of the Oroville Cemetery to give to purchasers of Lots their proper Certificates of Purchase, and to manage the said Cemetery ;

Also, Senate Bill, No. 158, An Act to authorize Henry B. Platt and James Gallagher to construct a Wharf at the foot of Third Street, in the City and County of San Francisco.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 158, above reported—was read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill, No. 189, above reported—was read first and second times, and referred to the Butte Delegation.

Senate Bill, No. 192, above reported—was read first and second times, and placed on file.

SENATE CHAMBER,
March 21st, 1861. }

Mr. SPEAKER :—The Senate also, on Saturday, March sixteenth, eighteen hundred and sixty-one, passed Senate Bill, No. 54, An Act to amend an Act entitled An Act to amend An Act to exempt the Homestead from forced sale and other Property, approved April twenty-eighth, eighteen hundred and sixty ;

Also, Senate Bill, No. 191, An Act to appropriate Money to pay the Claim of L. B. Richardson ;

Also, Senate Concurrent Resolution, No. 25, Relative to adjournment *sine die* ;

Also, Assembly Bill, No. 30, An Act to authorize Joseph J. Cloud to construct and maintain a Wharf at Punta Arena, in the County of Mendocino, with amendments ;

Also, on yesterday, passed Assembly Bill, No. 130, An Act authorizing James P. Sargeant, the Guardian of Poliearpia Chebollo, a Minor, to sell at private sale the Lands and Real Estate of said Minor ;

Also, Assembly Bill, No. 85, An Act to provide for the construction of a Bridge in the City of Nevada, with amendments ;

Also, Senate Bill, No. 194, An Act to grant the right of way for a Turnpike Road, and to confer certain privileges to certain parties therein named in Sutter County.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 85, above reported.

Senate Bill, No. 194, above reported—was read first and second times, and referred to the Committee on Claims.

The House concurred in Senate amendments to Assembly Bill, No. 30, above reported.

Senate Bill, No. 191, above reported—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 54, above reported—was read first and second times, and referred to the Judiciary Committee.

Concurrent Resolution, No. 25, above reported—was laid on the table.

SPECIAL ORDER.

Assembly Bills, Nos. 54 and 192, special order for this day—were continued until the twenty-fifth of March, at twelve o'clock, M.

Assembly Bills, Nos. 66 and 281, also special order for this day—were continued until March twenty-seventh, at one o'clock, P. M.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Powell, for An Act conferring further powers upon the Board of Supervisors of Sacramento County;

Also, An Act to provide for the payment of the Claim of W. W. Upton.

By Mr. Morgan, for An Act to provide for the payment of State Bond, No. 260, issued February twenty-fifth, eighteen hundred and fifty

By Mr. Porter, for An Act to provide for the better support of Common Schools in Contra Costa County.

By Mr. Flanders, for An Act to amend an Act entitled 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 first, eighteen hundred and fifty-one, approved April twentieth, eighteen hundred and fifty-eight;

Also, for An Act to repeal an Act entitled An Act to provide for the permanent location of the Seat of Government of the State of California at Sacramento City, passed February twenty-fifth, eighteen hundred and fifty-four, and fix the same at San Francisco

By Mr. Miller, for An Act amendatory of An Act to provide for the collection of Delinquent Taxes in the County of Nevada, approved March fifth, eighteen hundred and sixty-one.

By Mr. Fargo, for An Act to encourage the Cultivation of Cotton in this State.

Mr. Campbell introduced a resolution providing for the payment of Rent for Committee Rooms.

Referred to Committee on Accounts and Expenditures.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Conness, for An Act providing for the permanent improvement of the Stock Grounds belonging to the State Agricultural Society.

Read first and second times, and referred to the Agricultural Committee.

By Mr. Ross, for An Act authorizing John A. Rudasil to construct a Turnpike, or Gravel Road, in the County of Sonoma.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Munday, for An Act to amend An Act concerning Roads and Highways in the County of Placer, approved April thirtieth, eighteen hundred and sixty;

Also, for An Act to amend An Act concerning the Indigent Sick in the County of Placer.

Read first and second times, and referred to the Placer Delegation.

By Mr. Baechtel, for An Act concerning Roads and Highways in the County of Mendocino.

Read first and second times, and referred to the Committee on Roads and Highways;

Also, for An Act to amend Section Twelve of An Act to define the Boundaries, and provide for the Organization of Mendocino County, approved March eleventh, eighteen hundred and fifty-nine;

Also, for An Act supplementary to An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional Tax for County purposes, approved April thirteenth, eighteen hundred and fifty-nine—

Were read first and second times, and placed on file.

By Mr. Curtis, for An Act to amend Section Thirty-Six of an Act entitled An Act to repeal An Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento, and the several Acts amendatory of, and supplementary thereto, and to incorporate the City and County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Johnson, for An Act to fix the Compensation of the County Judge of San Luis Obispo County, and to repeal in part the First Section of an Act entitled An Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions, passed May seventeenth, eighteen hundred and fifty three.

Read first and second times, and placed on file.

By Mr. Morgan, for An Act to authorize the Board of Supervisors of Santa Clara County to pay certain School Warrants out of the General Fund.

Read first and second times, and referred to the Santa Clara Delegation.

By Mr. Coleman, for An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Laspeyre, for An Act making appropriations for Deficiencies made for the Twelfth Fiscal Year ending June thirtieth, eighteen hundred and sixty-one.

Read first and second times, considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read a third time and passed

By Mr. Morrison, for An Act to provide for the creation of the County of Tejon.

Read first and second times, and referred to the delegations from Tulare, San Bernardino, and Los Angeles;

Also, An Act to amend an Act entitled An Act to provide for the better encouragement of the culture of the Vine and the Olive, approved April eleventh, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Banks, for An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times and referred to the Committee on Ways and Means.

By Mr. Briggs, for An Act for the observance of the Sabbath.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Tilton, for An Act to regulate and license Intelligence Offices in the City and County of San Francisco.

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

Mr. O'Brien made the following report:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts, having had under consideration sundry bills, have examined the same, find them correct, and recommend their payment out of the Contingent Fund of the Assembly, as follows:

Purpose.	Amount.
Account of Conly & Patrick, for nineteen copies of the Daily San Joaquin Republican, furnished Members of the Assembly from February fourth to March fourth, \$38, and one copy of the Weekly Republican, 50c.....	\$38 50
Account of Amador Ledger, for fifteen copies of said paper, furnished Members of the Assembly for the Session	45 00
Account of L. A. Holmes, for nineteen copies of the Mariposa Gazette, furnished Members for the Session	57 00
Account of T. & C. H. Mitchell, for five copies of the Placer Herald, furnished Members for the Session.....	15 00
Account of Democratic Signal, for four copies of said paper, furnished Members of Assembly for the Session ..	6 00
Account of Wm. F. Hicks & Co. for twenty-six copies of the Marysville Daily Express, from the twenty-first of January to the eleventh of March, \$91, and one copy from January thirty-first to March fourteenth, \$3	94 00
Account of San Francisco Spirit of the times, for two copies of said paper, furnished to Members of the Assembly for the Session.....	6 00
Account of California Christian Advocate, for five copies, furnished Members of the Assembly for the Session	10 00
Account of W. N. Slocum, for seven copies of the San José Mercury, for Members of the Assembly for the Session	21 00
Account of the Knights' Ferry News, for one copy, furnished a Member of the Assembly for the Session.....	3 00
Account of G. W. Badger, for Table and Desk for Clerk of Committee on Claims	9 50
Total	\$305 00

Respectfully,

O'BRIEN,
Chairman.

Adopted.

GENERAL FILE.

Assembly Bill, No. 123, An Act to create the County of Alturas special order for this day—was made the special order for March twenty-sixth, at twelve o'clock, M.

Assembly Bill, No. 310, An Act to amend An Act fixing the time when the General Laws take effect—rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 261, An Act to amend an Act entitled An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four—was ordered engrossed.

Assembly Bill, No. 157, An Act to provide for Street Railroads within the City and County of San Francisco—amendments adopted, rules suspended, considered engrossed, read a third time and passed.

Mr. White gave notice of reconsideration.

Assembly Bill, No. 254, An Act to amend an Act entitled An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States, approved April twenty-seventh, eighteen

hundred and sixty—substitute adopted, read first and second times, and referred to the Committee on Ways and Means

Assembly Bill, No. 63, An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco—was taken up

Mr. Cherry moved a call of the House.

Carried

The following named members were absent :

Messrs. Bradley, Briggs, Chandler, Childs, Councilman, Crocker, Deniston, Fargo, Gillette, Hanson, Haun, Hill, Johnson, Kurtz, Lalor, Montgomery, Piercy, Scott, Smith of Tulare, Smith of Placer, Tilden, and Tittel

On motion the proceedings under the call were dispensed with, and the amendments adopted

Mr. Cherry moved to amend the first section by striking out "Filbert Street "

Mr. Conness moved the previous question.

Sustained

On amending. Messrs. Cherry, Flanders, and Avery, demanded the ayes and noes, and the amendment was lost by the following vote : Ayes, 24—noes, 37 :

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Chandler, Cherry, Clarke, Coltrin, Crocker, Flanders, Ford, Gillette, Green, Henderson, Holman, Miller, Morgan, Porter, Speuce, Stearns, Tilton, and Walter—24

NOES—Messrs. Baechtel, Bradley, Buell, Childs, Coleman, Conness, Covarrubias, Durst, Eastman, Foster, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Horrell, Hunter, Johnson, Kungle, Kurtz, Laspeyre, Lippincott, Magruder, Morrison, Munday, O'Brien, Patrick, Piercy, Powell, Ross, Showalter, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—37.

The bill was ordered engrossed and made the special order for the twenty-third instant, at one o'clock, P. M.

At two o'clock, P. M. the House took a recess to meet the Senate in Joint Convention for the election of Physicians and Trustees of the Insane Asylum.

IN JOINT CONVENTION.

The Joint Convention met pursuant to adjournment.

Hon. Pablo De la Guerra, President of the Senate, and R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Hill and Edgerton.

House roll called.

Absent—Mr. Wright.

Journal of yesterday's proceedings read and approved.

Mr. Parks withdrew the name of Dr. Ellis as a candidate for Resident Physician of the Insane Asylum at Stockton.

RESIDENT PHYSICIAN—SEVENTH BALLOT.

The Secretary under the direction of the President then called the roll for the seventh ballot for a Resident Physician for the State Insane Asylum, with the following result :

NAMES.	Aylette ...	Tilden	Thomas...	Ellis	Spencer...
Burbank .....	...	1			
Chase... ..	...	1			
Clark .....	...	1			
Crittenden	1				
De la Guerra	1				
De Long .....	...	1			
Denver .....	...		1		
Dickinson .....	...		1		
Eagan	1				
Franklin	1				
Gallagher	1				
Harvey .....	...	1			
Haynes .....	...	1			
Irwin .....	...	1			
Leet .....	...		1		
Logan	1				
Merritt	1				
Parks .....	...		1		
Phelps .... ..	...	1			
Pico	1				
Rhodes .....	...	1			
Ryan .....	...	1			
Shafter .....	...				1
Sharp .....	...	1			
Thomas .....	...		1		
Thornton	1				
Vance	1				
Warmcastle	1				
Watson	1				
Watt	1				
Williamson	1				
Adams .....	...	1			
Amyx.....	1				
Avery .....	...				1
Baechtel.....	...		1		
Banks .....	...	1			
Bradley	1				
Briggs .....	...				1
Burnell .....	...	1			
Buell .....	...		1		
Campbell .....	...	1			
Chandler	1				
Cherry .....	...				1
Childs	1				
Clark .....	...				1
Coleman .....	...	1			
Conness .....	...	1			
Councilman .....	...	1			

NAMES.	Avette...	Thiden...	Thomas...	Ellis.....	Spencer...
Covarrubias	1				
Crocker		1			
Curtis	1				
Denniston		1			
Dougherty		1			
Durst		1			
Eastman		1			
Fargo		1			
Flanders					1
Ford					1
Foster			1		
Gillette	1				
Gordon	1				
Green		1			
Gregory	1				
Hagans			1		
Hanson	1				
Harriman			1		
Harris	1				
Harrison			1		
Haun	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell	1				
Hunter		1			
Johnson	1				
Kungle	1				
Lalor	1				
Laspeyre	1				
Lippincott		1			
Magruder			1		
Miller			1		
Montgomery	1				
Morgan					1
Morrison	1				
Munday			1		
O'Brien		1			
Patrick	1				
Piercy			1		
Porter					1
Powell		1			
Scott	1				
Showalter	1				
Smith, of Tulare			1		
Smith, of Placer			1		
Sorrel	1				
Spence					1

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis	Spencer...
Stearns	1	....	....	....
Tilden	1	....	....
Tilton	1
Tittel	1	....	....	....
Walter	1	....	....	....
White	1	....	....	....
Willey	1
Wood, of Plumas	1	....	....
Wood of Yolo	1	....	....	....	....

Mr. Blair voted for Dr. Bailey.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Tilden received thirty-four votes.

Mr. Aylette received thirty-nine votes.

Mr. Thomas received twenty votes.

Mr. Spencer received twelve votes.

Mr. Bailey received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—EIGHTH BALLOT.

The Secretary called the roll for the eighth ballot, with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis	Spencer...
Burbark .....	....	1	....	....	....
Chase .....	....	1	....	....	....
Clark .....	....	1	....	....	....
Crittenden	1	....	....	....	....
DeLong .....	....	1	....	....	....
Denver .....	....	....	1	....	....
Dickinson .....	....	....	1	....	....
Eagan	1	....	....	....	....
Franklin	1	....	....	....	....
Gallagher	1	....	....	....	....
Harvey .....	....	1	....	....	....
Haynes .....	....	1	....	....	....
Irwin .....	....	1	....	....	....
Leet .....	....	....	1	....	....
Logan	1	....	....	....	....
Merritt	1	....	....	....	....

NAMES.	Aylett ...	Tilden ...	Thomas...	Ellis	Spencer...
Phelps.....		1			
Pico	1				
Rhodes.....		1			
Ryan		1			
Shafter					1
Sharp		1			
Thomas	1				
Thornton.....	1				
Vance	1				
Warnecastle.....	1				
Watson	1				
Watt	1				
Williamson.....	1				
Adams		1			
Amyx	1				
Avery		1			
Baechtel ..			1		
Banks		1			
Blair.....					1
Bradley	1				
Briggs			1		
Burnell		1			
Buell			1		
Campbell.....		1			
Chandler	1				
Cherry					1
Childs	1				
Clark					1
Coleman			1		
Coltrin		1			
Conness		1			
Councilman.....		1			
Covarrubias	1				
Crocker		1			
Curtis.....	1				
Denniston		1			
Doughterty.....		1			
Durst		1			
Eastman		1			
Fargo		1			
Flanders					1
Ford		1			
Foster			1		
Gillette	1				
Gordon.....	1				
Green		1			
Gregory	1				
Hagans			1		

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis	Spencer...
Hanson	1				
Harriman			1		
Harris	1				
Harrison			1		
Haun	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell	1				
Hunter		1			
Johnson	1				
Kungle	1				
Lalor	1				
Laspeyre	1				
Lippincott.....		1			
Magruder			1		
Milner			1		
Montgomery	1				
Morgan					1
Morrison	1				
Munday			1		
O'Brien		1			
Patrick	1				
Piercy			1		
Porter					1
Powell		1			
Scott	1				
Showalter	1				
Smith of Tulare		1			
Smith of Placer.....			1		
Sorrel	1				
Spence					1
Stearns		1			
Tilden			1		
Tilton					1
Tittel		1			
Walden.....			1		
Walter		1			
White		1			
Willey					1
Wood of Plumas			1		
Wood of Yolo.....	1				

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Tilden received thirty-eight votes.

Mr. Aylette received thirty-nine votes.

Mr. Thomas received nineteen votes.

Mr. Spencer received ten votes.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—NINTH BALLOT.

The Secretary called the roll for the ninth ballot, with the following result:

NAMES.	Aylette....	Tilden ...	Thomas...	Spencer...	Ellis
Burbank		1			
Chase		1			
Clark		1			
Crittenden	1				
DeLong		1			
Denver			1		
Dickinson			1		
Eagan	1				
Franklin	1				
Gallagher	1				
Harvey		1			
Haynes		1			
Heacock		1			
Irwin		1			
Leet			1		
Logan	1				
Merritt	1				
Phelps.....		1			
Pico	1				
Rhodes		1			
Ryan		1			
Shafter				1	
Sharp		1			
Thomas			1		
Thornton.....	1				
Vance	1				
Warmcastle	1				
Watson	1				
Watt	1				
Williamson	1				
Adams		1			
Amyx	1				
Avery		1			
Baehtel			1		
Banks		1			
Blair				1	
Bradley	1				
Briggs			1		

NAMES.	Ayette...	Tilden....	Thomas...	Spencer...	Ellis
Burnell		1			
Buell			1		
Campbell		1			
Chandler	1				
Cherry			1		
Childs		1			
Clarke				1	
Coleman			1		
Coltrin		1			
Conness		1			
Councilman		1			
Covarrubias	1				
Crocker		1			
Curtis	1				
Denniston		1			
Dougherty		1			
Durst		1			
Eastman		1			
Fargo		1			
Flanders		1			
Ford		1			
Foster			1		
Gillette	1				
Gordon	1				
Green		1			
Gregory	1				
Hagans			1		
Hanson	1				
Harriman			1		
Harris	1				
Harrison			1		
Haun	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell	1				
Hunter		1			
Johnson	1				
Kungle	1				
Laloi	1				
Laspeyre	1				
Lippincott		1			
Magruder			1		
Miller			1		
Montgomery	1				
Morgan				1	
Morrison	1				
Munday			1		

NAMES.	Aylette ...	Tilden ...	Thomas...	Spencer...	Ellis
O'Brien.....		1			
Patrick	1				
Piercy			1		
Porter				1	
Powell.....			1		
Scott..	1				
Showalter.....	1				
Smith of Tulare.....		1			
Smith of Placer.....			1		
Sorrel	1				
Spence		1			
Stearns... ..		1			
Tilden			1		
Tilton				1	
Tittel		1			
Walden.....			1		
Walter		1			
White			1		
Willey.....				1	
Wood of Plumas.....			1		
Wood of Yolo.....	1				

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Tilden received forty-one votes.

Mr. Aylette received thirty-seven votes.

Mr. Thomas received twenty-one votes.

Mr. Spencer received eight votes.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—TENTH BALLOT.

The Secretary called the roll for the tenth ballot, with the following result :

NAMES.	Aylette...	Tilden ...	Thomas...	Ellis	Spencer...
Burbank		1			
Chase.....		1			
Clark		1			
Crittenden.	1				
DeLong		1			
Denver			1		
Dickinson			1		

NAMES.	Aylote ...	Tilden ...	Thomas...	Ellis	Spencer...
Eagan	1				
Franklin	1				
Gallagher.....	1				
Harvey		1			
Haynes.....		1			
Heacock		1			
Irwin		1			
Leet.....			1		
Logan.....	1				
Merritt	1				
Phelps.....		1			
Pico	1				
Rhodes		1			
Ryan		1			
Shafter					1
Sharp		1			
Thomas			1		
Thornton	1				
Vance	1				
Warmcastle	1				
Watson	1				
Watt.....	1				
Williamson	1				
Adams.....		1			
Amyx.....	1				
Avery		1			
Baechtel			1		
Banks					1
Bradley	1				
Briggs			1		
Burnell		1			
Buehl.....			1		
Campbell		1			
Chandler			1		
Cherry.....					1
Childs		1			
Clark					1
Coleman			1		
Coltrin.....		1			
Conness		1			
Councilman					1
Covarrubias	1				
Crocker		1			
Curtis	1				
Denniston		1			
Dougherty.....		1			
Durst		1			
Eastman		1			

NAMES.	Aylette...	Tilden...	Thomas...	Ellis....	Spencer...
Fargo		1			
Flanders					1
Ford					1
Foster			1		
Gillette	1				
Gordon	1				
Green		1			
Gregory	1				
Hagans	1				
Hanson	1				
Harriman			1		
Harris	1				
Harrison			1		
Haun	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell	1				
Hunter		1			
Johnson	1				
Kungle	1				
Lalor	1				
Laspeyre	1				
Lippincott		1			
Magruder			1		
Miller		1			
Montgomery	1				
Morgan					1
Morrison	1				
Munday			1		
O'Brien		1			
Patrick			1		
Piercy			1		
Porter					1
Powell		1			
Scott	1				
Showalter	1				
Smith of Tulare		1			
Smith of Placer			1		
Sorrel	1				
Spence		1			
Stearns		1			
Tilden			1		
Tilton					1
Tittel		1			
Walden			1		
Walter		1			
White			1		

NAMES.	Ayette ...	Tilden ..	Thomas...	Ellis	Spencer...
Willey ..	.....	.....	.....	.....	1
Wood of Plumas .....	.....	.....	1	.....	.....
Wood of Yolo.....	1	.....	.....	.....	.....

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-six.

Mr. Tilden received thirty-eight votes.

Mr. Aylette received thirty-six.

Mr. Thomas received twenty-one votes.

Mr. Spencer received eleven votes.

There being no election, no one having received a majority of all the votes cast—

Mr. Scott moved that the convention adjourn until Tuesday next, March twenty-sixth, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. Crittenden and Watson of the Senate, and Gillette of the House, and taken with the following result: Ayes, 46—noes, 62:

AYES—Messrs Burbank, Crittenden, De la Guerra, Dickinson, Eagan, Franklin, Gallagher, Logan, Merritt, Pico, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Banks, Bradley, Cherry, Councilman, Covarrubias, Crocker, Curtis, Flanders, Gillette, Gregory, Haun, Holman, Horrell, Johnson, Kungle, Lalor, Laspeyre, Lippincott, Montgomery, Morrison, Scott, Showalter, Sorrel, Tilton, White, Willey, Wood of Plumas, and Wood of Yolo—46.

NOES—Messrs. Chase, Clark, De Long, Denver, Harvey, Haynes, Heacock, Irwin, Leet, Phelps, Rhodes, Byan, Shafter, Sharp, Thomas, Adams, Avery, Baechtel, Briggs, Burnell, Buell, Campbell, Chandler, Childs, Clarke, Coleman, Coltrin, Conness, Denniston, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Gordon, Green, Hagans, Hanson, Harriman, Harris, Harrison, Henderson, Hill, Hunter, Magruder, Miller, Morgan, Munday, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tittel, and Walter—62.

So the motion was lost, and the convention refused to adjourn.

FOR RESIDENT PHYSICIAN—ELEVENTH BALLOT.

The Secretary then called the roll for the eleventh ballot, with the following result:

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis	Spencer...
Burbank .....	...	1	...	...	...
Chase .....	...	1	...	...	...
Clark .....	...	1	...	...	...
Crittenden	1	...	...	...	...
De Long .....	...	1	...	...	...
Denver .....	...	...	1	...	...
Eagan	1	...	...	...	...
Franklin	1	...	...	...	...
Gallagher	1	...	...	...	...
Harvey .....	...	1	...	...	...
Haynes .....	...	1	...	...	...
Irwin .....	...	1	...	...	...
Leet .....	...	...	1	...	...
Logan	1	...	...	...	...
Merritt	1	...	...	...	...
Phelps .....	...	1	...	...	...
Pico	1	...	...	...	...
Rhodes .....	...	1	...	...	...
Ryan .....	...	1	...	...	...
Shafter .....	...	...	...	...	1
Sharp .....	...	1	...	...	...
Thomas .....	...	...	1	...	...
Thornton	1	...	...	...	...
Vance	1	...	...	...	...
Warmcastle	1	...	...	...	...
Watson	1	...	...	...	...
Watt	1	...	...	...	...
Williamson	1	...	...	...	...
Adams .....	...	1	...	...	...
Amyx	1	...	...	...	...
Avery .....	...	1	...	...	...
Baechtel .....	...	...	1	...	...
Banks .....	...	...	...	...	1
Bradley	1	...	...	...	...
Briggs .....	...	...	1	...	...
Burnell .....	...	1	...	...	...
Campbell .....	...	1	...	...	...
Chandler .....	...	...	1	...	...
Cherry .....	...	...	...	...	1
Childs .....	...	1	...	...	...
Clark .....	...	...	...	...	1
Coltrin .....	...	1	...	...	...
Conness .....	...	1	...	...	...
Covarrubias	1	...	...	...	...
Curtis	1	...	...	...	...
Denniston .....	...	1	...	...	...
Dougherty .....	...	1	...	...	...
Durst .....	...	1	...	...	...

NAMES.	Aylette ...	Tilden ...	Thomas ...	Ellis	Spencer ...
Eastman		1			
Fargo		1			
Ford		1			
Foster			1		
Gillette	1				
Gordon	1				
Green		1			
Gregory	1				
Hagans	1				
Hanson	1				
Harriman			1		
Harris	1				
Harrison			1		
Haun	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell	1				
Hunter.....		1			
Johnson	1				
Kungle	1				
Lalor	1				
Laspeyre	1				
Lippincott		1			
Magruder			1		
Montgomery.....	1				
Morgan					1
Morrison	1				
Munday			1		
O'Brien		1			
Patrick			1		
Piercy			1		
Porter.....					1
Powell		1			
Scott	1				
Showalter.....	1				
Smith of Tulare		1			
Smith of Placer			1		
Sorrel	1				
Spence		1			
Stearns.....		1			
Tilden			1		
Tilton					1
Tittel		1			
Walden			1		

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis	Spencer...
Walter .....	.....	1	.....	.....	.....
White.....	.....	.....	1	.....	.....
Wood of Plumas .....	.....	.....	1	.....	.....
Wood of Yolo	1	.....	.....	.....	.....

Those who voted for Mr. Powell were—

Messrs. Buell, Councilman, Crocker, Flanders, Miller, and Willey.

Mr. Dickinson voted for Mr. Titus.

Mr. Coleman voted for Mr. Hamm.

Whole number of votes cast, one hundred and five.

Necessary to a choice, fifty-three.

Mr. Tilden received thirty-six votes.

Mr. Aylette received thirty-six votes.

Mr. Thomas received eighteen votes.

Mr. Spencer received seven votes.

Mr. Powell received six votes.

Mr. Titus received one vote.

Mr. Hamm received one vote.

There being no election, no one having received a majority of all the votes cast.

Mr. Munday moved to adjourn until to-morrow, March twenty-third, at twelve o'clock, M.

Mr. Leet moved to adjourn until this Friday evening, March twenty-second, eighteen hundred and sixty-one, at half past seven o'clock, P. M.

Mr. Gregory moved that the Convention adjourn until Tuesday, March twenty-sixth, eighteen hundred and sixty-one, at two o'clock, P. M.

The question being upon the shortest time. Lost.

The question recurring on the motion of Mr. Munday. Lost.

The question then recurring on the motion of Mr. Gregory.

Carried.

So the Convention adjourned until Tuesday, March twenty-sixth, eighteen hundred and sixty-one, at two o'clock, P. M.

Whereupon, the Senate returned to their Chamber.

IN ASSEMBLY.

At four o'clock, P. M. on motion of Mr. Buell, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 23d, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

GENERAL FILE.

Assembly Bill, No. 180, An Act to extend the term of Office, and to define the duties and powers in certain cases, and establish the Salaries of the Board of Supervisors of San Bernardino County—was read a third time and passed

Assembly Bill, No. 80, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of the State, approved April thirtieth, eighteen hundred and sixty—substitute adopted, and ordered engrossed.

Senate Bill, No. 45, An Act to pay certain Warrants of the City and County of Sacramento herein mentioned—was recommitted to the Sacramento Delegation.

Assembly Bill, No. 93, An Act concerning Lawful Fences in the County of Solano—was laid on the table.

Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento—was recommitted to the Sacramento Delegation, with special instructions.

Assembly Bill, No. 164, An Act to authorize the Trustees of the Petaluma School District to levy a Tax for certain purposes—was read a third time and passed

Senate Bill, No. 135, An Act making an appropriation for the payment of the Claim of I. N. Quinn, for services as State Prison Director, from August eleventh, eighteen hundred and sixty, to January fifth, eighteen hundred and sixty-one—was considered in Committee of the Whole, reported, with amendment, amendment adopted, read a third time and passed.

Assembly Bill, No. 108, An Act to amend an Act entitled An Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one—substitute adopted, read first and second times, amended, rules suspended, considered engrossed, read a third time and passed, and the original bill ordered printed.

Assembly Bill, No. 227, An Act making an appropriation for the payment of M. F. Game, for services rendered by him in office of the Superintendent of Public Instruction—was considered in Committee of the Whole, and reported.

MESSAGES FROM THE SENATE.

Pending the consideration, the following messages were received from the Senate :

SENATE CHAMBER,
Saturday, March 23d, 1861. }

MR. SPEAKER :—The Senate, this day, received the inclosed message from the Governor, and respectfully ask the Assembly to consider the same immediately.

D. J. WILLIAMSON,
Assistant Secretary.

The communication of the Governor was referred to Special Committee appointed on yesterday.

SENATE CHAMBER,
Saturday, March 23d, 1861. }

MR. SPEAKER :—The Senate, on yesterday, adopted Concurrent Resolution, No. 26, Relative to a Joint Convention for the election of a United States Senator, and ask the concurrence of the Assembly.

D. J. WILLIAMSON,
Assistant Secretary.

The House refused to concur in Senate Concurrent Resolution, No. 26, above reported

Mr Lalor made the following report :

MR SPEAKER :—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 262, An Act to provide for the collection of Delinquent Taxes in the County of Contra Costa ;

Also, Assembly Bill, No 146, An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for the payment of the expenses of surveying the Harbor of San Francisco ;

Also, Assembly Bill, No 199, An Act to fix the location of Brady Street, in the City and County of San Francisco

E. LALOR,
Chairman.

SPECIAL ORDER.

Assembly Bill, No. 63, An Act to authorize the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco, the special order for this day—was postponed until Wednesday, March twenty-seventh, at one o'clock, P. M.

Mr Gregory moved to adjourn.

Upon which, Messrs Fargo, Chandler, and Cherry, demanded the ayes and noes, and the House refused, by the following vote : Ayes, 20—noes, 39 :

AYES—Messrs Briggs, Chandler, Cherry, Fargo, Flanders, Ford, Green, Gregory, Hanson, Harriman, Harrison, Haun, Holman, Munday, Porter, Smith of Placer, Tilden, Tilton, Walden, and Willey—20.

NOES—Messrs Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Childs, Clarke, Coleman, Coltrin, Conness, Councilman, Crocker, Dougherty, Foster, Gillette, Gordon, Henderson, Hill, Horrell, Kungle, Kurtz, Lalor, Lippincott, Magruder, Miller, Montgomery, Morgan, Morrison, O'Brien, Patrick, Ross, Showalter, Stearns, Walter, White, Wood of Plumas, and Wood of Yolo—39.

Mr. White moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill, No. 157, An Act to provide for Street Railroads within the City and County of San Francisco.

The motion was declared out of order, (Mr. Curtis in the Chair,) as Mr. White did not vote with the majority on the passage of the bill.

Mr. White appealed.

The House sustained the decision of the Chair.

Mr. Montgomery verbally reported back Assembly Bill, No. 234, An Act to fund the Debt of the County of Solano, and provide for the payment of the same.

Mr. Montgomery, also by leave, on account of Mr. Campbell, introduced a bill for An Act authorizing the Administrator of the Estate of Gilbert A. Grant, deceased, to sell and convey Real Estate at private sale.

Read first and second times and placed on file.

REPORTS.

Reports were made as follows :

By Mr. Ross :

MR. SPEAKER :—Your Special Committee, to whom was referred Assembly Bill, No. 201, An Act concerning Roads and Highways in certain Counties in this State—have considered the same, and report the bill back, with amendments, and recommend its passage as amended.

ROSS,
Chairman.

By Mr. Tilton :

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 253, An Act granting certain parties the right to construct a Macadamized Road within the City and County of San Francisco—report the same back, and recommend its passage ;

Also, Assembly Bill, No. 283, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain Judgment—report the same back, with amendments, and recommend its passage as amended.

TILTON,

For the Delegation.

The House resumed the consideration of Assembly Bill, No. 227, An Act making an Appropriation for the payment of M. F. Game.

The substitute was adopted and considered engrossed.

Mr. Conness moved to reconsider the vote by which the bill was considered engrossed.

Carried.

Mr. Conness moved to refer the bill to the Committee on Education.

Mr. Avery moved to indefinitely postpone the bill.

Mr. Gregory moved the previous question.

Sustained

The motion to refer was lost.

On the motion to indefinitely postpone, Messrs. Munday, Wood of Plumas, and Covarrubias, demanded the ayes and noes, and the House agreed by the following vote : Ayes, 36—noes, 18 :

AYES—Messrs Adams, Avery, Baechtel, Banks, Blair, Briggs, Buell, Chandler, Cherry, Childs, Clarke, Coleman, Coltrin, Crocker, Dougherty, Flanders, Ford, Gregory, Harrison, Haun, Henderson, Hill, Holman, Kungle, Magruder, Miller, Montgomery, Morgan, Ross, Smith of Tulare, Spence, Tilden, Walter, Wood of Plumas, Wood of Yolo, and Mr. Speaker—36.

NOES—Messrs. Bradley, Covarrubias, Curtis, Foster, Gillette, Green, Hanson, Harris, Hunter, Lator, Laspeyre, Lippincott, Munday, O'Brien, Piercy, Stearns, Walden, and White—18.

At three o'clock, P. M. on motion of Mr. Patrick, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY, }
Monday, March 25th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Leave of absence was granted to Mr. Campbell for three days, and to Messrs. Tilton, Willey, Harriman, Hagans, Sorrel, Scott, and Magruder, for one day each.

GENERAL FILE.

Assembly Bill, No. 205, An Act regulating the Fees of Associate Justices of the Court of Sessions, Jurors, Inspectors, Judges, and Clerks, of Elections, in Tuolumne County ;

Also, Assembly Bill, No 236, An Act to authorize the Board of Supervisors of San Diego County to levy a Special Tax, to be applied for County Jail purposes—

Were read a third time and passed.

Assembly Bill, No. 298, An Act making an appropriation for the Salary of the State Librarian, from the sixteenth day of March to the thirtieth day of June, eighteen hundred and sixty-one—was considered in Committee of the Whole, reported and recommended.

Rules suspended, considered engrossed, read a third time and passed.

Senate Bill, No 128, An Act concerning the City of San José, and to ratify and confirm a certain Ordinance of the Common Council of said City—was read a third time and passed.

Assembly Bill, No. 220, An Act concerning the Compensation of the Deputy District Attorney in the City and County of Sacramento—amendments adopted and ordered engrossed

Assembly Bill, No 144, An Act prescribing a certain Duty of the Auditor of the City and County of Sacramento—was ordered engrossed.

Assembly Bill, No 258, An Act to grant the right to construct a Bridge across the American River to certain parties—rules suspended, considered engrossed, read a third time and passed

Mr Banks gave notice of reconsideration.

Assembly Bill, No 280, An Act to repeal an Act entitled An Act to aid in the construction of the Washington Monument in the District of Columbia, approved March tenth, eighteen hundred and fifty-nine.

Mr Conness moved to indefinitely postpone the bill

Upon which, Messrs O'Brien Crocker, and Haun, demanded the ayes and noes, and the House refused by the following vote: Ayes, 28—noes, 30:

AYES—Messrs. Adams, Avery, Briggs, Buell, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Dougherty, Durst, Eastman, Gillette, Harrison, Hill, Horrell, Hunter, Miller, Munday, O'Brien, Powell, Smith of Tulare, Tilden, Walden, Walter, White, and Wright—28.

NOES—Messrs Amyx, Baechtel, Banks, Blair, Bradley, Chandler, Cherry, Clarke, Coleman, Flanders, Ford, Gordon, Gregory, Harris, Haun, Holman, Kungle, Laspeyre, Lippincott, Montgomery, Morgan, Morrison, Patrick, Piercy, Porter, Ross, Showalter, Stearns, Wood of Plumas, and Mr Speaker—30.

The bill was referred to the Committee on Ways and Means.

Mr. Blair presented a petition in relation to Common Schools.

Referred to Committee on Education

Mr. Crocker presented a petition for a Sunday Law.

Referred to Committee on Public Morals.

Mr. Durst offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to draw a warrant in favor of J. C Palmer, for fifteen days' services as Clerk to the State Hospital Committee, and mileage to the City of Stockton, to be paid out of the Contingent Fund of the Assembly.

Adopted.

SPECIAL ORDER.

Assembly Bill, No. 54, An Act to provide for the reclamation of the Swamp and Overflowed Lands donated to the State of California by an Act of Congress, the special order of this day—was taken up, considered in Committee of the Whole, and reported, with amendments.

Amendments adopted.

On ordering the bill engrossed, Messrs. Patrick, Smith of Tulare, and Ross, demanded the ayes and noes, and was so ordered, with the following result : Ayes, 26—noes, 22 :

AYES—Messrs. Adams, Banks, Bradley, Cherry, Clark, Coleman, Coltrin, Conness, Councilman, Crocker, Curtis, Durst, Eastman, Foster, Hill, Hunter, Miller, Munday, O'Brien, Pierce, Porter, Powell, Spence, Tilden, White, and Wood of Plumas—26.

NOES—Messrs. Amyx, Baechtel, Blair, Buell, Childs, Covarrubias, Dougherty, Ford, Gregory, Hanson, Harrison, Holman, Horrell, Kungle, Kurtz, Montgomery, Morgan, Patrick, Ross, Showalter, Smith of Tulare, and Mr. Speaker—22.

Assembly Bill, No 192, also special order for this day—was made the special order for to-morrow at one o'clock, P. M.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Miller, for An Act amendatory of An Act to provide for the collection of Delinquent Taxes in the County of Nevada, approved March fifth, eighteen hundred and sixty-one

Read first and second times, and placed on file.

By Mr. Powell, for An Act to provide for the payment of the Claim of W. W. Upton, for certain Services therein mentioned.

Read first and second times, and referred to the Judiciary Committee ;

Also, An Act conferring further powers on the Board of Supervisors of the City and County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Ross, for An Act to amend An Act regulating Marriages, passed April twenty-second, eighteen hundred and fifty.

Read first and second times, and placed on file.

Mr. Banks made the following report :

MR. SPEAKER:—The State Prison Committee, to whom was referred Senate Bill, No. 130, An Act to appropriate Money to pay Counsel employed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis—having carefully considered the same, respectfully beg leave to present the following report :

During the settlement with McCauley, in February last, a majority of the Commissioners considered it necessary to employ Judge Monson as counsel, who, in their opinion, contributed materially to securing a settlement favorable to the State, and we find that the amount of his claim is a reasonable compensation for the services rendered by him. While we do not wish our action in this case to be regarded as a precedent favorable to the indorsement of other obligations contracted by Executive officers without due authority of law, in view of the peculiar and urgent necessities of the circumstances under which Judge Monson was employed, we recommend the passage of the bill.

J. A. BANKS,
J. POWELL,
U. M. GORDON,
ALEX. HUNTER,
T. S. TILTON.

At forty-five minutes past four o'clock, P. M. on motion of Mr. Crocker, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
 Tuesday, March 26th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called

Quorum present

Journal of yesterday read and approved.

Mr. Flanders gave notice of an amendment to the First Standing Rule.

GENERAL FILE.

Assembly Bill, No. 333, An Act amendatory of An Act to provide for the collection of Delinquent Taxes in the County of Nevada, approved March fifth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read a third time and passed

Senate Bill, No. 132, An Act to provide for the construction of a Macadamized Road within the limits of the County of San Francisco—amendments adopted, read a third time and passed.

Assembly Bill, No. 132, An Act to provide for the publication of the General Laws of the State in force at the expiration of the Thirteenth Session of the Legislature—was indefinitely postponed.

Senate Bill, No. 61, An Act concerning Officers;

Also, Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento County remaining in the General Fund to the Contingent Fund—were read a third time and passed.

The enacting clause was stricken from Assembly Bill, No. 48, An Act to extend An Act concerning Hogs found running at large in the Counties of Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, and made applicable to the Counties of Monterey, Solano, Trinity, and Sonoma, approved April twenty-first, eighteen hundred and fifty-six.

Assembly Bill, No. 237, An Act to extend the provisions of an Act entitled An Act concerning Hogs found running at large in certain Counties, passed April twenty-first, eighteen hundred and fifty-six, and to make the same applicable to the County of Monterey.

Mr. Walden moved to include Amador County.

Upon which, Messrs Horrell, Coleman, and Childs, demanded the ayes and noes, and the amendment was adopted by the following vote: Ayes, 29—noes, 20:

AYES—Messrs. Avery, B'air, Briggs, Buell, Chandler, Cherry, Clarke, Conness, Councilman, Curtis, Durst, Fargo, Flanders, Ford, Foster, Gordon, Hagans, Hunter, Kungle, Morrison, Porter, Powell, Ross, Stearns, Tilton, Walden, Walter, Willey, and Mr Speaker—29.

NOES—Messrs. Adams, Amyx, Baechtel, Bradley, Childs, Coleman, Coltrin, Gillette, Hill, Holman, Horrell, Johnson, Laspeyre, Montgomery, O'Brien, Piercy, Showalter, Smith of Placer, White, and Wood of Plumas—20.

Mr. Foster moved to include El Dorado County.

Carried, and the bill was ordered engrossed.

Assembly Bill, No. 19, An Act to amend an Act entitled An Act relating to the Thirteenth Judicial District, and to define the time of holding Courts in said District, approved January thirteenth, eighteen hundred and sixty—was indefinitely postponed.

Mr. Fargo made the following report:

MR. SPEAKER:—The Special Committee appointed to wait upon the Secretary of State, and obtain from that officer a copy of the decennial census, taken in the year eighteen hundred and sixty by the United States Government, to enable the Legislature to make the apportionment of Senatorial and Assembly Districts required by law at this session, beg leave to report, that, upon application to the Secretary of State for this information, your committee was promptly furnished with a complete abstract of the census of this State for the year eighteen hundred and sixty, which purports to be complete for the whole State, with the exception of four townships in Placer County, from which no returns appear to have been made.

Your committee beg to acknowledge their indebtedness to the courtesy of the Governor and Secretary of State in rendering them material aid in prosecuting their labors.

Your committee beg to call the attention of the Assembly to the importance of proceeding, without delay, to make the apportionment contemplated and required by law.

The apportionment now in force was made in the year eighteen hundred and fifty-three, and the important changes in the population of the various districts in the period of eight years, unavoidably renders the present representation unequal, and in many instances unjust.

The migratory habits of our people, and the constant influx of persons from the Atlantic States and foreign countries, make it indispensable, in order to obtain anything like an equitable representation, that the apportionment of Senatorial and Assembly Districts should be made at least once in four years, as required by the Constitution. Section twenty-eight of Article fourth of that instrument says:

“The enumeration of the inhabitants of this State shall be taken under the direction of the Legislature in the years eighteen hundred and fifty-two and eighteen hundred and fifty-five, and at the end of every ten years thereafter, and these enumerations, together with the census that may be taken under the direction of the Congress of the United States in the year one thousand eight hundred and fifty, and every subsequent ten years, shall serve as the basis of representation in both Houses of the Legislature.”

Section twenty-nine of Article fourth says:

“The number of Senators and Assemblymen shall, at the first session of the Legislature, holden after the enumeration herein provided for are made, be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants.”

From some cause the State authorities did not take the census in eighteen hundred and fifty-five, as required by the Constitution, consequently no apportionment has been made since the census of eighteen hundred and fifty-two, which was taken very imperfectly in many cases, being made by estimate instead of actual enumeration.

Upon this irregularly taken census the representation has been based for seven or eight years, which has done great violence to section fourteenth of Article first of the Constitution, which says: “Representation shall be apportioned according to population.”

Inasmuch as an apportionment cannot be made until the year eighteen hundred and sixty-six, unless made at the present session of the Legislature, your committee most earnestly recommend prompt action to be taken in the premises, that equal justice may be done to all sections of the State.

Your committee, therefore, recommend the adoption of the following resolution :

Resolved, That a Special Committee of one member from each Senatorial District be appointed to report a bill of apportionment upon the basis of the abstract of census above referred to and herewith submitted, for Congressional, Senatorial, and Assembly Districts.

All of which is respectfully submitted.

Ordered printed.

FARGO,
ROSS.

On the adoption of the resolution, Messrs. Crocker, Ross, and Laspeyre, demanded the ayes and noes, and the resolution was adopted by the following vote: Ayes, 53—noes, 15:

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Cherry, Clarke, Coleman, Coltrin, Councilman, Covarrubias, Crocker, Curtis, Dougherty, Durst, Fargo, Flanders, Ford, Gordon, Hagans, Harriman, Harris, Holman, Horrell, Kurtz, Laspeyre, Lippincott, Miller, Montgomery, Morgan, Morrison, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Smith of Tulare, Spence, Stearns, Tilden, Tilton, Tittel, Walter, White, Willey, Wood of Plumas, Wright, and Mr Speaker—53.

NOES—Messrs. Conness, Eastman, Foster, Gregory, Hanson, Harrison, Haun, Hill, Hunter, Kungle, Lalor, Munday, Showalter, Smith of Placer, and Walden—15.

SPECIAL ORDER.

Assembly Bill, No. 123, An Act to create the County of Alturas, special order of the day—was taken up, and considered in Committee of the Whole.

Mr. Showalter in the Chair.

Bill reported, with amendments, without recommendation. amendments concurred in, and further consideration postponed until one o'clock, P. M. to-morrow.

Assembly Bill, No. 192, also special order for this day—was postponed until to-morrow, at half-past twelve o'clock, M.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Tuesday, March 26th, 1861. }

MR. SPEAKER:—The Senate, this day, adopted Concurrent Resolution, No. 27, Relative to a Joint Convention for an election of a Boundary Commissioner.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate Concurrent Resolution, No. 27, above reported.

REPORTS.

Reports were made as follows :

By Mr. Tilton :

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 85, An Act to provide for the construction of a Bridge in the City of Nevada;

Also, Assembly Bill, No. 130, An Act authorizing James P. Sargeant, the Guardian of Policarpi Chebollo, a Minor, to sell at private sale the Lands and Real Estate of said Minor;

Also, Assembly Bill, No. 30, An Act to authorize Joseph J. Cloud to construct and maintain a Wharf at Punta Arena, in the County of Mendocino;

Also, Assembly Bill, No. 183, An Act to provide for the collection of Delinquent Taxes in the County of Calaveras.

TILTON,
Chairman.

By Mr. Munday:

MR. SPEAKER:—Your Select Committee, to whom was referred Assembly Bill, No. 296, An Act to define the Boundaries of Sutter County—have had the same under consideration, report the bill back, and recommend its reference to the Committee on Counties and County Boundaries, with instructions to report on Friday, the twenty-ninth instant.

MUNDAY,
Chairman.

Assembly Bill, No. 296, above reported—was referred to the Committee on Counties and County Boundaries.

At two o'clock, p. m. the House took a recess for the purpose of meeting the Senate in Joint Convention to elect Physicians and Trustees of the State Insane Asylum.

IN JOINT CONVENTION.

The Joint Convention met pursuant to adjournment.

Hon. Pablo De la Guerra, President of the Senate, and R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Hill and Clarke.

House roll called.

Absent—Mr. Briggs.

Journal of preceding convention read and approved.

Mr. Blair withdrew the name of Dr. Spencer.

RESIDENT PHYSICIAN—TWELFTH BALLOT.

The Secretary under the direction of the President then called the roll for the twelfth ballot for a Resident Physician for the State Insane Asylum, with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis	Spencer...
Burbank .....	.....	1	.....	.....	.....
Chase .....	.....	1	.....	.....	.....
Crittenden	1	.....	.....	.....	.....
De la Guerra	1	.....	.....	.....	.....
De Long .....	.....	1	.....	.....	.....
Denver .....	.....	.....	1	.....	.....
Dickinson .....	.....	.....	1	.....	.....
Eagan	1	.....	.....	.....	.....
Edgerton	1	.....	.....	.....	.....

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis	Spencer...
Franklin	1				
Gallagher	1				
Harvey		1			
Haynes		1			
Irwin		1			
Leet			1		
Logan	1				
Parks			1		
Phelps		1			
Pico	1				
Rhodes		1			
Ryan		1			
Shafter					1
Sharp		1			
Vance	1				
Warmcastle	1				
Watson	1				
Watt	1				
Williamson	1				
Adams		1			
Amyx.....	1				
Avery		1			
Baechtel			1		
Banks		1			
Bradley	1				
Briggs			1		
Burnell		1			
Buell			1		
Chandler			1		
Cherry		1			
Childs	1				
Clark					1
Coleman			1		
Coltrin		1			
Conness		1			
Councilman		1			
Covarrubias	1				
Crocker			1		
Curtis	1				
Dougherty		1			
Durst		1			
Eastman		1			
Fargo	1				
Ford		1			
Foster			1		
Gillette	1				
Green		1			
Gregory	1				

NAMES.	Aylette ...	Tilden	Thomas...	Ellis	Spencer...
Hagans			1		
Hanson	1				
Hairiman			1		
Harris	1				
Harrison			1		
Haun	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell	1				
Hunter		1			
Johnson	1				
Kungle	1				
Kurtz	1				
Lalor ..	1				
Laspeyre....	1				
Lippincott		1			
Magruder			1		
Miller.....			1		
Montgomery	1				
Morgan					1
Morrison	1				
Munday			1		
O'Brien		1			
Patrick	1				
Piercy			1		
Porter.....			1		
Powell		1			
Scott	1				
Showalter	1				
Smith, of Tulare			1		
Smith, of Placer			1		
Spence		1			
Stearns		1			
Tilton					1
Tittel		1			
Walden			1		
Walter		1			
White			1		
Wood, of Plumas			1		
Wood of Yolo	1				
Wright		1			

Messrs. Thomas and Merritt paired off.

Messrs. Heacock and Thornton paired off.

Those who voted for Mr. Gibbons were—

Messrs. Flanders and Willey

Mr. Blair voted for Mr. Canfield.

Whole number of votes cast, one hundred and two.

Necessary to a choice, fifty-two.

Mr Tilden received thirty-four votes.

Mr. Aylette received thirty-seven votes.

Mr Thomas received twenty-four votes.

Mr. Spencer received four votes.

Mr. Gibbons received two votes.

Mr. Canfield received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—THIRTEENTH BALLOT.

The Secretary called the roll for the thirteenth ballot, with the following result :

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis	Spencer...
Burbank .....	.....	1	.....	.....	.....
Chase .....	.....	1	.....	.....	.....
Crittenden	1	.....	.....	.....	.....
De la Guerra.....	1	.....	.....	.....	.....
DeLong .....	.....	1	.....	.....	.....
Denver.....	.....	.....	1	.....	.....
Dickinson .....	.....	.....	1	.....	.....
Eagan	1	.....	.....	.....	.....
Edgerton	1	.....	.....	.....	.....
Franklin	1	.....	.....	.....	.....
Gallagher	1	.....	.....	.....	.....
Harvey .....	.....	1	.....	.....	.....
Haynes .....	.....	1	.....	.....	.....
Irwin .....	.....	1	.....	.....	.....
Leet .....	.....	.....	1	.....	.....
Logan	1	.....	.....	.....	.....
Phelps.....	.....	1	.....	.....	.....
Pico	1	.....	.....	.....	.....
Rhodes.....	.....	1	.....	.....	.....
Ryan .....	.....	1	.....	.....	.....
Shafter	1	.....	.....	.....	.....
Sharp .....	.....	1	.....	.....	.....
Thornton.....	1	.....	.....	.....	.....
Vance.....	1	.....	.....	.....	.....
Warmcastle.....	1	.....	.....	.....	.....
Watson	1	.....	.....	.....	.....
Watt	1	.....	.....	.....	.....
Williamson.....	1	.....	.....	.....	.....
Adams .....	.....	1	.....	.....	.....
Amyx.....	1	.....	.....	.....	.....
Avery .....	.....	1	.....	.....	.....
Baechtel .....	.....	.....	1	.....	.....

NAMES.	Aylette ...	Tilden	Thomas...	Ellis	Spencer...
Banks		1			
Bradley	1				
Briggs			1		
Burnell		1			
Buell			1		
Chandler			1		
Cherry		1			
Childs	1				
Clark					1
Coleman			1		
Coltrin		1			
Conness		1			
Councilman		1			
Covarrubias	1				
Crocker		1			
Curtis	1				
Doughterty		1			
Durst		1			
Eastman		1			
Fargo		1			
Flanders		1			
Ford		1			
Foster			1		
Gillette	1				
Green		1			
Gregory	1				
Hagans			1		
Hanson ,	1				
Harriman			1		
Harris	1				
Harrison			1		
Haun	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell	1				
Hunter		1			
Johnson	1				
Kungle	1				
Kurtz	1				
Lalor	1				
Laspeyro	1				
Lippincott		1			
Magruder			1		
Miller			1		
Montgomery	1				
Morgan		1			
Morrison	1				

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis	Spencer...
Munday			1		
O'Brien		1			
Patrick	1				
Piercy			1		
Porter			1		
Powell		1			
Scott	1				
Showalter	1				
Smith of Tulare			1		
Smith of Placer.....			1		
Spence			1		
Stearns		1			
Tilton					1
Tittel		1			
Walden.....			1		
Walter		1			
White	1				
Willey		1			
Wood of Plumas			1		
Wood of Yolo..	1				
Wright		1			

Mr Blair voted for Mr. Canfield.

Whole number of votes cast, one hundred and two.

Necessary to a choice, fifty-two.

Mr Tilden received thirty-eight votes.

Mr Aylette received thirty-nine votes.

Mr. Thomas received twenty-two votes.

Mr. Spencer received two votes.

Mr. Canfield received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—FOURTEENTH BALLOT.

The Secretary called the roll for the fourteenth ballot, with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis	Spencer...
Burbank		1			
Chase		1			
Crittenden	1				
DeLong		1			
Denver			1		

NAMES.	Ayette ...	Triden	Thomas...	Ellis	Spencer...
Dickinson .....	...	...	1	...	...
Eagan	1	...	...	...	...
Edgerton	1	...	...	...	...
Franklin	1	...	...	...	...
Gallagher	1	...	...	...	...
Harvey .....	...	1	...	...	...
Haynes	1	...	...	...	...
Irwin .....	...	1	...	...	...
Leet .....	...	...	1	...	...
Logan	1	...	...	...	...
Merritt	1	...	...	...	...
Phelps.....	...	1	...	...	...
Pico	1	...	...	...	...
Rhodes .....	...	1	...	...	...
Ryan .....	...	1	...	...	...
Shafter	1	...	...	...	...
Sharp .....	...	1	...	...	...
Thornton.....	1	...	...	...	...
Vance	1	...	...	...	...
Warmcastle	1	...	...	...	...
Watson	1	...	...	...	...
Watt	1	...	...	...	...
Williamson	1	...	...	...	...
Adams .....	...	1	...	...	...
Amyx	1	...	...	...	...
Avery .....	...	1	...	...	...
Baechtel .....	...	...	1	...	...
Banks.....	...	1	...	...	...
Bradley	1	...	...	...	...
Briggs .....	...	...	1	...	...
Burnell.....	...	1	...	...	...
Buell.....	...	...	1	...	...
Chandler. ....	...	...	1	...	...
Cherry .....	...	1	...	...	...
Childs	1	...	...	...	...
Clarke .....	...	...	...	...	1
Coleman .....	...	...	1	...	...
Coltrin .....	...	1	...	...	...
Conness ....	...	1	...	...	...
Councilman.....	...	1	...	...	...
Covarrubias.....	1	...	...	...	...
Crocker ..	...	1	...	...	...
Curtis	1	...	...	...	...
Dougherty .....	...	1	...	...	...
Durst.....	...	1	...	...	...
Eastman.....	...	1	...	...	...
Fargo .....	...	1	...	...	...
Flanders .....	...	1	...	...	...

NAVES.	Ayette....	Tilden ...	Thomas...	Ellis	Spencer...
Ford		1			
Foster			1		
Gillette	1				
Green		1			
Gregory	1				
Hagans	1				
Hanson	1				
Harriman			1		
Harris	1				
Harrison			1		
Hann	1				
Henderson		1			
Hill		1			
Holman	1				
Horrell	1				
Hunter		1			
Johnson	1				
Kangle	1				
Kurtz	1				
Lalor	1				
Laspeyre	1				
Lippincott		1			
Magruder			1		
Montgomery	1				
Morgan		1			
Morrison	1				
Munday			1		
O'Brien		1			
Patrick	1				
Piercy			1		
Porter			1		
Powell		1			
Scott	1				
Showalter	1				
Smith of Tulare			1		
Smith of Placer			1		
Spence		1			
Stearns		1			
Tilton		1			
Tittel		1			
Walden			1		
Walter		1			
White	1				
Wiley		1			
Wood of Plumas			1		
Wood of Yolo	1				
Wright		1			

Whole number of votes cast, one hundred.

Necessary to a choice, fifty-one.

Mr. Tilden received thirty-nine votes.

Mr. Aylotte received forty-one votes.

Mr. Thomas received nineteen votes.

Mr. Spencer received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—FIFTEENTH BALLOT.

The Secretary called the roll for the fifteenth ballot, with the following result :

NAMES.	Aylotte....	Tilden....	Thomas...	Ellis.....
Burbank		1		
Chase.....		1		
Crittenden.	1			
Denver			1	
Dickinson	1			
Eagan	1			
Edgerton	1			
Franklin	1			
Gallagher.....	1			
Harvey		1		
Haynes.....	1			
Irwin		1		
Leet.....			1	
Logan.....	1			
Merritt	1			
Phelps.....		1		
Pico	1			
Rhodes		1		
Ryan.....		1		
Shafter	1			
Sharp		1		
Thornton	1			
Vance	1			
Warmcastle	1			
Watson	1			
Watt.....	1			
Williamson	1			
Adams.....		1		
Anyx	1			
Avery		1		
Baehtel			1	
Banks.....		1		
Bradley	1			
Briggs			1	
Burnell		1		

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis
Buell	1			
Chandler		1		
Cherry.....	1			
Childs	1			
Coleman			1	
Coltran		1		
Conness		1		
Councilman		1		
Covarrubias	1			
Crocker		1		
Curtis	1			
Dougherty		1		
Durst		1		
Eastman		1		
Fargo		1		
Flanders		1		
Ford		1		
Foster.....			1	
Gillette	1			
Green		1		
Gregory	1			
Hagans	1			
Hanson	1			
Harriman			1	
Harris	1			
Harrison			1	
Haun	1			
Henderson		1		
Hill.....		1		
Holman	1			
Horrell.....		1		
Hunter		1		
Johnson.....	1			
Kungle	1			
Kurtz.....	1			
Lalor	1			
Laspeyre.....	1			
Lippincott.....		1		
Magruder			1	
Montgomery	1			
Morgan		1		
Morrison	1			
Munday.....			1	
O'Brien		1		
Patrick	1			
Piercy			1	
Porter.....			1	
Powell.....		1		

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis
Scott	1			
Smith of Tulare		1		
Smith of Placer			1	
Spence		1		
Stearns		1		
Tilden			1	
Tilton		1		
Tittel		1		
Walden			1	
Walter		1		
White	1			
Willey		1		
Wood of Plumas			1	
Wood of Yolo	1			
Wright		1		

Whole number of votes cast, ninety-eight.

Necessary to a choice, fifty.

Mr. Tilden received forty votes.

Mr. Aylette received forty votes.

Mr. Thomas received eighteen votes.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—SIXTEENTH BALLOT.

The Secretary then called the roll for the sixteenth ballot, with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis
Burbank		1		
Chase		1		
Crittenden	1			
Denver			1	
Dickinson	1			
Eagan	1			
Edgerton	1			
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes	1			
Irwin		1		
Leet			1	

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis
Logan	1			
Merritt	1			
Phelps		1		
Pico	1			
Rhodes		1		
Ryan		1		
Shafter	1			
Sharp		1		
Thornton	1			
Vance	1			
Warmcastle	1			
Watkins	1			
Watson	1			
Watt	1			
Williamson	1			
Adams		1		
Amyx	1			
Avery		1		
Bacchitel			1	
Banks		1		
Bradley	1			
Briggs			1	
Burnell		1		
Buell		1		
Chandler			1	
Cherry		1		
Childs	1			
Coleman			1	
Coltrin		1		
Conness		1		
Councilman		1		
Covarrubias	1			
Crocker			1	
Curtis	1			
Dunston		1		
Dougherty		1		
Durst		1		
Eastman		1		
Fargo		1		
Flanders		1		
Ford		1		
Foster			1	
Gillette	1			
Green		1		
Gregory	1			
Hagans	1			
Hanson	1			
Harriman			1	

NAMES.	Ayette...	Thieb...	Thomas...	Ellis...
Harris	1			
Harrison			1	
Haun	1			
Henderson		1		
Hill		1		
Holman	1			
Horrell	1			
Hunter.....		1		
Johnson	1			
Kungle	1			
Kurtz.....	1			
Lalor	1			
Laspeyre	1			
Lippincott ..	1			
Magruder ..			1	
Miller			1	
Montgomery.....	1			
Morgan		1		
Morrison	1			
Munday.....			1	
O'Brien		1		
Patrick	1			
Piercy			1	
Porter.....			1	
Powell		1		
Scott	1			
Smith of Tulare		1		
Smith of Placer			1	
Sorrel	1			
Spence.....		1		
Stearns.....		1		
Tilden	1			
Tilton		1		
Tittel		1		
Walden			1	
Walter		1		
White	1			
Willey		1		
Wood of Plumas.....			1	
Wood of Yolo	1			
Wright		1		

Whole number of votes cast, one hundred and two.

Necessary to a choice, fifty-two.

Mr. Tilden received forty-one votes.

Mr. Ayette received forty-three votes.

Mr. Thomas received eighteen votes.

There being no election—no one having received a majority of all the votes cast—

Mr. Councilman of the Assembly offered the following resolution :

Resolved, That this convention do not adjourn until a Resident Physician of the Insane Asylum shall have been elected.

Laid on the table.

RESIDENT PHYSICIAN—SEVENTEENTH BALLOT.

The Secretary under the direction of the President then called the roll for the seventeenth ballot for a Resident Physician for the State Insane Asylum, with the following result :

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis
Burbank	1			
Chase..	1			
Crittenden	1			
Denver			1	
Dickinson	1			
Eagan	1			
Edgerton	1			
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes	1			
Irwin		1		
Leet			1	
Logan	1			
Merritt	1			
Phelps		1		
Rhodes		1		
Ryan		1		
Shafter	1			
Sharp		1		
Thornton	1			
Vance	1			
Warmcastle	1			
Watkins	1			
Watson	1			
Watt	1			
Williamson	1			
Adams		1		
Amyx.....	1			
Avery		1		
Baechtel			1	
Banks		1		
Bradley	1			
Briggs			1	
Burnell		1		
Chandler			1	
Cherry		1		
Childs	1			

NAMES.	Ayette ...	Tiden ...	Thomas...	Ellis
Clark		1		
Coleman			1	
Coltrin		1		
Conness		1		
Councilman		1		
Covarrubias	1			
Crocker		1		
Curtis	1			
Denniston		1		
Dougherty		1		
Durst		1		
Eastman		1		
Fargo		1		
Flanders		1		
Ford		1		
Foster			1	
Gillette	1			
Green		1		
Gregory	1			
Hagans			1	
Hanson	1			
Harriman			1	
Harris	1			
Harrison			1	
Haun	1			
Henderson		1		
Hill		1		
Holman			1	
Horrell	1			
Hunter		1		
Johnson	1			
Kungle	1			
Kurtz			1	
Lalor	1			
Laspeyre	1			
Lippincott		1		
Magruder			1	
Miller			1	
Montgomery	1			
Morgan		1		
Morrison	1			
Munday			1	
O'Brien		1		
Patrick	1			
Piercy			1	
Porter			1	
Powell		1		
Scott	1			

NAMES.	Ayette ...	Tilden	Thomas...	Ellis
Smith, of Tulare		1		
Smith, of Placer			1	
Sorrel	1			
Spence		1		
Tilden			1	
Tilton		1		
Tittel		1		
Walden			1	
Walter		1		
White	1			
Willey		1		
Wood, of Plumas			1	
Wood of Yolo	1			
Wright		1		

Mr Buell voted for Mr. Powell.

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-one.

Mr. Tilden received forty votes.

Mr. Aylette received thirty-nine votes.

Mr. Thomas received twenty-one votes.

Mr. Powell received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Showalter of the House moved that the convention adjourn to meet to-morrow, March twenty-seventh, eighteen hundred and sixty-one, at two o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. White and Spence of the House, and Watson of the Senate, and taken with the following result: Ayes, 43—noes, 57:

AYES—Messrs Crittenden, Denver, Eagan, Franklin, Gallagher, Logan, Merritt, Thornton, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Bradley, Chandler, Childs, Coleman, Covarrubias, Crocker, Curtis, Foster, Gillette, Hanson, Harris, Haun, Holman, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Morrison, Munday, Patrick, Ross, Scott, Showalter, Tilton, Walden, White, and Wood of Yolo—43.

NOES—Messrs. Burbank, Chase, Dickinson, Edgerton, Harvey, Haynes, Heacock, Irwin, Leet, Phelps, Rhodes, Ryan, Shafter, Sharp, Adams, Avery, Baechtel, Banks, Briggs, Burnell, Buell, Cherry, Clarke, Coltrin, Conness, Councilman, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Hagans, Harriman, Harrison, Henderson, Hill, Horrell, Hunter, Magruder, Miller, Montgomery, Morgan, O'Brien, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Sorrel, Spence, Tittel, Walter, Willey, and Wood of Plumas—57.

So the motion was lost, and the convention refused to adjourn.

FOR RESIDENT PHYSICIAN—EIGHTEENTH BALLOT.

The Secretary called the roll for the eighteenth ballot, with the following result: \

NAMES.	Ayette ...	Tilden	Thomas...	Ellis
Burbank		1		
Chase		1		
Crittenden	1			
Denver.....			1	
Dickinson			1	
Eagan	1			
Edgerton	1			
Franklin.....	1			
Gallagher	1			
Harvey		1		
Haynes	1			
Irwin		1		
Leet			1	
Logan	1			
Merritt	1			
Phelps.....		1		
Rhodes.....		1		
Ryan		1		
Shafter	1			
Sharp		1		
Thornton.....	1			
Vance.....	1			
Warmcastle.....	1			
Watkins	1			
Watson	1			
Watt	1			
Adams		1		
Amyx.....	1			
Avery		1		
Baechtel			1	
Banks		1		
Bradley	1			
Briggs.....		1		
Burnell		1		
Chandler	1			
Cherry		1		
Childs.....	1			
Clark.....		1		
Coleman	1			
Coltrin		1		
Conness		1		
Councilman.....		1		
Covarrubias	1			
Crocker		1		
Curtis.....	1			

NAMES.	Aylletto ...	Tilden ...	Thomas...	Ellis
Denniston		1		
Doughterty.....		1		
Durst		1		
Eastman		1		
Fargo		1		
Flanders		1		
Ford		1		
Foster			1	
Gillette	1			
Green		1		
Gregory.....	1			
Hagans			1	
Hanson	1			
Harriman			1	
Harris	1			
Harrison			1	
Haun	1			
Henderson		1		
Hill.....		1		
Holman	1			
Horrell	1			
Hunter		1		
Johnson	1			
Kungle	1			
Kurtz.....	1			
Lalor	1			
Laspeyre	1			
Lippincott.....		1		
Magruder			1	
Miller			1	
Montgomery	1			
Morrison	1			
Munday			1	
O'Brien		1		
Patrick	1			
Piercy			1	
Porter			1	
Powell.....		1		
Scott	1			
Smith of Tulare			1	
Smith of Placer.....			1	
Sorrel	1			
Spence			1	
Tilden			1	
Tilton		1		
Tittel		1		
Walden....			1	
Walter		1		

NAMES.	Aylette ...	Tilden	Thomas...	Ellis
White	1	.....	.....	.....
Willey .....	.....	.....	1	.....
Wood of Plumas .....	.....	.....	1	.....
Wood of Yolo.	1	.....	.....	.....

Whole number of votes cast, ninety-eight.

Necessary to a choice, fifty.

Mr. Tilden received thirty-seven votes.

Mr. Aylette received forty-one votes.

Mr. Thomas received twenty votes.

There being no election, no one having received a majority of all the votes cast—

On motion of Mr. De Long, of the Senate, the Convention adjourned to meet to-morrow, March twenty-seventh, at two o'clock, P. M.

Whereupon, the Senate returned to their own Chamber.

IN ASSEMBLY.

The House reassembled.

REPORTS.

Reports were made as follows :

By Mr. Piercy :

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 42, An Act for the payment of Expenses incurred in the transportation of the State Arms and Munitions of War from Carson Valley to the State Armory at Sacramento.

PIERCY,

Of the Committee.

By Mr. Walden :

MR. SPEAKER:—The Committee on Claims, to whom was referred Senate Bill, No. 150, An Act for the relief of William Greenhood—have had the same under consideration, and report it back, and recommend its passage ;

Also, the claims of Thomas R. Eldridge, for translating the Laws of the State into Spanish, and report the same back, with the accompanying bill, and recommend the passage of the bill.

WALDEN,
HARRISON,
HUNTER.

By Mr. Tilden :

MR. SPEAKER:—The Butte County Delegation, to whom was referred Senate Bill, No. 189, An Act authorizing the Board of Trustees of the Oroville Cemetery to give to purchasers of Lots therein proper Certificates of Purchase, and to manage the said Cemetery—respectfully report that they have had the same under consideration, and recommend its passage.

W. P. TILDEN,
P. H. HARRIS.

By Mr. Foster :

Mr. SPEAKER :—Your Auditing Committee have examined the copying done on account of Assembly, and find the same as follows :

Three thousand folios, at ten cents per folio, three hundred dollars.

Your committee also recommend the passage of the following resolution :

Resolved, That the Controller of State is hereby authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of three hundred dollars, payable out of the Copying Fund of the Assembly.

Adopted.

WALDEN,
T. FOSTER.

By Mr. Laspeyre :

Mr. SPEAKER :—Your committee, the San Joaquin Delegation, to whom was referred Assembly Bill, No. 293, An Act to provide for the construction of a Gravel Road in the County of San Joaquin—have had the same under consideration, and beg leave to report the same back, with the following amendment, and recommend its passage as amended :

Amend, by striking out all after the enacting clause.

LASPEYRE,
BRADLEY.

By Mr. Holman :

Mr. SPEAKER :—The Solano Delegation, to whom was referred Assembly Bill, No. 234, An Act to fund the Debt of the County of Solano, and provide for its payment—has had the same under consideration, and reports the bill back, with a substitute, and recommend the passage of the substitute.

HOLMAN.

By Mr. Lalor :

Mr. SPEAKER :—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 80, An Act to amend an Act entitled An Act to provide Revenue for the Government of this State, approved April thirtieth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 314, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one ;

Also, Assembly Bill, No. 187, An Act to amend an Act entitled An Act concerning Forcible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty ;

Also, Assembly Bill, No. 157, An Act to provide for Street Railroads within the City and County of San Francisco.

LALOR,
Chairman.

By Mr. Adams :

Mr. SPEAKER :—The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill, No. 73, An Act to provide for the sale of the Marsh and Tide Lands of this State—have considered the same, report it back, with an amendment, and recommend that the bill pass as amended.

The committee have also had under consideration Senate Bill, No. 24, An Act to amend an Act entitled An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved

April twenty-first, eighteen hundred and fifty-eight, and also to amend an Act approved April eighteenth, eighteen hundred and fifty-nine, entitled An Act amendatory of An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight—and beg leave to report the same back, with the recommendation that the bill be indefinitely postponed.

The committee have also had under consideration Assembly Bill, No. 175, An Act to provide for the survey and segregation of the Swamp and Overflowed Lands donated to this State under the Act of Congress of September twenty-eighth, eighteen hundred and fifty, entitled An Act to enable the State of Arkansas and other States to reclaim the Swamp Land within their limits—report the same back, with an amendment for all after the enacting clause, and recommend the passage of the amendment.

ADAMS,
Chairman.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, to consider Assembly Bills, Nos. 116 and 255, in relation to the Militia of this State.

Bill reported back, and made special order for Thursday, March twenty-eighth, at one o'clock, P. M.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Crocker, for An Act to authorize the Administratrix of the Estate of Julius Lyons to sell Real Estate.

Read first and second times, and placed on file.

By Mr. Morgan, for An Act for the relief of Thomas B. Ludnum.

Read first and second times, and referred to the Committee on Claims.

By Mr. Holman, for An Act to make certain Officers of Solano County Salaried Officers, and to regulate the same.

Read first and second times, and referred to the Solano Delegation.

By Mr. O'Brien, for An Act for the purchase and preservation of the Public Newspapers printed in the several Counties of this State.

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

By Mr. Gordon, for An Act to amend an Act entitled An Act concerning Divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Baechtel, for An Act to amend An Act concerning Jurors, passed May third, eighteen hundred and fifty-three ;

Also, An Act to authorize Martin G. Smith to construct and maintain a Wharf at Fishing Rock, in Mendocino County.

Read first and second times, and referred to the Mendocino and Marin delegations.

By Mr. Fargo, for An Act to encourage the cultivation of Cotton in this State.

Read first and second times, and referred to the Committee on Agriculture ;

Also, for An Act to authorize the Board of Supervisors of Alameda County to compromise and settle with the Sureties of Charles C. Breyfogle, late Treasurer of said County.

Read first and second times, and referred to the Alameda Delegation.

By Mr. Porter, for An Act to enable and require the Board of Supervisors of the County of Contra Costa to complete the levy of Taxes for Road purposes in said County for the year eighteen hundred and sixty-one ;

Also, for An Act to provide for the better support of Common Schools in the County of Contra Costa—

Were read first and second times, and placed on file.

By Mr. Tilton, for An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the Grade of Harrison Street, in said City and County.

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

At ten minutes past four o'clock, P. M. on motion of Mr. Conness, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 27th, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

The roll was called.

Quorum present.

The journal of yesterday was read and approved.

The vote by which the House, on yesterday, passed Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento County remaining in the General Fund to the Contingent Fund—was reconsidered, and the bill recommitted to the Sacramento Delegation.

The Speaker announced the following committee, under the resolution adopted on yesterday, to report a bill of apportionment :

First Senatorial District, Piercy.

Second Senatorial District, Johnson.

Third Senatorial District, Ford.

Fourth Senatorial District, Fargo.

Fifth Senatorial District, Tilton.

Sixth Senatorial District, Smith of Tulare.

Seventh Senatorial District, Patrick.

Eighth Senatorial District, Bradley.

Ninth Senatorial District, Powell.

Tenth Senatorial District, Holman.

Eleventh Senatorial District, Ross.

Twelfth Senatorial District, Sorrel.

Thirteenth Senatorial District, Durst.

Fourteenth Senatorial District, Harris.

Fifteenth Senatorial District, Lalor.

Sixteenth Senatorial District, Avery.

Seventeenth Senatorial District, Harrison.

Eighteenth Senatorial District, Hunter.

Nineteenth Senatorial District, Lippincott.

Twentieth Senatorial District, Dougherty.

Twenty-first Senatorial District, Hagans.

Assembly Bill, No. 192, An Act to provide for the annulling of Certificates of Purchase of Lands sold on a Credit and declared forfeited for the non-payment of Interest or Principal—was considered in Committee of the Whole, reported with amendments, and recommended.

Amendments adopted, rules suspended, considered engrossed, read a third time and passed, and title amended.

INTRODUCTION OF BILLS.

Bills were introduced, by leave, as follows :

By Mr. Montgomery, for An Act to amend An Act to regulate Proceedings in Criminal Cases, passed May first, eighteen hundred and fifty-one.

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

By Mr. White, for An Act for the relief of Jeremiah Callahan.

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

By Mr. Magruder, for An Act to amend 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 April twenty-eighth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Education.

Mr. Haun introduced Concurrent Resolution, providing for amendments to the Constitution.

Referred to the Judiciary Committee.

REPORTS.

Reports were made as follows :

By Mr. Montgomery :

MR. SPEAKER :—The Committee on Indian Affairs, to whom was referred the petition of B. Ralso, Vicar-General, etc. praying for the Legislature to memorialize Congress in behalf of certain Indians—having had said petition under consideration, beg leave to report the same back, together with the accompanying resolutions, and recommend the adoption of said resolutions.

MONTGOMERY.

By Mr. Munday :

MR. SPEAKER :—The Placer Delegation, to whom was referred Assembly Bill, No. 320, An Act concerning Roads and Highways in the County of Placer—have had the same under consideration, and beg leave to report the same back, without amendments, and recommend its passage.

MUNDAY.

By Mr. Dougherty :

MR. SPEAKER :—Your Committee on Ways and Means, to whom was referred Assembly Bill, No. 254, An Act to amend An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States—have had the same under consideration, and beg leave to report the same back, with an amendment, and recommend its passage as amended.

JOHN DOUGHERTY,
Chairman.

SPECIAL ORDER.

Senate Bill, No. 104, An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of

Sacramento, special order for this day—was considered in Committee of the Whole.

Mr. Showalter in the Chair.

Bill reported and recommended

The following amendments were offered by Mr. Curtis:

Amend section ten as follows:

Before the word "this," insert the following: "It shall also be lawful, and the right is hereby granted, to John G. Hyer, Joseph H. Nevett, A. B. Nixon, H. W. Harkness, D. W. Whitmore, and their Associates, subject to the provisions, limitations, and restrictions, hereinbefore provided in the preceding sections of this act, to lay down, maintain, and operate, a single or double, track railroad, upon the following streets, in the city and county of Sacramento, viz: Commencing at the intersection of Second Street with R Street, and running thence along said Second Street to L Street, from Front Street to Thirty-first Street, and from L Street along Eighth Street to G Street; thence along G Street to Twentieth Street."

On the adoption of the amendment, Messrs. Crocker, Porter, and Ford, demanded the ayes and noes, and the amendment was lost by the following vote: Ayes, 28—noes, 31:

AYES—Messrs. Adams, Amyx, Banks, Blair, Briggs, Cherry, Clarke, Conness, Councilman, Crocker, Curtis, Fargo, Flanders, Ford, Green, Hagans, Harriman, Henderson, Hunter, Johnson, Kurtz, Miller, Morgan, Porter, Smith of Placer, Spence, Tilton, and Mr. Speaker—28.

NOES—Messrs. Bradley, Chandler, Coleman, Coltrin, Foster, Gillette, Gordon, Gregory, Hanson, Harris, Harrison, Haun, Hill, Horrell, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Montgomery, Munday, Patrick, Piercy, Powell, Scott, Sorrel, Stearns, Walden, Walter, White, and Wood of Plumas—31.

Mr. Curtis moved to make the bill the special order for April third, at one o'clock, p. m.

Upon which, Messrs. Crocker, Fargo, and Porter, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 30—noes, 33:

AYES—Messrs. Amyx, Banks, Blair, Briggs, Cherry, Childs, Clarke, Conness, Councilman, Crocker, Curtis, Fargo, Flanders, Ford, Green, Hagans, Harriman, Henderson, Holman, Horrell, Hunter, Kurtz, Miller, Morgan, O'Brien, Porter, Smith of Placer, Spence, Stearns, and Mr. Speaker—30.

NOES—Messrs. Bradley, Buell, Chandler, Coleman, Coltrin, Durst, Foster, Gillette, Gordon, Gregory, Hanson, Harris, Harrison, Haun, Hill, Johnson, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Montgomery, Munday, Patrick, Piercy, Powell, Scott, Sorrel, Walden, White, Willey, Wood of Plumas, and Wright—33.

Mr. Fargo moved to make the bill the special order for Saturday next at one o'clock, p. m.

Mr. Fargo moved a call of the House.

Lost.

Mr. Showalter moved the previous question.

Sustained, and the motion to make the bill the special order was lost.

Bill read a third time.

On its passage, Messrs. Crocker, Powell, and Fargo, demanded the ayes and noes, and the bill was passed by the following vote: Ayes, 49—noes, 5:

AYES—Messrs. Adams, Bradley, Buell, Chandler, Coleman, Coltrin, Conness, Councilman, Curtis, Durst, Flanders, Foster, Gillette, Gordon, Green, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Lalor, Lippincott, Magruder, Miller, Montgomery, O'Brien, Patrick, Percy, Powell, Ross, Scott, Smith of Placer, Sorrel, Stearns, Walden, Walter, White, Willey, Wood of Plumas, Wright, and Mr. Speaker—49.

NOES—Messrs. Amyx, Banks, Blair, Clarke, and Crocker—5.

On motion of Mr. Conness, Assembly Bill, No. 175, An Act to provide for the survey and segregation of the Swamp and Overflowed Lands donated to the State under the Act of Congress of September twenty-eighth, eighteen hundred and fifty, entitled An Act to enable the State of Arkansas and other States to reclaim the Swamp Lands within their limits—was made the special order for March twenty-eighth, at twelve o'clock, M.

Assembly Bill, No. 110, An Act granting the right to lay a Railroad Track through certain Streets in the City of Sacramento, to use and maintain the same—also special order for this day, was considered in Committee of the Whole.

Mr. Fargo in the Chair.

Reported with amendments.

Amendments concurred in, rules suspended, considered engrossed, read a third time and passed.

Assembly Bills, Nos. 66 and 281, Roads and Highways, special orders for this day—were postponed until March twenty-ninth, at half-past twelve o'clock.

Assembly Bill, No. 123, Alturas, also special order for this day—was postponed until March twenty-eighth, at half-past twelve o'clock.

Assembly Bill, No. 63, San Francisco Wharfs, also special order—was postponed until March twenty-eighth, at half-past twelve o'clock.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Montgomery, for An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and repeal former Acts concerning the same, passed May third, eighteen hundred and fifty-five.

Read first and second times, and referred to the Committee on Education, with instructions, and made the special order for April sixth, at one o'clock, P. M. and ordered printed.

By Mr. Flanders, for An Act to exempt the City and County of San Francisco from giving Undertakings in certain cases.

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

REPORTS.

Reports were made as follows :

By Mr. Cherry :

MR. SPEAKER :—The San Francisco Delegation, to whom was referred Assembly Bill, No. 266, An Act to amend an Act entitled An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco—having had the same under consideration, report it back, and recommend the passage of the substitute.

CHERRY,

For the Delegation.

Amendments to Assembly Bill, No. 266, above reported—were adopted, rules suspended, considered engrossed, read a third time, passed, and title amended.

By Mr. Piercy :

MR. SPEAKER :—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 230, An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino.

PIERCY,
Of the Committee.

By Mr. Horrell :

MR. SPEAKER :—The Amador Delegation, to whom was referred Assembly Bill, No. 294, An Act to grant the right to construct a Turnpike Road between the Town of Jackson and Ione City, in the County of Amador—have had the same under consideration, and report the same back, with amendments, and recommend the passage of the bill as amended.

HORRELL,
For Delegation.

Amendments to Assembly Bill, No. 294, above reported—was concurred in, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Morgan :

MR. SPEAKER :—The Santa Clara Delegation, to whom was referred Assembly Bill, No. 319, An Act to authorize the Board of Supervisors of Santa Clara County to pay certain Land Warrants out of the General Fund—have considered the matter, and now report the bill back, and ask that it do pass.

MORGAN,
BRIGGS.

The following resolution was offered by Mr. Ross :

Resolved, That the Speaker be requested to direct the Sergeant-at-Arms to enforce the Sixty-Seventh Rule of the House.

Adopted.

At two o'clock, p. m. the House took a recess to meet the Senate in Joint Convention to elect Physicians and Trustees of the State Insane Asylum.

IN JOINT CONVENTION.

The convention met pursuant to adjournment.

Hon. Pablo De la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Watkins and Edgerton.

House roll called.

Absent—Messrs. Campbell and Denniston.

Minutes of preceding convention read and approved.

Mr. Rhodes was excused from serving as one of the Tellers on account of sickness.

Whereupon, the President appointed Mr. Thornton to fill the vacancy.

FOR RESIDENT PHYSICIAN—NINETEENTH BALLOT.

The Secretary called the roll for the nineteenth ballot, with the following result :

NAMES.	Aylette ...	Tuden ...	Thomas ...	Ellis
Burbank		1		
Chase		1		
Clark		1		
Crittenden	1			
DeLong		1		
Denver			1	
Dickinson			1	
Eagan	1			
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes	1			
Hill		1		
Irwin		1		
Leet			1	
Logan	1			
Merritt	1			
Phelps		1		
Pico	1			
Rhodes		1		
Ryan		1		
Sharp		1		
Thomas	1			
Thornton	1			
Vance	1			
Warmcastle	1			
Watson	1			
Watt	1			
Williamson	1			
Adams		1		
Amyx	1			
Avery		1		
Baechtel			1	
Banks		1		
Bradley	1			
Briggs		1		
Burnell		1		
Buell		1		
Chandler			1	
Cherry		1		
Childs	1			
Clarke		1		
Coleman	1			
Coltrin		1		
Conness		1		
Councilman		1		
Covarrubias	1			
Crocker		1		

NAMES.	Aylette....	Tilden	Thomas...	Ellis
Curtis	1			
Dougherty		1		
Durst.....		1		
Eastman.....		1		
Fargo		1		
Flanders		1		
Ford		1		
Foster.....			1	
Gillette.....	1			
Green		1		
Gregory	1			
Hagans			1	
Hanson	1			
Harriman ..			1	
Harris.....	1			
Harrison.....			1	
Haub.....	1			
Henderson		1		
Holman	1			
Horrell..	1			
Hunter.....		1		
Johnson	1			
Kungle	1			
Lalor.....	1			
Laspeyre	1			
Lippincott		1		
Magruder			1	
Miller			1	
Montgomery	1			
Morgan.....		1		
Morrison.....	1			
Munday			1	
O'Brien.....		1		
Patrick	1			
Piercy			1	
Porter.....		1		
Powell.....		1		
Ross	1			
Scott.....	1			
Showalter.....	1			
Smith of Tulare.....		1		
Smith of Placer			1	
Sorrel.....	1			
Spence.....		1		
Stearns..		1		
Tilden.....			1	
Tilton		1		
Tittel		1		

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis
Walden.....	1			
Walter		1		
White	1			
Wiley.....		1		
Wood of Plumas.....			1	
Wood of Yolo.....	1			
Wright.....		1		

Those who voted for Mr Stillman, were—
Messrs. Shafter and Blair.

Whole number of votes cast, one hundred and five.
Necessary to a choice, fifty-three.

Mr. Tilden received forty-five votes.
Mr. Aylette received forty-two votes.
Mr. Thomas received sixteen votes.
Mr. Stillman received two votes.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—TWENTIETH BALLOT.

The Secretary called the roll for the twentieth ballot, with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis
Burbank		1		
Chase.....		1		
Clark.....		1		
Crittenden.	1			
DeLong		1		
Denver.....			1	
Dickinson	1			
Eagan	1			
Franklin	1			
Gallagher.....	1			
Harvey		1		
Haynes.....	1			
Hill		1		
Irwin		1		
Leet.....			1	
Logan... ..	1			
Merritt	1			
Phelps.....		1		

NAMES.	Aylette ...	Tilden	Thomas ...	Ellis
Pico	1			
Rhodes		1		
Ryan.....		1		
Sharp.....		1		
Thomas	1			
Thornton	1			
Vance	1			
Warmcastle	1			
Watson	1			
Watt.....	1			
Williamson	1			
Adams.....		1		
Amyx	1			
Avery		1		
Baechtel			1	
Banks		1		
Bradley	1			
Briggs		1		
Buruell		1		
Buell.....		1		
Chandler			1	
Cherry.....		1		
Childs	1			
Clark		1		
Coleman	1			
Coltrin.....		1		
Conness		1		
Councilman		1		
Covarrubias	1			
Crocker		1		
Curtis	1			
Dougherty.....		1		
Durst.....		1		
Eastman		1		
Fargo		1		
Flanders		1		
Ford.....		1		
Foster			1	
Gillette	1			
Green		1		
Gregory	1			
Hagans.....			1	
Hanson	1			
Harriman			1	
Harris.....	1			
Harrison			1	
Haun	1			
Henderson		1		

NAMES.	Ayette..	Tilden...	Thomas...	Ellis.....
Holman	1			
Horrell	1			
Hunter		1		
Johnson.....	1			
Kungle	1			
Lalor.....	1			
Laspeyre.....	1			
Lippincott.....		1		
Magruder			1	
Miller		1		
Montgomery	1			
Morgan		1		
Morrison.....	1			
Munday.....			1	
O'Brien.....		1		
Patrick	1			
Piercy			1	
Porter.....		1		
Powell.....		1		
Ross	1			
Scott	1			
Showalter.....	1			
Smith of Tulare		1		
Smith of Placer ...			1	
Sorrel	1			
Spence		1		
Stearns.....		1		
Tilden.....			1	
Tilton		1		
Tittel		1		
Walden	1			
Walter.....		1		
White	1			
Willey		1		
Wood of Plumas			1	
Wood of Yolo.....	1			
Wright		1		

Those who voted for Mr. Stillman were—
Messrs. Shafter and Blair.

Whole number of votes cast, one hundred and five.
Necessary to a choice, fifty-three.

Mr. Tilden received forty-six votes.
Mr. Ayette received forty-three votes.
Mr. Thomas received fourteen votes.
Mr. Stillman received two votes.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—TWENTY-FIRST BALLOT.

The Secretary then called the roll for the twenty-first ballot, with the following result:

NAMES.	Aylette ...	Thlen ...	Thomas...	Ellis
Burbank		1		
Chase		1		
Clark		1		
Crittenden	1			
De Long		1		
Denver			1	
Dickinson	1			
Eagan	1			
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes	1			
Heacock		1		
Hill		1		
Irwin		1		
Leet			1	
Logan	1			
Merritt	1			
Phelps		1		
Pico	1			
Rhodes		1		
Ryan		1		
Sharp		1		
Thomas	1			
Thornton	1			
Vance	1			
Warmcastle	1			
Watson	1			
Watt	1			
Williamson	1			
Adams		1		
Amyx	1			
Avery		1		
Baechtel			1	
Banks		1		
Bradley	1			
Briggs		1		
Burnell		1		
Chandler			1	
Cherry		1		
Childs	1			
Clark		1		
Coltrin		1		
Conness		1		

NAMES.	Ayotte ...	Allen ...	Thomas...	Ellis
Councilman .....	...	1	...	...
Covarrubias	1	...	...	...
Crocker.....	...	1	...	...
Curtis	1	...	...	...
Dougherty .....	...	1	...	...
Durst .....	...	1	...	...
Eastman .....	...	1	...	...
Fargo .....	...	1	...	...
Flanders .....	...	1	...	...
Ford .....	...	1	...	...
Foster .....	...	...	1	...
Gillette	1	...	...	...
Green .....	...	1	...	...
Gregory	1	...	...	...
Hagans ..	1	...	...	...
Hanson	1	...	...	...
Harriman .....	...	...	1	...
Harris	1	...	...	...
Harrison .....	...	...	1	...
Haun	1	...	...	...
Henderson .....	...	1	...	...
Holman	1	...	...	...
Horrell	1	...	...	...
Hunter.....	...	1	...	...
Johnson	1	...	...	...
Kungle ..	1	...	...	...
Lalor	1	...	...	...
Laspeyre	1	...	...	...
Lippincott ..	...	1	...	...
Magruder ..	...	...	1	...
Miller .....	...	1	...	...
Montgomery.....	1	...	...	...
Morgan .....	...	1	...	...
Morrison	1	...	...	...
Munday.....	...	...	1	...
O'Brien .....	...	1	...	...
Patrick	1	...	...	...
Piercy .....	...	...	1	...
Porter.....	...	1	...	...
Powell ....	...	1	...	...
Ross	1	...	...	...
Scott	1	...	...	...
Showalter	1	...	...	...
Smith of Tulare .....	...	1	...	...
Smith of Placer .....	...	...	1	...
Sorrel	1	...	...	...
Spence .....	...	1	...	...
Stearns.....	...	1	...	...

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis
Tilden			1	
Tilton		1		
Tittel.....		1		
Walden	1			
Walter		1		
Whito	1			
Willey		1		
Wood of Plumas.....			1	
Wood of Yolo	1			
Wright		1		

Mr. Shafter voted for Mr. Stillman.

Whole number of votes cast, one hundred and three.

Necessary to a choice, fifty-two.

Mr. Tilden received forty-six votes.

Mr. Ayette received forty-three votes.

Mr. Thomas received thirteen votes.

Mr. Stillman received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—TWENTY-SECOND BALLOT.

The Secretary called the roll for the twenty-second ballot, with the following result:

NAMES.	Ayette ...	Tilden	Thomas...	Ellis
Burbank		1		
Chase		1		
Clark		1		
Crittenden	1			
De Long		1		
Denver			1	
Dickinson	1			
Eagan	1			
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes	1			
Heacock		1		
Hill		1		

NAMES.	Aylette ...	Tuden ...	Thomas...	Ellis
Irwin		1		
Leet			1	
Logan	1			
Merritt	1			
Phelps		1		
Pico	1			
Rhodes		1		
Ryan		1		
Sharp		1		
Thomas.....	1			
Thornton	1			
Vance	1			
Warncastle	1			
Watkins	1			
Watson	1			
Watt	1			
Williamson	1			
Adams		1		
Amyx.....	1			
Avery		1		
Bacchtel			1	
Banks		1		
Blair		1		
Bradley	1			
Briggs		1		
Burnell		1		
Buell	1			
Chandler	1			
Cherry		1		
Childs		1		
Clark		1		
Coleman	1			
Coltrin		1		
Conness		1		
Councilman		1		
Covarrubias	1			
Crocker		1		
Curtis	1			
Dougherty		1		
Durst		1		
Eastman		1		
Fargo		1		
Flanders		1		
Ford		1		
Gillette	1			
Green		1		
Gregory	1			
Hagans		1		

NAMES.	Aylette ...	Tilden ...	Thomas ..	Ellis
Hanson	1			
Harriman		1		
Harris	1			
Harrison			1	
Haun	1			
Henderson		1		
Holman	1			
Horrell	1			
Hunter		1		
Johnson	1			
Kungle	1			
Lalor	1			
Luspeyre	1			
Lippincott		1		
Magruder			1	
Miller		1		
Montgomery	1			
Morgan		1		
Morrison	1			
Munday			1	
O'Brien		1		
Patrick	1			
Piercy		1		
Porter		1		
Powell		1		
Ross	1			
Scott	1			
Showalter.. ..	1			
Smith, of Tulare		1		
Smith, of Placer			1	
Sorrel	1			
Spence		1		
Stearns		1		
Tilden			1	
Tilton		1		
Tittel		1		
Walden	1			
Walter		1		
White	1			
Willey		1		
Wood, of Plumas			1	
Wood of Yolo	1			
Wright		1		

Mr. Shafter voted for Mr. Stillman.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Tilden received fifty-one votes.

Mr. Aylette received forty-five votes.

Mr. Thomas received nine votes.

Mr. Stillman received one vote.

There being no election, no one having received a majority of all the votes cast—

RESIDENT PHYSICIAN—TWENTY-THIRD BALLOT.

The Secretary then called the roll for the twenty-third ballot with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis
Burbank	1	1		
Chase		1		
Clark		1		
Crittenden	1			
DeLong		1		
Denver			1	
Dickinson	1			
Eagan	1			
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes	1			
Heacock		1		
Hill		1		
Irwin		1		
Leet			1	
Logan	1			
Merritt	1			
Phelps		1		
Pico	1			
Rhodes		1		
Ryan		1		
Sharp		1		
Thomas	1			
Thornton	1			
Vance	1			
Warmcastle	1			
Watkins	1			
Watson	1			
Watt	1			
Williamson	1			
Adams		1		
Amyx	1			
Avery		1		
Baechtel			1	
Banks		1		
Bradley	1			
Briggs		1		

NAMES.	Ayette...	Tilden...	Thomas...	Ellis.....
Burnell		1		
Buell			1	
Chandler			1	
Cherry		1		
Childs.....		1		
Clark		1		
Coleman	1			
Coltrin		1		
Conness.....		1		
Councilman.....		1		
Covarrubias	1			
Crocker		1		
Curtis	1			
Doughterty.....		1		
Durst		1		
Eastman		1		
Flanders		1		
Ford		1		
Gillette	1			
Green		1		
Gregory.....	1			
Hanson	1			
Harriman			1	
Harris	1			
Harrison			1	
Haun	1			
Henderson		1		
Holman	1			
Horrell	1			
Hunter		1		
Johnson	1			
Kungle	1			
Lalor	1			
Laspeyro	1			
Lippincott.....		1		
Magruder			1	
Miller		1		
Montgomery	1			
Morgan		1		
Morrison	1			
Munday			1	
O'Brien		1		
Patrick	1			
Piercy			1	
Porter		1		
Powell		1		
Ross	1			
Scott	1			

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis.....
Showalter	1	...	...	...
Smith of Tulare .....	...	1	...	...
Smith of Placer.....	...	...	1	...
Sorrel	1	...	...	...
Spence .....	...	1	...	...
Stearns .....	...	1	...	...
Tilden .....	...	...	1	...
Tilton .....	...	1	...	...
Tittel ..	...	1	...	...
Walden.....	1	...	...	...
Walter .....	...	1	...	...
White	1	...	...	...
Willey .....	...	1	...	...
Wood of Plumas .....	...	...	1	...
Wood of Yolo..	1	...	...	...
Wright .....	...	1	...	...

Mr. Shafter voted for Mr. Stillman.

Whole number of votes cast, one hundred and three.

Necessary to a choice, fifty-two.

Mr. Tilden received forty-six votes.

Mr. Aylette received forty-three votes.

Mr. Thomas received thirteen votes.

Mr. Stillman received one vote.

There being no election, no one having received a majority of all the votes cast.

Mr. Wood of Plumas moved to adjourn to Saturday, March thirtieth, eighteen hundred and sixty-one, at two o'clock, P. M.

Mr. Merritt moved to amend to adjourn to meet at half past seven o'clock this evening.

Lost.

Mr. Merritt then moved to amend to adjourn until to-morrow at half past seven o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. Magruder, Showalter, and Merritt, and taken with the following result: Ayes, 50—noes, 50:

AYES—Messrs. Burbank, Crittenden, Dickinson, Egan, Franklin, Gallagher, Harvey, Haynes, Leet, Logan, Merritt, Pico, Vance, Warncastle, Watson, Watt, Williamson, Baechtel, Bradley, Buell, Childs, Covarrubias, Durst, Gillette, Gregory, Hanson, Harriman, Harris, Harrison, Horrell, Johnson, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Miller, Morrison, Munday, O'Brien, Patrick, Percy, Ross, Showalter, Smith of Placer, Sorrel, Walden, White, Wood of Yolo, and Wright—50.

NOES—Messrs. De Long, Denver, Heacock, Hill, Irwin, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Adams, Amyx, Avery, Banks,

Briggs, Burnell, Chandler, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Crocker, Curtis, Dougherty, Eastman, Flanders, Ford, Green, Haun, Henderson, Holman, Hunter, Montgomery, Morgan, Porter, Powell, Scott, Smith of Tulare, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, and Wood of Plumas—50.

The question recurring on the motion of Mr. Wood of Plumas to adjourn until Saturday, March thirtieth, eighteen hundred and sixty-one, at two o'clock, P. M.

The ayes and noes were demanded by Messrs. Merritt, and Logan of the Senate, and Wood of Plumas of the House, and taken with the following result: Ayes, 40—noes, 63:

AYES—Messrs. Crittenden, De la Guerra, Denver, Eagan, Edgerton, Franklin, Gallagher, Leet, Logan, Pico, Vance, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Baebtel, Bradley, Buell, Childs, Covarrubias, Gillette, Harrison, Haun, Holman, Kungle, Lalor, Magruder, Morrison, Munday, O'Brien, Patrick, Piercy, Ross, Scott, Showalter, Sorrel, White, Wood of Plumas, and Wood of Yolo—40.

NOES—Messrs. Burbank, De Long, Dickinson, Harvey, Haynes, Heacock, Hill, Irwin, Merritt, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Adams, Avery, Banks, Briggs, Burnell, Chandler, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Crocker, Curtis, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Gregory, Hagans, Hanson, Harriman, Henderson, Horrell, Hunter, Johnson, Laspeyre, Lippincott, Miller, Montgomery, Morgan, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walden, Walter, Willey, and Wright—63.

So the motion was lost.

Mr De Long then moved to adjourn to meet to-morrow morning at half past eleven o'clock, P. M.

Upon which, the ayes and noes were demanded by Messrs. White and Walden of the House, and Mr. Merritt of the Senate, and taken with the following result: Ayes, 56—noes, 44:

AYES—Messrs. Crittenden, De Long, Dickinson, Eagan, Franklin, Gallagher, Harvey, Haynes, Irwin, Leet, Logan, Merritt, Pico, Warmcastle, Watson, Watt, Williamson, Amyx, Avery, Baebtel, Bradley, Childs, Coleman, Coltrin, Conness, Covarrubias, Crocker, Durst, Eastman, Fargo, Gillette, Gregory, Harriman, Harris, Haun, Holman, Horrell, Hunter, Kungle, Lalor, Laspeyre, Magruder, Morrison, Munday, O'Brien, Patrick, Piercy, Powell, Ross, Scott, Smith of Tulare, Tilden, Walden, White, Wood of Plumas, Wood of Yolo, and Wright—56.

NOES—Messrs. Burbank, Denver, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Thornton, Vance, Adams, Banks, Briggs, Burnell, Buell, Chandler, Cherry, Clarke, Councilman, Curtis, Dougherty, Flanders, Ford, Hagans, Hanson, Harrison, Henderson, Johnson, Miller, Montgomery, Morgan, Porter, Showalter, Smith of Placer, Spence, Tilton, Tittel, Walter, and Willey—44.

So the motion prevailed, and the convention adjourned to meet to-morrow, March twenty-eighth, eighteen hundred and sixty-one, at half past twelve o'clock, A. M.

Whereupon, the Senate returned to their own chamber.

IN ASSEMBLY.

At fifteen minutes past four o'clock, P. M. on motion of Mr. Conness, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 28th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday was read and approved.

Mr. Lalor made the following report:

MR. SPEAKER:—The Committee on Engrossed Bills have examined, and found correctly engrossed, Assembly Bill, No. 220, An Act concerning the Compensation of the Deputy District Attorney in the City and County of Sacramento;

Also, Assembly Bill, No. 261, An Act to amend an Act entitled An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four;

Also, Assembly Bill, No. 122, An Act to grant the right to construct and maintain a Ferry across the Salinas River at the City of St. Paul, in the County of Monterey;

Also, Assembly Bill, No. 54, An Act to provide for the reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress;

Also, Assembly Bill, No. 192, An Act to provide for the annulling of Certificates of Purchase of Lands sold on a Credit and declared forfeited for the non-payment of Interest or Principal, and for the relief of Purchasers of Swamp and Overflowed Lands;

Also, Assembly Bill, No. 144, An Act prescribing a certain Duty of the Auditor of the City and County of Sacramento;

Also, Assembly Bill, No. 258, An Act to grant the right to construct a Bridge across the American River to certain parties.

LALOR,
Chairman.

NOTICES.

Notices of the introduction of bills were given as follows:

By Mr. Ross, for An Act to authorize Eliza Martin, a married woman, to act as Executrix in a certain case;

Also, An Act to compromise Suits and sell and convey Real Estate.

Assembly Bill, No. 175, An Act for the segregation of Swamp and Overflowed Lands—special order for this day, was postponed until Saturday next, at twelve o'clock, M.

Assembly Bill, No. 63, An Act concerning San Francisco Wharfs—also special order for this day, was postponed until Wednesday next, April third, at one o'clock, P. M.

Assembly Bill, No. 123, An Act concerning Alturas County—also special order for this day, was postponed until Saturday next at two o'clock, P. M.

On motion of Mr Montgomery, the Committee on Swamp and Overflowed Lands were directed to report on to-morrow Senate Bill, No. 11, An Act for the segregation, reclamation, and disposal, of the Swamp and Overflowed Lands belonging to this State.

At half-past eleven o'clock, A. M. the House took a recess to meet the Senate in Joint Convention, for the purpose of electing Physicians and Trustees of the State Insane Asylum.

IN JOINT CONVENTION.

The Convention met pursuant to adjournment.

Hon. R. Irwin, President *pro tem.* of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called

Absent—Messrs. De la Guerra and Watkins.

House roll called.

Absent—Mr. Denniston

Minutes of preceding convention read and approved.

Mr. Dickinson offered the following resolution:

Resolved, That in this and all future Joint Conventions during the present session no person shall be admitted within the bar of the House except reporters and the officers, members, and attachés, of the two Houses, and the President is requested to strictly enforce this rule.

Mr Smith of Tulare, offered the following as a substitute:

Resolved, That the Sergeants-at-Arms of the Senate and Assembly be directed to exclude from within the bar of the House all persons not entitled to a seat in this Convention.

Mr Munday moved to lay both resolutions on the table.

Lost.

The substitute was then adopted.

FOR RESIDENT PHYSICIAN—TWENTY-FOURTH BALLOT.

The Secretary by direction of the President then called the roll for the twenty-fourth ballot, with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis
Burbank		1		
Chase		1		
Clark		1		
Crittenden	1			
DeLong		1		
Denver			1	
Dickinson			1	
Eagan	1			
Edgerton		1		
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes	1			
Heacock		1		

NAMES.	Aylette ...	Tilden	Thomas...	Ellis
Hill		1		
Leet			1	
Logan	1			
Merritt	1			
Parks			1	
Phelps.....		1		
Pico	1			
Rhodes		1		
Ryan		1		
Sharp		1		
Thomas.....	1			
Thornton.....	1			
Vance	1			
Warmcastle	1			
Watson	1			
Watt	1			
Williamson	1			
Adams		1		
Amyx	1			
Avery		1		
Baechtel			1	
Banks.....		1		
Blair		1		
Bradley	1			
Briggs		1		
Burnell.....		1		
Buell.....	1			
Campbell		1		
Chandler.....			1	
Cherry		1		
Clarke		1		
Coleman.....	1			
Coltrin		1		
Conness		1		
Councilman.....		1		
Covarrubias.....	1			
Crocker		1		
Curtis	1			
Dougherty		1		
Durst.....		1		
Eastman.....		1		
Fargo		1		
Flanders		1		
Ford		1		
Foster.....			1	
Gillette.....	1			
Gordon	1			
Green		1		

NAMES.	Ayotte....	Triden ...	Thomas...	Ellis
Gregory	1	...	...	...
Hagans .....	...	...	1	...
Hanson	1	...	...	...
Harriman... ..	...	...	1	...
Harris	1	...	...	...
Harrison .....	...	...	1	...
Haun.....	1	...	...	...
Henderson .....	...	1	...	...
Hill .....	...	1	...	...
Holman	1	...	...	...
Horrell.. ..	1	...	...	...
Hunter.....	...	1	...	...
Johnson	1	...	...	...
Kungle	1	...	...	...
Lalor.....	1	...	...	...
Laspevre	1	...	...	...
Lippincott .....	...	1	...	...
Magruder .....	...	...	1	...
Miller .....	...	1	...	...
Montgomery	1	...	...	...
Morrison	1	...	...	...
Munday .....	...	...	1	...
O'Brien.....	...	1	...	...
Patrick	1	...	...	...
Piercy.....	...	...	1	...
Porter.....	...	1	...	...
Powell.....	...	1	...	...
Ross	1	...	...	...
Scott.....	1	...	...	...
Showalter.. ..	1	...	...	...
Smith of Tulare.....	...	1	...	...
Smith of Placer.....	...	...	1	...
Sorrel	1	...	...	...
Spence .....	...	1	...	...
Stearns.. ..	...	1	...	...
Tilton .....	...	1	...	...
Tittel .....	...	1	...	...
Walden.. ..	1	...	...	...
Walter .....	...	1	...	...
White	1	...	...	...
Wiley .....	...	1	...	...
Wood of Plumas.....	...	...	1	...
Wood of Yolo.....	1	...	...	...
Wright.....	...	1	...	...

Mr. Shafter voted for Mr. Stillman.

Mr. Morgan voted for Mr. Spencer.

Whole number of votes cast, one hundred and eight.

Necessary to a choice, fifty-five.

Mr. Tilden received forty-eight votes.

Mr. Aylette received forty-three votes.

Mr. Thomas received fifteen votes.

Mr. Stillman received one vote.

Mr. Spencer received one vote.

There being no election, no one having received a majority of all the votes cast—

FOR RESIDENT PHYSICIAN—TWENTY-FIFTH BALLOT.

The Secretary called the roll for the twenty-fifth ballot, with the following result :

NAMES.	Aylette....	Tilden ...	Thomas...	Fills
Burbank		1		
Chase.....		1		
Clark.....		1		
Crittenden.	1			
DeLong		1		
Denver.....			1	
Dickinson			1	
Eagan.....	1			
Edgerton		1		
Franklin	1			
Gallagher.....	1			
Harvey		1		
Haynes.....	1			
Hill		1		
Leet.....			1	
Logan.....	1			
Merritt	1			
Parks			1	
Phelps.....		1		
Pico	1			
Rhodes		1		
Ryan.....		1		
Sharp.....		1		
Thomas	1			
Thornton.....	1			
Vance	1			
Warmcastle	1			
Watkins	1			
Watson	1			
Watt.....	1			
Williamson	1			
Adams.....		1		
Amyx.....	1			
Avery		1		
Baechtel			1	

NAMES.	Ayltte ...	Triden ...	Thomas...	Ellis
Banks		1		
Bradley	1			
Briggs		1		
Burnell		1		
Buell.....	1			
Campbell		1		
Chandler			1	
Cherry		1		
Clark		1		
Coleman			1	
Coltrin.....		1		
Conness		1		
Councilman		1		
Covarrubias	1			
Crocker		1		
Curtis	1			
Dougherty.....		1		
Durst.....		1		
Eastman		1		
Fargo		1		
Flanders		1		
Ford		1		
Foster.....			1	
Gillette	1			
Gordon	1			
Green		1		
Gregory	1			
Hanson	1			
Harriman			1	
Harris.....	1			
Harrison			1	
Hann	1			
Henderson		1		
Hill		1		
Holman	1			
Horrell.....	1			
Hunter		1		
Johnson.....	1			
Kungle	1			
Lalor.....	1			
Laspeyre.....	1			
Lippincott		1		
Magruder			1	
Miller		1		
Montgomery.....	1			
Morrison	1			
Munday.....			1	
O'Brien		1		

NAMES	Ayette ...	Tilden ...	Thomas ...	Ellis
Porter.....	...	1	...	...
Powell.....	...	1	...	...
Ross .....	...	...	1	...
Scott	1	...	...	...
Showalter.....	1	...	...	...
Smith of Tulare .....	...	1	...	...
Smith of Placer ...	...	...	1	...
Sorrel	1	...	...	...
Spence .....	...	1	...	...
Stearns.....	...	1	...	...
Tilton .....	...	1	...	...
Tutel .....	...	1	...	...
Walden	1	...	...	...
Walter.....	...	1	...	...
White .....	...	...	1	...
Willey .....	...	1	...	...
Wood of Plumas .....	...	...	1	...
Wood of Yolo.....	1	...	...	...
Wright .....	...	1	...	...

Mr Shafter voted for Mr Stillman.

Mr Morgan voted for Mr. Spencer.

Whole number of votes cast, one hundred and four.

Necessary to a choice, fifty-three.

Mr. Tilden received forty-six votes.

Mr. Ayette received forty votes.

Mr Thomas received sixteen votes.

Mr Stillman received one vote.

Mr. Spencer received one vote

There being no election, no one having received a majority of all the votes cast—

Mr. Wood of Plumas moved to adjourn to Wednesday, April third, eighteen hundred and sixty-one, at two o'clock, P. M

Upon which the ayes and noes were demanded by Messrs Wood of Plumas and White, of the Assembly, and Williamson of the Senate, and taken with the following result:

AYES—Messrs Crittenden, Denver, Dickinson, Eagan, Franklin, Gal-
lager, Haynes, Logan, Merritt, Pico, Shafter, Thomas, Thornton, Vance,
Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Baechtel, Brad-
ley, Buell, Chandler, Childs, Covarrubias, Curtis, Foster, Gillette, Gor-
don, Gregory, Hagans, Hanson, Harris, Haun, Holman, Horrell, Johnson,
Kungle, Lalor, Laspeyre, Lippincott, Magruder, Morrison, Patrick, Percy,
Ross, Scott, Showalter, Sorrel, Walden, White, Wood of Plumas, and Wood
of Yolo—54.

NOES—Messrs. Burbank, Chase, Clark, DeLong, Edgerton, Harvey, Heacock, Hill, Leet, Phelps, Rhodes, Ryan, Sharp, Adams, Avery, Banks, Blair, Briggs, Burnell, Campbell, Cherry, Clark, Coleman, Coltrin, Conness, Councilman, Crocker, Dougherty, Durst, Eastman, Flanders, Ford, Green, Hanson, Harriman, Harrison, Henderson, Hill, Hunter, Miller, Montgomery, Morgan, Munday, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tittel, Walter, Willey, and Wright—55.

So the motion was lost, and the convention refused to adjourn.

FOR RESIDENT PHYSICIAN—TWENTY-SIXTH BALLOT.

The Secretary, by the direction of the President, then called the roll for the twenty-sixth ballot, with the following result:

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis.....
Burbank .....	...	1	...	...
Chase .....	...	1	...	...
Clark .....	...	1	...	...
Crittenden	1	...	...	...
De Long .....	...	1	...	...
Denver .....	...	...	1	...
Dickinson .....	...	...	1	...
Eagan	1	...	...	...
Edgerton .....	...	1	...	...
Franklin	1	...	...	...
Gallagher	1	...	...	...
Harvey .....	...	1	...	...
Haynes	1	...	...	...
Hill .....	...	1	...	...
Leet .....	...	...	1	...
Logan	1	...	...	...
Merritt .....	...	...	1	...
Parks .....	...	...	1	...
Phelps .....	...	1	...	...
Pico	1	...	...	...
Rhodes .....	...	1	...	...
Ryan .....	...	1	...	...
Sharp .....	...	1	...	...
Thomas	1	...	...	...
Thornton	1	...	...	...
Vance	1	...	...	...
Warncastle	1	...	...	...
Watkins	1	...	...	...
Watson	1	...	...	...
Watt	1	...	...	...
Williamson	1	...	...	...
Adams .....	...	1	...	...
Amyx	1	...	...	...
Avery .....	...	1	...	...
Baechtel .....	...	...	1	...

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis
Banks		1		
Blair ...		1		
Bradley	1			
Briggs		1		
Burnell		1		
Buell	1			
Chandler			1	
Cherry		1		
Coleman			1	
Coltrin		1		
Conness		1		
Councilman		1		
Covarrubias	1			
Crocker		1		
Curtis	1			
Dougherty		1		
Durst		1		
Eastman		1		
Fargo		1		
Flanders		1		
Ford		1		
Foster			1	
Gillette	1			
Gordon	1			
Green		1		
Gregory	1			
Hagans ..			1	
Harriman			1	
Harris	1			
Harrison			1	
Haun	1			
Henderson		1		
Hill.....		1		
Holman			1	
Horrell			1	
Hunter.....		1		
Johnson	1			
Kungle ..	1			
Laspeyre	1			
Lippincott ..		1		
Magruder ..			1	
Miller			1	
Montgomery.....	1			
Morgan		1		
Munday			1	
O'Brien		1		
Patrick			1	
Porter		1		

NAMES.	Ayette ...	Tilden ...	Thomas...	Ellis.....
Powell		1		
Ross			1	
Scott		1		
Showalter	1			
Smith of Tulare		1		
Smith of Placer			1	
Sorrel	1			
Spence		1		
Stearns.....		1		
Tilton		1		
Tittel		1		
Walden	1			
Walter		1		
White.....	1			
Wood of Plumas.....			1	
Wood of Yolo	1			
Wright		1		

Mr. Shafter voted for Mr. Spencer.

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-one.

Mr. Tilden received forty-four votes.

Mr. Aylette received thirty-five votes.

Mr. Thomas received twenty-one votes.

Mr. Spencer received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. White moved that the convention adjourn to meet on Wednesday, April third, eighteen hundred and sixty-one, at two o'clock, p. m.

Upon which, the ayes and noes were demanded by Messrs. Bradley and White, of the Assembly and Mr. Eagan, of the Senate, and taken with the following result: Ayes, 58—noes, 49:

AYES—Messrs Crittenden, Denver, Dickinson, Eagan, Franklin, Gallagher, Haynes, Leet, Logan, Merritt, Pico, Thomas, Thornton, Vane, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Covarrubias, Curtis, Gillette, Gordon, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Lator, Laspeyre, Lippincott, Magruder, Montgomery, Morrison, Munday, Patrick, Ross, Scott, Showalter, Smith of Placer, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—58.

NOES—Messrs Burbank, Chase, Clark, De Long, Edgerton, Harvey, Heacock, Hill, Parks, Phelps, Rhodes, Sharp, Adams, Avery, Banks, Blair, Briggs, Burnell, Campbell, Cherry, Clarke, Coltrin, Conness, Councilman, Crocker, Dougherty, Durst, Eastman, Flanders, Ford, Green, Harman, Henderson, Hill, Hunter, Miller, Morgan, O'Brien, Porter, Powell,

Smith of Tulare, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, and Wright—49.

So the Convention adjourned to meet on Wednesday next, April third, eighteen hundred and sixty-one, at two o'clock, P. M.

Whereupon, the Senate repaired to their own chamber.

IN ASSEMBLY.

The House reassembled.

Mr. Tilton made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No 310, An Act to amend An Act fixing the time when General Laws shall take effect—and have presented the same to the Governor.

TILTON,

Chairman.

At one o'clock, P. M. the House met the Senate in Joint Convention for the purpose of electing a Boundary Commissioner.

IN JOINT CONVENTION.

The convention met pursuant to a Concurrent Resolution adopted by both branches of the Legislature, Relative to the election of a Boundary Commissioner on this day

Hon. R. Irwin, President *pro tem.* of the Senate, and Hon. C. Crocker, of the House, presiding.

Senate roll called.

Absent—Mr. Ryan.

House roll called.

Absent—Messrs. Walter and Councilman.

The Secretary read the Concurrent Resolution by authority of which both Houses assembled in Joint Convention.

Whereupon, the President appointed Mr. Phelps, of the Senate, and Mr. Walden of the House, as Tellers, and then announced nominations in order for a Boundary Commissioner to be elected under the provisions of an act of the Legislature, approved March twenty-sixth, eighteen hundred and sixty-one, entitled An Act to provide for a Commissioner to co-operate with one appointed on behalf of the United States to ascertain and mark a portion of the Eastern Boundary Line of this State.

Mr. Morrison then nominated R. P. Hammond of San Joaquin County.

Mr. Wright nominated J. C. McKibben of Sierra County.

Mr. Shafter nominated R. C. Mathewson of San Francisco.

Mr. Curtis nominated Ferris Forman of Sacramento.

FOR BOUNDARY COMMISSIONER—FIRST BALLOT.

Here nominations being closed, the Secretary by direction of the President called the roll for the first ballot, with the following result:

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank		1		
Chase ..		1		
Clark				1
Crittenden	1			
De Long		1		
Denver				1
Dickinson				1
Eagan				1
Edgerton		1		
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes				1
Hull		1		
Irwin		1		
Leet				1
Logan				1
Merritt	1			
Parks				1
Phelps			1	
Pico				1
Rhodes		1		
Shafter			1	
Thomas.....	1			
Thornton	1			
Vance	1			
Warmcastle	1			
Watkins			1	
Watson ...	1			
Watt	1			
Williamson	1			
Adams		1		
Amyx.....				1
Avery		1		
Banks		1		
Blair		1		
Bradley	1			
Briggs			1	
Burnell		1		
Buell				1
Campbell		1		
Cherry			1	
Childs	1			
Clark			1	
Coleman				1
Coltrin		1		
Conness		1		
Covarrubias		1		

NAMES.	Hammond	McKibbin.	Mathewson	Forman ...
Crocker				1
Curtis				1
Dougherty		1		
Durst		1		
Eastman		1		
Fargo		1		
Flanders				1
Ford		1		
Gillette				1
Gordon	1			
Green		1		
Gregory				1
Hagans	1			
Harriman			1	
Harris	1			
Harrison				1
Haun				1
Henderson		1		
Hill		1		
Holman				1
Horrell	1			
Hunter		1		
Johnson	1			
Kungle				1
Kurtz				1
Lalor				1
Laspeyre				1
Lippincott	1			
Magruder				1
Miller	1			
Montgomery				1
Morgan				1
Morrison	1			
O'Brien		1		
Patrick				1
Piercy				1
Porter			1	
Powell		1		
Ross				1
Scott	1			
Showalter				1
Smith, of Tulare				1
Smith, of Placer		1		
Tilden		1		
Tilton			1	
Walden	1			
White				1
Willey		1		

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Wood, of Plumas	1
Wood of Yolo	1
Wright	1	.....	.....

Whole number of votes cast, ninety-nine.

Necessary to a choice, fifty.

Mr Hammond received twenty-three votes.

Mr. McKibbin received thirty-two votes.

Mr Mathewson received nine votes.

Mr. Forman received thirty-five votes.

There being no election, no one having received a majority of all the votes cast—

FOR BOUNDARY COMMISSIONER—SECOND BALLOT.

The Secretary then called the roll for the second ballot with the following result :

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank	1	.....	.....
Chase	1	.....	.....
Clark	1
Crittenden	1	.....	.....	.....
DeLong	1	.....	.....
Denver	1
Dickinson	1
Eagan	1
Edgerton	1	.....	.....
Franklin	1	.....	.....	.....
Gallagher	1	.....	.....	.....
Harvey	1	.....	.....
Haynes	1
Heacock	1	.....	.....
Hull	1	.....	.....
Irwin	1	.....	.....
Leet	1
Logan	1
Merritt	1	.....	.....	.....
Parks	1
Phelps	1	.....	.....
Pico	1
Rhodes	1	.....	.....
Shafter	1

NAMES.	Hammond	McKibbin,	Mathewson	Forman ..
Thomas	1			
Thornton.....	1			
Vance.....	1			
Waincastle.....	1			
Watkins			1	
Watson	1			
Watt	1			
Williamson	1			
Adams		1		
Amyx				1
Avery		1		
Banks		1		
Blair		1		
Bradley	1			
Briggs.....			1	
Burnell		1		
Buell				1
Campbell		1		
Chandler				1
Cherry			1	
Childs.....	1			
Clark			1	
Coltrin		1		
Conness		1		
Covarrubias		1		
Crocker				1
Curtis.....				1
Doughterty.....		1		
Durst		1		
Eastman		1		
Fargo		1		
Flanders				1
Ford			1	
Gordon	1			
Green		1		
Gregory.....			1	
Hagans.....	1			
Hanson				1
Harriman		1		
Harris.....	1			
Harrison				1
Haun				1
Henderson		1		
Hill		1		
Horrell	1			
Hunter		1		
Johnson	1			
Kungle				1

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Kurtz				1
Lalor			1	.....
Laspeyro				1
Lippincott.....	1			.....
Magruder				1
Miler	1			.....
Montgomery.....				1
Morgan				1
Munday	1			.....
O'Brien		1		.....
Patrick				1
Piercy				1
Porter			1	.....
Powell		1		.....
Ross				1
Scott	1			.....
Showalter				1
Smith of Placer.....		1		.....
Tilton			1	.....
Tittel		1		.....
Walden....	1			.....
Walter		1		.....
White				1
Willey			1	.....
Wood of Plumas				1
Wood of Yolo.....				1
Wright		1		.....

Whole number of votes cast, ninety-nine.

Necessary to a choice, fifty.

Mr. Hammond received twenty-three votes.

Mr. McKibbin received thirty-four votes.

Mr. Forman received thirty-one votes.

Mr. Mathewson received eleven votes.

There being no election, no one having received a majority of all the votes cast.

BOUNDARY COMMISSIONER—THIRD BALLOT.

The Secretary then called the roll for the third ballot with the following result :

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank		1		
Chase		1		
Clark				1
Crittenden	1			
DeLong		1		
Denver				1
Dickinson				1
Eagan				1
Edgerton		1		
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes				1
Hill		1		
Irwin		1		
Leet				1
Logan				1
Merritt				1
Parks				1
Phelps		1		
Pico				1
Rhodes		1		
Shafter			1	
Thomas	1			
Thornton	1			
Vance	1			
Warmcastle	1			
Watkins			1	
Watson			1	
Watt	1			
Williamson	1			
Adams		1		
Amyx				1
Avery		1		
Banks		1		
Blair		1		
Burnell		1		
Buell				1
Campbell		1		
Chandler				1
Cherry			1	
Childs	1			
Coleman				1
Coltrin		1		
Conness		1		
Covarrubias			1	
Crocker				1
Curtis				1

NAMES.	Hammond.	McKibbin.	Mathewson	Fornan...
Dougherty		1		
Durst		1		
Eastman		1		
Fargo		1		
Flanders			1	
Ford		1		
Gordon				1
Green		1		
Gregory			1	
Hagans	1			
Hanson				1
Harris	1			
Harrison				1
Haun				1
Henderson		1		
Hill		1		
Horrell				1
Hunter		1		
Johnson	1			
Kungle				1
Kurtz			1	
Lalor			1	
Laspeyre	1			
Lippincott	1			
Magruder				1
Miller	1			
Montgomery				1
Morgan			1	
O'Brien		1		
Patrick				1
Piercy		1		
Porter			1	
Powell		1		
Ross				1
Scott	1			
Showalter				1
Smith, of Placer		1		
Spence		1		
Tilton			1	
Tittel		1		
Walden	1			
Walter		1		
White				1
Willey		1		
Wood, of Plumas				1
Wood of Yolo				1
Wright		1		

Whole number of votes cast, ninety-five.

Necessary to a choice, forty-eight.

Mr. Hammond received eighteen votes.

Mr. McKibbin received thirty-five votes.

Mr. Mathewson received twelve votes.

Mr. Forman received thirty votes.

There being no election, no one having received a majority of all the votes cast—

BOUNDARY COMMISSIONER—FOURTH BALLOT.

The Secretary called the roll for the fourth ballot, with the following result:

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank		1		
Chase		1		
Clark				1
Crittenden	1			
DeLong		1		
Denver				1
Dickinson				1
Eagan				1
Edgerton		1		
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes				1
Hill		1		
Irwin		1		
Leet				1
Logan				1
Merritt				1
Parks				1
Phelps.....		1		
Pico				1
Rhodes		1		
Shafter			1	
Thomas.....	1			
Thornton.....	1			
Vance	1			
Warmcastle	1			
Watkins.....			1	
Watson			1	
Watt	1			
Adams		1		
Amyx				1
Avery		1		
Banks.....		1		
Burnell.....		1		

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Buell.....				1
Campbell		1		1
Chandler				1
Cherry			1	
Childs	1			
Clarke			1	
Coleman.....		1		
Coltrin		1		
Conness		1		
Crocker				1
Curtis				1
Dougherty		1		
Durst.....		1		
Eastman.....		1		
Fargo		1		
Flanders			1	
Ford		1		
Foster				1
Gordon			1	
Green		1		
Gregory			1	
Hagans			1	
Hanson				1
Harris.....	1			
Harrison.....				1
Haun.....			1	
Henderson		1		
Hill		1		
Holman				1
Horrell				1
Hunter		1		
Johnson	1			
Kungle				1
Kurtz			1	
Lalor.....			1	
Laspeyre				1
Lippincott	1			
Magruder				1
Miller	1			
Montgomery				1
Morgan			1	
Munday				1
O'Brien.....		1		
Patrick				1
Piercy				1
Porter			1	
Powell.....		1		
Ross				1

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Scott.....	1			
Showalter.....				1
Smith of Placer.....		1		
Sorrel			1	
Tilden		1		
Tilton			1	
Tittel		1		
Walter		1		
White				1
Wiley.....			1	
Wood of Plumas.....				1
Wood of Yolo.....				1
Wright.....		1		

Mr. Gillette paired off with Mr. Morrison.

Whole number of votes cast, ninety-eight.

Necessary to a choice, fifty.

Mr. Hammond received sixteen votes.

Mr. McKibbin received thirty-three votes.

Mr. Mathewson received seventeen votes.

Mr. Forman received thirty-two votes.

There being no election, no one having received a majority of all the votes cast—

Mr. Porter offered the following resolution :

Resolved—That the public interest demands a strict construction of, and compliance with, the rule requiring that members should be within the bar when their names are called, to entitle them to vote.

Laid on the taale.

BOUNDARY COMMISSIONER—FIFTH BALLOT.

The Secretary then called the roll for the fifth ballot with the following result :

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank		1		
Chase.....		1		
Clark.....				1
Crittenden.	1			
DeLong		1		
Denver.....				1
Dickinson				1

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Eagan				1
Franklin	1			
Gallagher.....	1			
Harvey		1		
Haynes				1
Heacock				1
Hill		1		
Irwin		1		
Leet.....				1
Logan.....				1
Merritt				1
Phelps.....			1	
Pico				1
Rhodes		1		
Shafter			1	
Thomas	1			
Thornton.....	1			
Vance	1			
Warmcastle.....	1			
Watkins			1	
Watson			1	
Watt.....	1			
Williamson	1			
Adams.....		1		
Amyx.....				1
Avery		1		
Banks.....		1		
Blair		1		
Bradley	1			
Briggs			1	
Burnell		1		
Buell				1
Campbell		1		
Chandler				1
Cherry.....			1	
Childs	1			
Clark			1	
Coltrin.....		1		
Conness		1		
Councilman		1		
Crocker				1
Curtis				1
Dougherty.....		1		
Durst.....		1		
Eastman		1		
Fargo		1		
Flanders			1	
Ford.....		1		

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Foster.....	1
Gillette	1	...	...	...
Gordon	1	...	...	...
Green	1	...	...
Gregory	1	...
Hagans	1	...
Hanson	1
Harriuan	1
Harris.....	1	...	...	...
Harrison	1
Haun	1	...
Henderson	1	...	...
Hill	1	...	...
Holman	1
Horrell.....	1
Hunter	1	...	...
Johnson.....	1	...	...	...
Kungle	1
Kartz	1	...
Lalor.....	1	...
Laspeyre.....	1
Lippincott.....	1	...	...	...
Magruder	1
Miller	1	...	...	...
Montgomery.....	1
Morgan.....	1	...
Morrison	1	...	...	...
Munday.....	...	1	...	...
O'Brien	1	...	...
Patrick	1
Piercy	1
Porter.....	1	...
Powell.....	...	1	...	...
Ross	1
Showalter.....	1
Smith of Tulare	1
Smith of Placer	1	...	...
Stearns	1	...	...	...
Tilden	1	...	...
Tilton	1	...
Walden	1	...	...
Walter.....	...	1	...	...
White	1
Willey	1	...	...
Wood of Plumas	1
Wood of Yolo.....	1
Wright	1	...	...

Mr. Tittel voted for Mr. Munday.

Whole number of votes cast, one hundred and three.

Necessary to a choice, fifty-two.

Mr. Hammond received nineteen votes.

Mr. McKibbin received thirty-four votes.

Mr. Mathewson received sixteen votes.

Mr. Forman received thirty-three votes.

Mr. Munday received one vote

There being no election, no one having received a majority of all the votes cast—

Mr. White moved that the convention adjourn to meet on tomorrow, March twenty-ninth, at twelve o'clock, M.

Lost.

BOUNDARY COMMISSIONER—SIXTH BALLOT.

The Secretary called the roll for the sixth ballot, with the following result :

NAMES.	Hammond	McKibbin.	Mathewson	Forman...
Burbank		1		
Chase		1		
Clark				1
Crittenden	1			
De Long		1		
Denver				1
Dickinson				1
Eagan				1
Edgerton		1		
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes				1
Heacock		1		
Hill		1		
Irwin		1		
Leet				1
Logan				1
Merritt ..				1
Parks				1
Phelps				1
Pico				1
Rhodes		1		
Shafter			1	
Thomas ..				1
Thornton ..				1
Vance	1			
Warmcastle ..	1			
Watkins			1	

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Watson			1	
Watt	1			
Williamson	1			
Adams		1		
Amyx				1
Avery.....		1		
Banks		1		
Blair		1		
Bradley	1			
Briggs			1	
Burnell		1		
Buell				1
Campbell.....		1		
Chandler				1
Cherry			1	
Childs.....	1			
Clark			1	
Conness		1		
Councilman			1	
Crocker				1
Curtis				1
Dougherty		1		
Durst		1		
Eastman		1		
Fargo			1	
Flanders			1	
Ford		1		
Gillette				1
Gordon.....				1
Green		1		
Hagans ..			1	
Hanson				1
Harriman		1		
Harris	1			
Harrison				1
Haun				1
Henderson		1		
Hill.....		1		
Holman				1
Horrell				1
Hunter.....		1		
Johnson	1			
Kungle ..				1
Kurtz.....			1	
Lalor				1
Laspeyre				1
Lippincott ..	1			
Magruder ..				1

NAMES.	Hammond	McKibbin.	Mathewson	Forman...
Miller		1		
Montgomery				1
Morgan			1	
Morrison	1			
O'Brien		1		
Patrick				1
Piercy				1
Porter			1	
Powell		1		
Ross				1
Scott				1
Showalter				1
Smith of Tulare				1
Stearns	1			
Tilden		1		
Tilton			1	
Tittel		1		
Walden		1		
Walter		1		
White				1
Wiley		1		
Wood of Plumas				1
Wood of Yolo				1
Wright	1			

Those who voted for Mr. Watson were—

Messrs. Covarrubias and Gregory.

Mr. Munday voted for Mr. Vance.

Mr. Sorrel voted for Mr. Showalter.

Whole number of votes cast, one hundred and five.

Necessary to a choice, fifty-three.

Mr. Hammond received fourteen votes.

Mr. McKibbin received thirty-four votes.

Mr. Mathewson received fourteen votes.

Mr. Forman received thirty-nine votes.

Mr. Watson received two votes.

Mr. Vance received one vote.

Mr. Showalter received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Chase moved that the convention adjourn to meet on tomorrow, March twenty-ninth, at two o'clock, P. M.

Lost.

BOUNDARY COMMISSIONER—SEVENTH BALLOT.

The Secretary called the roll for the seventh ballot, with the following result:

NAMES.	Hammond.	McKibbin.	Mathewson	Forman...
Burbank		1		
Chase		1		
Clark				1
Crittenden				1
DeLong		1		
Denver				1
Dickinson				1
Eagan				1
Edgerton		1		
Franklin				1
Gallagher				1
Harvey		1		
Haynes				1
Hancock				1
Hill		1		
Irwin		1		
Leet				1
Logan				1
Merritt				1
Parks				1
Phelps		1		
Pico				1
Rhodes				1
Shafter			1	
Thomas				1
Thornton				1
Vance				1
Warmcastle				1
Watkins			1	
Watson				1
Watt				1
Williamson				1
Adams		1		
Amyx				1
Avery		1		
Baechtel				1
Banks		1		
Blair		1		
Bradley				1
Briggs			1	
Burnell		1		
Buell				1
Chandler				1
Cherry			1	
Childs				1
Clark			1	
Coleman		1		
Conness		1		

NAMES.	Hammond	McKibbin.	Mathewson	Forman...
Councilman.....		1		
Covarrubias				1
Crocker				1
Curtis.....				1
Doughterty.....		1		
Durst		1		
Eastman		1		
Fargo		1		
Flanders				1
Ford		1		
Gillette				1
Gordon				1
Green		1		
Gregory.....				1
Hagans.....				1
Harriman		1		
Harris				1
Harrison				1
Haun				1
Henderson		1		
Hill		1		
Holman				1
Horrell				1
Hunter		1		
Johnson				1
Kungle				1
Kurtz.....				1
Lalor				1
Laspeyre.....				1
Lippincott	1			
Magruder				1
Montgomery				1
Morgan			1	
Munday				1
O'Brien		1		
Patrick				1
Piercy				1
Porter			1	
Powell.....		1		
Ross				1
Scott				1
Showalter				1
Smith of Tulare.....				1
Sorrel				1
Spence		1		
Stearns	1			
Tilden.....		1		
Tilton				1

NAMES.	Aylerte ...	Tilden ...	Thomas...	Ellis.....
Tittel	1	.....	.....
Walden	1	.....	.....
Walter	1	.....	.....
White	1
Wood of Plumas.....	1
Wood of Yolo	1
Wright..	1	.....	.....

Whole number of votes cast, one hundred and four.

Necessary to a choice, fifty-three.

Mr. Hammond received two votes.

Mr. McKibbin received thirty four votes.

Mr. Forman received sixty votes.

Mr. Mathewson received eight votes.

Mr. Ferris Forman having received a majority of all the votes cast, the President declared him duly elected Boundary Commissioner under the provisions of an act approved March twenty-sixth, eighteen hundred and sixty-one, entitled An Act to provide a Commission to co-operate with one appointed on behalf of the United States to ascertain and mark a portion of the Eastern Boundary Line of this State.

The object for which the convention was convened having been accomplished the President declared the convention adjourned *sine die*.

The Senate then returned to their own Chamber.

IN ASSEMBLY.

The House reassembled.

At twenty minutes past three o'clock, P. M. on motion of Mr. Gregory, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 29th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Flanders, the hour of meeting of the Assembly was changed to ten o'clock, A. M.

REPORTS.

Reports were made as follows:

By Mr. Curtis:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred cer-

tain bills, beg leave to report Assembly Bill, No. 105, An Act to extend the provisions of An Act to extend the terms of Office of the Board of Supervisors of certain Counties of this State, and fix the Compensation of the Board of Supervisors of Mendocino County, and recommend the passage of the bill;

Also, Assembly Bill, No. 104, An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three, with an amendment, and recommend its passage as amended.

All of which is respectfully submitted.

N. GREENE CURTIS,
Chairman.

By Mr. Walden :

Mr. SPEAKER:—The Committee on Claims to whom was referred Senate Bill, No. 118, An Act to reimburse to Mary B Russell certain money expended by the Sisters of Mercy for the burial of the Dead—beg leave to make the following report :

This is a claim for services and outlays by the Sisters of Mercy for burying those who died at the city and county hospital in San Francisco, from the twenty-fifth of October, eighteen hundred and fifty-five, to the twenty-sixth of April, eighteen hundred and fifty-seven. The names of the individuals buried, and the date of the burial of each, is properly certified to by the Steward of the hospital. It is in proof that two-thirds of those buried, for which this claim is made, were citizens of the State at large.

The claimants ask that, notwithstanding the hospital was a county institution, yet, as two-thirds of those who were the subjects of those services and outlays were citizens of the State, outside of the city and county of San Francisco, the State make remuneration for that proportion; and that the Board of Supervisors of the city and county of San Francisco be authorized and required to allow and pay the balance. The equity of the claim has been recognized by the Board of Supervisors of the city and county of San Francisco, but having doubts of their jurisdiction in the matter, recommend that it should be presented to the Legislature for its action.

Accordingly, in eighteen hundred and fifty-eight, a bill was passed through the Senate, and was on its final passage in the Assembly, but was defeated by an adjournment *sine die*. It has passed, favorably, the Board of Examiners, and this bill for the payment of the portion asked for from the State, and authorizing the Board of Supervisors of the city and county of San Francisco to allow and pay the balance, has passed the Senate this session of the Legislature. We think the claim has eminent merit, and strongly commends itself to the justice and generosity of the Legislature. We, therefore, recommend the passage of the bill.

WALDEN,
HARRIMAN,
LIPPINCOTT,
HUNTER,
GILLETTE.

Also :

Mr. SPEAKER:—The Committee on Claims to whom was referred Assembly Bill, No. —, An Act for the relief of B. F. Marshall—report the same back, and recommend that it be referred to the Judiciary Committee;

Also, Assembly Bill, No. 303, An Act for the relief of Samuel A. Bishop and Edward F. Beale ;

Also, Assembly Bill, No. 194, An Act to allow the claim of Daniel McClaren, etc.—report the same back, and recommend that they be referred to the Judiciary Committee;

Also, the claim of S. Washburn for collecting the Arms of the State by order of Gen. W. C. Kibbe, and report the same without recommendation;

Also, Assembly Bill, No. 215, An Act to audit and allow the claim of J. S. Waite—and report the same back, and recommend that it do not pass;

Also, Assembly Bill, No. 37, An Act for the relief of Wm. H. Brown—and report the same back without recommendation.

WALDEN,
Chairman.

By Mr. Dougherty:

MR. SPEAKER:—Your Committee of Ways and Means to whom was referred Senate Bill, No. 25, entitled An Act in relation to Auctioneers—have again given the bill their full consideration, and hearing all that the friends of the bill, with their counsel, had to urge in favor of its passage, again beg leave to report the same back, and recommend that it do not pass.

JOHN DOUGHERTY,
Chairman.

By Mr. O'Brien.

MR. SPEAKER:—Your Committee on Counties and County Boundaries to whom was referred Assembly Bill, No. 296, An Act to define the Boundary of Sutter County—have had the same under consideration, report the bill back, and recommend its reference to the Placer, Sacramento, and Sutter, delegations. Your committee have made this recommendation for the reasons that the counties above mentioned will be affected by the bill under consideration.

O'BRIEN.

By Mr. Stearns:

MR. SPEAKER:—Your Committee on Agriculture having had under consideration Assembly Bill, No. 311, beg leave to report the same back with an amendment, and recommend its passage.

While we admit, to the fullest extent, the great importance of the agricultural interest of this State, the justice of its claim for the fostering and protecting care of the government, and the soundness of the policy of encouraging this great interest in all its varied departments, by the grant of money from the State treasury, yet while we would gladly be generous in granting aid to the agricultural, we must be just to the other great industrial interests of the State. And with an exhausted treasury and the alternative of bankruptcy, or largely increased taxation, before us, we cannot recommend the passage of this bill unamended. We believe by reducing the appropriation proposed to be given the society to fifteen thousand dollars, will not defeat its contemplated improvement, we believe the society should, and would, be able to go forward and make the improvements now contemplated; and in so doing, with the appropriation proposed, there will be left a debt resulting from said improvement of some ten thousand dollars.

We are informed by the President of the society that it is in debt at this time seventeen thousand dollars, a large portion of which is expected to be canceled with the proceeds of the next annual fair. The society, with a debt of fourteen or sixteen thousand dollars, will be in as good condition, financially, as the State will be after this Legislature adjourns.

We would, therefore, recommend that an appropriation of fifteen thousand dollars be made for the purposes proposed in said bill, viz.: the inclosing and permanent improvement of the cattle grounds belonging to said society.

We would further suggest that said appropriation be made payable, as follows: ten thousand dollars on the first Monday of November next, A. D. eighteen hundred and sixty-one, and five thousand dollars on the first Monday of November, A. D. eighteen hundred and sixty-two; and that the law of eighteen hundred and fifty-eight, making an annual appropriation of five thousand dollars to the State Agricultural Society be so far amended as to permit so much of said appropriation as the Board of Managers of said society shall determine, to be used for the year eighteen hundred and sixty-one, for the purposes contemplated in this bill.

All of which is respectfully submitted,

A. STEARNS,
Chairman,
D. P. DURST,
WM. C. WOOD,
R. CLARK.

By Mr. Smith of Tulare:

MR. SPEAKER:—The Committee on Public Lands having had under consideration Assembly Bill, No. 13, An Act making Certificates of Purchase, or of Location, evidence of title—report the same back to the house, with a minority recommendation that it should pass, and by the majority of the committee without recommendation

SMITH of Tulare,
Chairman.

By Mr. Tilton:

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 240, An Act supplementary to, and explanatory of, the first section of An Act to provide a Fund for the redemption of, and prescribing the manner of redeeming, the Outstanding Warrants drawn upon the Treasury of Tuolumne County, and further to provide for the payment of all the Current Expenses of said County in Cash, approved February twenty-second, eighteen hundred and sixty-one;

Also, Assembly Bill, No. 84, An Act to provide for recording certain Deeds, and make the same notice and evidence;

Also, Assembly Bill, No. 129, An Act making appropriations for the payment of the Per Diem and Mileage of Presidential Electors;

Also, Assembly Concurrent Resolution, No. 41, Relative to the Butterfield Route;

Also, Assembly Bill, No. 231, An Act for the payment of the Claim of I. & S. Wormser, Assignees.

S. S. TILTON,
Chairman.

By Mr. Campbell:

MR. SPEAKER:—The Judiciary Committee to whom was referred certain bills, ask leave to report Senate Bill, No. 21, An Act to audit and allow the Claim of Peyton, Duer, Lake, and Rose, or their Assigns, with amendment, and recommend its passage as amended;

Also, Senate Bill, No. 63, An Act to audit and pay the Claim of Gregory Yale, with an amendment, and recommend its passage as amended;

Also, Senate Bill, No. 67, An Act to authorize the Treasurer of State to issue Bonds, and recommend its passage;

Also, Assembly Bill, No. 46, An Act to provide compensation for certain Legal Services, with an amendment, and recommend its passage as amended;

Also, Assembly Bill, No. 334, An Act to provide for the payment of the claim of W. W. Upton, for certain services therein mentioned—and recommend its passage.

All of which is respectfully presented,

CAMPBELL,
Chairman.

By Mr. Curtis:

MR. SPEAKER:—The Sacramento Delegation, to whom was referred the petition of the Turn Verein Association of the City of Sacramento, praying for the passage of a law exempting their hall from taxation—have had the same under consideration, and respectfully recommend that the prayer of the petitioners be granted.

They have also had under consideration Assembly Bill, No. 329, An Act to amend Section Thirty-Six of an Act entitled An Act to repeal An Act passed March twenty-sixth, eighteen hundred and fifty-one, 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—and report the same back, without amendment, and recommend its passage.

CURTIS,
For the Delegation.

The rules were suspended, and Assembly Bill, No. 329, above reported—was considered engrossed, read a third time, and passed.

Bill in reference to the Turn Verein Association, above reported—was read first and second times, rules suspended, considered engrossed, read a third time and passed.

By Mr. Powell:

MR. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 265—have had the same under consideration, and beg leave to report the same, with amendments, and recommend its passage as amended.

POWELL.

By Mr. Tilton:

MR. SPEAKER:—Your Select Committee on Change of Names, to whom was referred Assembly Bill, No. 249, An Act to change the name of Heinrich Wilhelm Christian Steghagan to Henry Hagan;

Also, Assembly Bill, No. 279, An Act to change the name of Henry Nathan to Henry Chester—have considered the same, and report them back, and recommend their passage.

TILTON,
Chairman.

By Mr. Flanders:

MR. SPEAKER:—I am directed by the San Francisco Delegation to report back Assembly Bill, No. 288, An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the Grade of certain Streets in said City and County—and recommend that it do not pass;

Also, Assembly Bill, No. 341, An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the Grade of Harrison Street in said City and County—and recommend that it do not pass;

Also, Assembly Bill, No. 109, An Act to provide for the issue of Licenses to Hotel and Tavern Brokers in the City and County of San Francisco—and recommend that it do not pass

The reason of the recommending that the above bills do not pass is, that the object sought to be obtained by the passage of these bills is provided for in another bill now before the Senate, the passage of which will render the passage of the above bills unnecessary;

Also, Assembly Bill, No. 250, An Act supplementary to an Act approved April twenty seventh, eighteen hundred and sixty, entitled An Act supplementary to an Act entitled An Act to confer further powers upon the Board of Supervisors, Auditor, and Treasurer, of the City and County of San Francisco, and authorize them to perform certain acts therein mentioned, approved April twenty-third, eighteen hundred and fifty-eight—with amendments, and recommend the passage of the bill as amended.

FLANDERS,

For the Delegation.

Mr. Fargo verbally reported, without recommendation, Assembly Bill, No. 228, An Act to prescribe the number and pay of Attachés of the Legislature, and the per diem of Members.

Mr. Smith of Tulare verbally reported and recommended the passage of Senate Bill, No. 195, An Act defining the time of holding the Court of Sessions of the County of Fresno.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Briggs, the rules were suspended to consider Assembly Bill, No. 224, An Act to authorize the Board of Supervisors of the County of San Mateo to take and subscribe One Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto—committee amendments adopted, rules suspended, considered engrossed, read a third time and passed

Assembly Bill, No. 212, An Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe Two Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto—committee amendments adopted, rules suspended, considered engrossed, read a third time and passed

Mr. Adams moved that the Committee on Swamp Lands have until Monday next at eleven o'clock, A. M. to report Senate Bill, No. 11, An Act in relation to the segregation of Swamp Lands

Mr. Montgomery moved that the committee report to-morrow morning at eleven o'clock

Upon which, Messrs. Montgomery, Kungle, and Sorrel demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 34—noes, 34:

AYES—Messrs. Baechtel, Blair, Bradley, Buell, Campbell, Chandler, Childs, Clarke, Curtis, Dougherty, Ford, Gillette, Gordon, Gregory, Hanson, Harriman, Harrison, Haun, Holman, Kungle, Kurtz, Lalor, Montgomery, Morrison, Munday, Patrick, Ross, Sorrel, Willey, and Wood of Plumas—30.

NOES—Messrs. Adams, Avery, Banks, Briggs, Cherry, Coleman, Coltrin, Conness, Councilman, Crocker, Durst, Eastman, Fargo, Flanders, Foster, Henderson, Hill, Horrell, Hunter, Miller, Morgan, O'Brien, Piercy, Porter, Powell, Smith of Tulare, Spence, Stearns, Titel, Walden, Walter, White, Wood of Yolo and Wright—34.

So the motion of Mr. Adams prevailed.

Mr. Laspeyre, from the Special Committee to whom was referred the Governor's message, and the Concurrent Resolution, Relative to the Senatorial election, made report, and Mr. Fargo, from the same committee, made a minority report.

Which reports were recommitted, with a request to report the facts connected with the alleged election of U. S. Senator, and the proper conclusions and deductions therefrom.

Mr. Laspeyre was excused from serving on the committee, and Mr. Smith of Tulare was substituted in his place.

Mr. Banks made the following report :

MR. SPEAKER:—The undersigned, a minority of the San Francisco Delegation, to whom was referred Assembly Bill, No. 253, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco—respectfully beg leave to report against its passage, for the general reasons recently assigned by us against the further granting and extending of toll-road privileges in the city and county of San Francisco.

JAMES N. BANKS,
N. CAMPBELL,
R. CLARK.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 25th, 1861. }

To the Honorable the Assembly of California :

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 131, An Act concerning Wild Animals in the County of Marin ;

Also, Assembly Bill, No. 213, An Act to amend an Act entitled An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money to the use of the Contra Costa County Agricultural Society ;

Also, Assembly Bill, No. 163, An Act to amend Section Twenty-Two of an Act entitled An Act to regulate Fees in Office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty ;

Also, Assembly Bill, No. 209, An Act to authorize Charles A. Keyser, Administrator of the Estate of R. B. Sherrard, deceased, to sell and convey Real Property at private sale ;

Also, Assembly Bill, No. 222, An Act to provide for the construction of a Wagon Road, commencing at Antelope Springs, in the County of Amador, and running thence by the best practicable route to Hope Valley, on the eastern slope of the Sierra Nevada Mountains ;

Also, Assembly Bill, No. 125, An Act concerning certain Officers of the County of Los Angeles ;

Also, Assembly Bill, No. 94, An Act to change the name of Myer Moses to Moses Myer ;

Also, Assembly Bill, No. 218, An Act to repeal so much of an Act entitled An Act supplemental to An Act for the protection of Game, passed

May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirtieth, eighteen hundred and sixty;
Also, Assembly Bill, No. 169, An Act fixing the Salary and Fees of the District Attorney of San Bernardino County.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 26th, 1861.

To the Honorable the Assembly of California :

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 42, An Act for the payment of Expenses incurred in the transportation of the State Arms and Munitions of War from Carson Valley to the State Armory at Sacramento.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 27th, 1861.

To the Honorable the Assembly of California :

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 230, An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, March 29th, 1861.

To the Honorable the Assembly of California :

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 183, An Act to provide for the collection of Delinquent Taxes in the County of Calaveras;

Also, Assembly Bill, No. 85, An Act to provide for the construction of a Bridge in the City of Nevada;

Also, Assembly Bill, No. 130, An Act authorizing James P. Sargeant, the Guardian of Policarpa Chabolla, a Minor, to sell at private sale the Lands and Real Estate of said Minor;

Also, Assembly Bill, No. 50, An Act to authorize Joseph J. Cloud to construct and maintain a Wharf at Punta Arena, in the County of Mendocino;

Also, Assembly Bill, No. 310, An Act to amend An Act fixing the time when General Laws shall take effect.

JOHN G. DOWNEY,
Governor.

The House concurred in Senate amendments to Assembly Bill, No. 41, An Act to provide for the collection of Delinquent Taxes in the County of Butte.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Friday, March 29th, 1861. }

MR SPEAKER :—The Senate, on yesterday, passed Senate Bill, No. 217, An Act to amend An Act concerning Corporations;

Also, Senate Bill, No. 111, An Act to grant the right of way to construct a Toll-Bridge across Feather River, near Oroville, in Butte County ;

Also, Senate Bill, No. 187, An Act to authorize Peter Davison to execute a certain Conveyance in behalf of his Infant Heirs ;

Also, Senate Bill, No. 236, An Act to appropriate Money to pay the Claim of William Bofer & Co ;

Also, Assembly Bill, No. 168, An Act to amend an Act entitled An Act concerning the Board of Supervisors of Placer County, and to extend its provisions to the Counties therein named ;

Also, Assembly Bill, No. 312, An Act making appropriations for Deficiencies for the Twelfth Fiscal Year, ending thirtieth of June, eighteen hundred and sixty one ;

Also, Assembly Bill, No. 298, An Act making appropriations for the Salary of the State Librarian, from the sixteenth of March to the thirtieth of June, eighteen hundred and sixty-one

D. J. WILLIAMSON,

Assistant Secretary.

Senate Bill, No. 217, above reported—was read first and second times, and referred to the Committee on Corporations.

Pending the consideration of the preceding message, Mr. Conness moved that the House adjourn.

Upon which, Messrs. Fargo, White, and Ross, demanded the ayes and noes, and at ten minutes past four o'clock, P. M. the House adjourned by the following vote : Ayes, 34—noes, 30 :

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Bradley, Campbell, Chandler, Cherry, Childs, Conness, Crocker, Dougherty, Durst, Flanders, Gordon, Green, Gregory, Hariman, Haun, Henderson, Kungle, Kurtz, Laspeyre, Lippincott, Magruder, Patrick, Powell, Scott, Sorrel, Walter, Willey, Wood of Plumas, Wood of Yolo, and Mr. Speaker—^c4.

NOES—Messrs. Banks, Blair, Briggs, Buell, Clarke, Coleman, Eastman, Fargo, Hagans, Harris, Harrison, Hill, Holman, Horrel, Hunter, Johnson, Miller, Montgomery, Morgan, Munday, O'Brien, Piercy, Porter, Ross, Smith of Tulare, Smith of Placer, Spence, Tittel, Walden, and White—30.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 30th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Hill had two days' leave of absence.

PETITIONS.

Petitions were presented as follows :

By Messrs. Campbell and Conness, for Military Law.

By Mr. Tittel, Of citizens of San Francisco, for change in law of Possessory Actions.

Referred to the Judiciary Committee.

REPORTS.

Reports were made as follows :

By Mr. Curtis :

MR. SPEAKER :—The Committee on Corporations, to whom was referred Senate Bill, No. 217, An Act to amend An Act concerning Corporations, passed April twenty-second, A D. eighteen hundred and fifty—have had the same under consideration, and report it back, without amendment, and recommend its passage ;

Also, Assembly Bill, No. 214, An Act to grant the right to construct a Bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named ;

Also, Assembly Bill, No. 256, An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts—and report the same back, without amendments, and recommend their passage.

N. GREENE CURTIS,
Chairman.

By Mr. Wood of Plumas :

MR. SPEAKER :—Your Committee on Military Affairs, to whom was referred Assembly Bill, No. 349, An Act for the relief of Jeremiah Callaghan—beg leave to report the same back, with a recommendation that it do not pass.

A. WOOD,
Chairman.

By Mr. Coleman :

MR. SPEAKER :—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 47, An Act supplementary to An Act concerning Passengers arriving in the Ports of the State of California, approved May third, eighteen hundred and fifty-two ;

Also, Assembly Bill, No. 294, An Act to grant the right to construct a Turnpike Road between the Town of Jackson and Ione City, in the County of Amador.

COLEMAN.

By Mr. Tilton :

MR. SPEAKER :—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 298, An Act making an appropriation for the Salary of the State Librarian from the sixteenth of March to the thirtieth day of June, eighteen hundred and sixty-one ;

Also, Assembly Bill, No. 312, An Act making an appropriation for Deficiencies for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one.

TILTON,
Chairman.

Also,
MR. SPEAKER :—The San Francisco Delegation, to whom was referred Assembly Bill, No. 326, An Act to regulate and license Intelligence Offices in the City and County of San Francisco—have carefully considered and amended the same, report it back, and unanimously recommend its passage as amended.

TILTON,
For the Delegation.

MR. SPEAKER :—The Committee on Appropriations, appointed for the purpose of reporting to this House weekly the amount appropriated by

the Legislature during its present session, beg leave to report the following as the result of its investigations:

February 6, for Postage and Express purposes.....	\$3,000 00
February 8, for Copying done for the Legislature, Assembly and Senate, each \$5,000	10,000 00
February 8, for deficiency in translation of Laws into Spanish	72 50
February 21, for Vols. Fourteen and Fifteen of Supreme Court Reports	4,000 00
February 21, for Contingent Fund for Senate.....	5,000 00
March 5, for Salary of additional Clerk in Land Office.	2,400 00
March 19, for payment of C. W. Tozer and others, for transportation of Arms and Munitions of War to Carson Valley..	6,150 00
	<hr/>
	\$30,622 50
To this amount must be added \$10,000, appropriated for the benefit of the Deaf and Dumb Asylum	23,000 00
	<hr/>
Total amount appropriated to date, as far as your committee can ascertain.....	\$53,622 00

SMITH of Tulare.
AMYX,
MILLER,
HARRIMAN,
FOSTER.

MR. SPEAKER :—Assembly Bills, Nos 337 and 338—referred to the Mendocino and Marin delegations, have been carefully examined. We beg leave to report the same back, with amendment, and recommend their passage.

BAECHTEL,
GORDON.

By Mr. Flanders:

MR. SPEAKER :—I am directed by the San Francisco Delegation to report back Assembly Bill, No. 350, An Act to exempt the City and County of San Francisco from giving Undertakings in certain cases—without amendment, and recommend the passage of the bill.

FLANDERS,
For the Delegation.

Mr. Lippincott offered a Concurrent Resolution, fixing Tuesday, the second day of April for Joint Convention to elect a United States Senator.

Upon its adoption, Messrs. Piercy, White, and Haun, demanded the ayes and noes, and the resolution was adopted by the following vote: Ayes, 38—noes, 32:

AYES—Messrs. Adams, Blair, Buell, Chandler, Cherry, Childs, Coltrin, Councilman, Curtis, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Hagans, Harriman, Hunter, Lippincott, Miller, Morgan, Morrison, Piercy, Powell, Smith of Tulare, Smith of Placer, Spence, Tilden, Tilton, Tittel, Walden, Walter, White, Willey, Wood of Plumas, Wright, and Mr. Speaker—38.

NOES—Messrs. Amyx, Avery, Baechtel, Banks, Bradley, Briggs, Campbell, Clarke, Conness, Foster, Gillette, Green, Hanson, Harrison, Haun, Holman, Horrell, Johnson, Kurtz, Laspeyre, Magruder, Montgomery, Monday, O'Brien, Patrick, Porter, Ross, Scott, Showalter, Sorrel, Stearns, and Wood of Yolo—32.

The Clerk was directed to transmit the resolution to the Senate.

Mr. Conness was excused from serving on Joint Committee on Senatorial Election, and Mr. Dougherty was substituted in his stead.

Mr. Campbell made the following report:

MR. SPEAKER :—The Judiciary Committee, to whom was referred certain bills, beg leave to report Assembly Bill, No. 208, An Act to authorize Isaac Williams, as Guardian of Jonathan P. Williams and Isaac B. Williams, to sell and convey a portion of their Real Estate at private sale—with a substitute, and recommend the passage of the substitute;

Also, Assembly Bill, No. 172, An Act to abolish the office of Coroner in the County of Tuolumne—and recommend that it do not pass;

Also, Assembly Bill, No. 292, An Act to prohibit the skinning of Dead Cattle in certain cases—with amendment, and recommend its passage as amended;

Also, Assembly Bill, No. 305, An Act to prohibit the unlawful publication of the Testimony, or Facts of Crime—and recommend that it do not pass;

Also, Assembly Bill, No. 345, An Act for the purchase and preservation of Public Newspapers—with amendment, and recommend its passage as amended;

Also, Assembly Bill, No. 239, An Act to provide for the appointment of Commissioners in Equity—and recommend that it be referred to the San Francisco Delegation.

All of which is respectfully submitted.

CAMPBELL,
Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Monday, March 25th, 1861. }

MR. SPEAKER :—The Senate, on Saturday, adopted Assembly Concurrent Resolution, Relative to a Special Committee of three, to take into consideration the vote cast on March twentieth, in Joint Convention for United States Senator—and have appointed Messrs. Burbank, Franklin, and Gallagher, as said committee;

Also, on the twenty-third instant, passed Assembly Bill, No. 42, An Act for the payment of Expenses incurred in the transportation of the State Arms and Munitions of War from Carson Valley to the State Armory at Sacramento.

C. W. TOZER,
Secretary Senate.

SENATE CHAMBER,
Wednesday, March 27th, 1861. }

MR. SPEAKER :—I am directed to inform the Assembly, that the Senate, on yesterday, passed Senate Bill, No. 160, An Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe Three Hundred Thousand Dollars to the Capital Stock of the San

Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto ;

Also, on this day, adopted Senate Concurrent Resolution, No. 29, Relative to a Joint Convention for the election of a United States Senator.

C. W. TOZER,
Secretary Senate.

Senate Bill, No 160, above reported—was read first and second times, amended, rules suspended, read a third time and passed.

Senate Concurrent Resolution, No. 29, above reported—was laid on the table.

SENATE CHAMBER,
Friday, March 29th, 1861. }

Mr. SPEAKER :—The Senate, this day, refused to concur in Assembly amendments to Senate Bill, No 145, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government, approved April thirtieth, eighteen hundred and sixty—and have appointed Messrs. Clarke, Logan, and Vance, as a Committee of Free Conference, and ask a similar committee on the part of the House.

D. J. WILLIAMSON,
Assistant Secretary.

The House appointed Messrs. Durst, White, and Ross, a Committee of Free Conference on the disagreeing vote on Senate Bill, No. 145, above reported ;

Also, the Senate, this day, passed Assembly Bill, No. 64, 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 twenty-ninth, eighteen hundred and fifty-one, with amendments ;

Also, Assembly Bill, No 36, An Act to grant to certain parties the right to lay a Railroad Track along certain Streets in the City and County of Sacramento, with amendments ;

Also, Assembly Bill, No. 262, An Act to provide for the collection of Delinquent Taxes in the County of Contra Costa, with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bills, Nos 64 and 262, above reported.

The House refused to concur in Senate amendments to Assembly Bill, No. 36, above reported, and appointed a Committee of Conference.

SENATE CHAMBER,
Saturday, March 30th, 1861. }

Mr. SPEAKER :—The Senate, on yesterday, passed Senate Bill, No 204, An Act amendatory of, and supplementary to, an Act entitled An Act of April twenty-ninth, eighteen hundred and fifty-one, to regulate Proceedings in Civil Cases ;

Also, Senate Bill, No. 209, An Act in amendment of An Act concerning the Office of Secretary of State, approved May fifteenth, eighteen hundred and fifty-four ;

Also, Senate Bill, No. 249, An Act to amend An Act entitled An Act to authorize the Board of Supervisors of Tehama County to levy certain Taxes in said County, and to create a Contingent Fund, passed April fifteenth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 333, An Act amendatory of An Act to provide for the collection of Delinquent Taxes in the County of Nevada;

Also, Assembly Bill, No. 184, An Act to fund the Indebtedness of the County of Los Angeles now existing in the form of County Auditor's Warrants, or that may be outstanding on the first day of July, eighteen hundred and sixty-one, or Warrants issued for Indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same;

Also, on yesterday, passed Assembly Bill, No. 310, An Act to amend An Act fixing the time when General Laws shall take effect;

Also, Assembly Bill, No. 205, An Act regulating the Fees of Associate Justices of the Court of Sessions, Jurors, and Inspectors, Judges, and Clerks, of Elections, in Tuolumne County;

Also, Senate Bill, No. 229, An Act to change the name of Daniel McDonough to that of James Henry Warwick;

Also, concurred in Assembly amendments to Senate Bill, No. 132, An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco;

Also, have passed Assembly Bill, No. 89, An Act to regulate Fees of Office in the County of Los Angeles, with amendments;

Also, Senate Bill, No. 55, An Act to amend an Act entitled An Act for securing the Liens of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six;

Also, Assembly Bill, No. 240, An Act supplementary to, and explanatory of, the First Section of An Act to provide a fund for the redemption of, and prescribing the manner of, redeeming the Outstanding Warrants drawn upon the Treasury of Tuolumne County, and further, to provide for the payment of all Current Expenses of said County in Cash, approved February twenty-second, eighteen hundred and sixty-one;

Also, Assembly Bill, No. 84, An Act to provide for recording certain Deeds, and to make the same Notice and Evidence;

Also, Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the Interest in certain Real Estate of her Infant Child, with amendments;

Also, Assembly Bill, No. 129, An Act making appropriations for the payment of the per diem and mileage of Presidential Electors;

Also, Assembly Bill, No. 173, An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a Special Tax for Building purposes, and to levy an additional Tax for County purposes in said County, with amendments;

Also, have passed Senate Bill, No. 213, An Act authorizing the Board of Supervisors of Tehama County to remove the Remains from the old Grave-Yard, in Red Bluff, to the new Cemetery, and to levy a Tax to pay the cost of the same;

Also, concurred in Assembly Concurrent Resolution, No. 41, Relative to the Butterfield Route;

Also, Assembly amendments to Senate Bill, No. 18, An Act to provide for a Commission to co-operate with one appointed on behalf of the United States, to ascertain and mark a portion of the Eastern Boundary Line of this State;

Also, passed, on yesterday, Assembly Bill, No. 231, An Act for the payment of the claim of I. & S. Wormser, Assignees, etc.;

Also, Assembly Bill, No. 156, An Act amendatory of, and supplementary to, an Act entitled An Act supplementary to An Act to provide for fund-

ing the Outstanding Debt of the City of Oakland, and to prevent the creation of new Debts by said City;

Also, Assembly Bill, No. 230, An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino;

Also, on yesterday, passed Senate Bill, No. 252, An Act for the relief of the Clerk of the Board of Supervisors of Sacramento County.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bills, Nos. 213, 229, and 249, above reported—were read first and second times, rules suspended, read a third time and passed.

Senate Bills, Nos. 204 and 55, above reported—were read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 209, above reported—was read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No. 252, above reported—was read first and second times, and referred to the Sacramento Delegation.

The House concurred in Senate amendments to Assembly Bills, Nos. 89, 156, and 173, above reported.

The House refused to concur in Senate amendments to Assembly Bill, No. 100, above reported, and appointed a Committee of Conference.

Senate Bill, No. 236, An Act to appropriate Money to pay the claim of William Bofer & Co.—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 187, An Act to authorize Peter Davidson to execute a certain conveyance in behalf of his Infant Children—was read first and second times, and placed on file.

Senate Bill, No. 111, An Act to grant the right of way to construct a Toll-Bridge across Feather River, near Oroville, in Butte County—was read first and second times, rules suspended, read a third time and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Patrick, for An Act amendatory of An Act to make certain Offices in Tuolumne County salaried Offices, approved February twenty-second, eighteen hundred and sixty-one.

Read first and second times, and referred to the Tuolumne Delegation.

By Mr. Amyx, for An Act authorizing Rachael Bonds, Administratrix of the Estate of George M. Bonds, deceased, to sell Real Estate of the late George M. Bonds at public, or private, sale.

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

By Mr. Magruder, for An Act amendatory of An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five.

Read first and second times, and referred to the Yuba Delegation.

By Mr. Montgomery, for An Act to amend An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto.

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

By Mr. Buell, for An Act to amend An Act to authorize the location of the Town Site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Piercy, for An Act to allow Isidore Burns, or his Assigns, to construct Wharfs in the City of San Francisco.

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

By Mr. Harrison, for An Act to authorize John Atkinson, of Placer County, to remove the Remains of Deceased Persons.

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

By Mr. Morrison, for An Act to appropriate Money to pay Barney Clark, Assignee of J. M. Anderson.

Read first and second times, and referred to the Committee on Claims.

By Mr. Ross, for An Act to enable the City of Sonoma to compromise controversies relative to City Property, and to sell Lands.

Read first and second times, and placed on file ;

Also, for An Act to restore Eliza Martin (late Eliza Hall,) to her former authority as Executrix of the late Will and Testament of Edward H. Hall, deceased, with power to sell and convey certain Real and Personal Property at public or private sale.

Read first and second times, and referred to the Sonoma and Mendocino delegations.

By Mr. Scott, for An Act supplemental to An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times, and referred to the Napa Delegation.

By Mr. Horrell, for An Act authorizing the transcribing of certain Records for the County of Amador.

Read first and second times, and referred to the Amador Delegation.

By Mr. Harrison, for An Act to prevent the forced sale of Mining Claims.

Read first and second times, and referred to the Committee on Mines and Mining Interests ;

Also, Concurrent Resolution, Relative to protection of persons engaged in Mining for Precious Metals.

Referred to Committee on Mines and Mining Interests.

By Mr. Burnell, for An Act to create the University of the State of California, and to provide for its Organization.

Read first and second times, and referred to the Committee on Education.

Mr. Smith of Tulare offered the following resolution :

Resolved, That the Senate be respectfully requested to appoint a committee to act with the House Committee in apportioning the Senatorial and Assembly Districts of this State.

Adopted.

SPECIAL ORDER.

Assembly Bill, No. 175, An Act to provide for the survey and segregation of the Swamp and Overflowed Lands donated to the State under the Act of Congress of September twenty-eighth, eighteen hundred and fifty, entitled An Act to enable the State of Arkansas and other States to reclaim the Swamp Lands within their limits—the special order for this day, was considered in Committee of the Whole, reported with amendments, and recommended.

Amendments adopted.

Mr. Montgomery moved to make the bill the special order for Thursday next at twelve o'clock, M.

Upon which, Messrs. Montgomery, Wood of Plumas, and Hagans, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 21—noes, 26:

AYES—Messrs. Baechtcl, Blair, Campbell, Chandler, Cherry, Covarrubius, Dougherty, Ford, Gregory, Hagans, Hanson, Haun, Holman, Horrell, Kungle, Montgomery, Showalter, Tilton, White, Willey, and Wood of Plumas—21.

NOES—Messrs. Adams, Avery, Banks, Coleman, Conness, Durst, Eastman, Fargo, Foster, Green, Harrison, Johnson, Laspeyre, Miller, Morgan, Munday, O'Brien, Powell, Ross, Smith of Placer, Spence, Stearns, Tilden, Tittel, Wood of Yolo, and Mr. Speaker—26.

So the bill was ordered engrossed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,

Saturday, March 30th, 1861.

MR. SPEAKER:—The Senate, this day, passed Assembly Bills, Nos. 224 and 212, Relative to the Counties of Santa Clara and San Mateo subscribing Stock to the San Francisco and San José Railroad Company, with amendments;

Also, have concurred in Assembly amendments to Senate Bill, No. 160, Relative to the County of San Francisco subscribing Stock to the San Francisco and San José Railroad Company;

Also, passed Assembly Bill, No. 266, An Act in relation to the burning of Bricks in the City and County of San Francisco, with amendments;

Also, Senate Concurrent Resolution, No. 39, Relative to Attorney-General.

D. J. WILLIAMSON,

Assistant Secretary.

The House concurred in Senate amendments to Assembly Bills, Nos. 266, 212, and 224, above reported.

The House adopted Senate Concurrent Resolution, No. 39, above reported.

GENERAL FILE.

Assembly Bill, No. 267, An Act concerning Roads and Highways in the County of Klamath—amendments adopted, rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 144, An Act prescribing a certain Duty of the Auditor of the City and County of Sacramento;

Also, Assembly Bill, No. 80, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 187, An Act to amend an Act entitled An Act concerning Forceful Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and sixty—were read a third time and passed.

Senate Bill, No. 151, An Act for the relief of William Greenhood—was considered in Committee of the Whole, reported, and recommended, read a third time and passed.

Assembly Bill, No. 304, An Act to authorize the construction of a Turnpike Road through the Cajon Pass, in San Bernardino County—was re-committed to Committee on Roads and Highways.

The following resolution was offered by Mr. Banks :

Resolved, By the Assembly, the Senate concurring, that the Joint Committee, to whom was referred the subject of apportionment be, and they are hereby, instructed to provide for a number of Senators not exceeding thirty, and a number of Assemblymen not exceeding sixty.

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

Carried.

Assembly Bill, No. 123, An Act to create the County of Alturas—also special order for this day, was taken up.

On ordering the bill engrossed, Messrs Dougherty, Chandler, and Wood of Plumas, demanded the ayes and noes, and the House refused by the following vote : Ayes, 11—noes, 31 :

AYES—Messrs. Blair, Buell, Coltrin, Dougherty, Durst, Fargo, Green, Holman, Kungle, Munday, and O'Brien—11.

NOES—Messrs. Avery, Baechtel, Banks, Campbell, Chandler, Childs, Conness, Curtis, Eastman, Gordon, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Horrell, Kurtz, Laspeyre, Miller, Patrick, Powell, Ross, Showalter, Spence, Stearns, Tittel, Walter, Wood of Plumas, and Wright—31.

Senate Bill, No. 217, An Act to amend An Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty.

Mr. Conness moved a call of the House.

Carried

The following members were absent :

Messrs Adams, Amyx, Baechtel, Bradley, Cherry, Clarke, Councilman, Covarrubias, Flanders, Ford, Henderson, Johnson, Lalor, Montgomery, Morgan, Porter, Scott, Smith of Placer, Stearns, Tilden, and Willey.

On motion of Mr. Durst, the proceedings under the call were dispensed with, bill read a third time and passed.

Assembly Bill, No. 234, An Act to fund the Debt of the County of Solano, and provide for the payment of the same—amendments adopted, rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 320, An Act to amend An Act concerning Roads and Highways in the County of Placer, approved April thirtieth, eighteen hundred and sixty—rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 336, An Act for the relief of Thomas R. Eldridge—was considered in Committee of the Whole, and reported without recommendation.

At half-past three o'clock, p. m. on motion of Mr. Crocker, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 1st, 1861. }

The House met pursuant to adjournment.

Speaker in the Chair.

The roll was called.

Quorum present.

The journal of yesterday was read and approved.

Leave of absence was granted as follows : to Messrs Montgomery and Stearns, for two days each ; to Messrs. Clarke, Bradley, Flanders, Tilton, Cherry, Briggs, and Willey, for one day each ; and to Messrs. Walden and Magruder, indefinite leave.

The Speaker announced as Committee of Free Conference on Sacramento Railroad Bill, Messrs. Conness, White, and Adams.

GENERAL FILE.

Assembly Bill, No 220, An Act concerning the compensation of the Deputy District Attorney of the City and County of Sacramento ;

Also, Assembly Bill, No. 261, An Act to amend An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four—were read third time, and passed

Senate Bill, No. 137, An Act making an appropriation for the payment of the Claim of I. & S Wormser, Assignees of William Dougherty and J. C. Lewis, for Newspapers furnished Senate, Eleventh Session—was considered in Committee of the Whole, reported and recommended, read third time, and passed.

Assembly Bill, No. 264, An Act to amend An Act to repeal An Act passed March twenty-sixth, eighteen hundred and fifty one, 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, approved April twenty-fourth, eighteen hundred and fifty-eight—amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate Bill, No. 68, An Act to amend an Act entitled An Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April twentieth, eighteen hundred and fifty-two ;

Also, Senate Bill, No. 162, An Act to authorize the Trustees of the Contra Costa Educational Association, of the County of Contra Costa, to sell or mortgage the Real Estate, or other property belonging to the Association, for certain purposes—were read third time, and passed.

Assembly Bill, No. 177, An Act to authorize Pacificus Ord to sell certain Real Estate of his Infant Children—ordered engrossed.

Assembly 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 thirtieth, eighteen hundred and sixty—amended, rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No 25, An Act to amend An Act defining the time for commencing Civil Actions—indefinitely postponed.

Senate Bill, No 38, An Act in amendment of An Act to regulate proceedings in Civil Cases, approved May first, eighteen hundred and fifty-one—made special order for April fourth, at twelve, M.

Senate Bill, No. 63. An Act to audit and pay the claim of Gregory Yale—considered in Committee of the Whole, reported, and recommended

Mr. Adams moved to indefinitely postpone the bill.

Upon which, Messrs. Amyx, Ross, and Curtis, demanded the ayes and noes, and the motion prevailed by the following vote : Ayes, 31—noes, 26 :

AYES—Messrs. Adams, Baechtel, Buell, Chandler, Childs, Coltrin, Councilman, Crocker, Gregory, Hagans, Hanson, Harrison, Haun, Holman,

Kungle, Lalor, Morgan, Munday, O'Brien, Piercy, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Tilden, Walter, Wood of Plumas, and Wood of Yolo—31.

NOES—Messrs Amyx, Banks, Blair, Campbell, Coleman, Conness, Covarrubias, Curtis, Dougherty, Durst, Eastman, Foster, Gillette, Green, Harris, Horrell, Johnson, Kurtz, Laspeyre, Lippincott, Morrison, Patrick, Powell, Tittel, White, and Wright—26.

Mr. Banks moved to reconsider the vote by which the House, on Saturday last, refused to order to engrossment Assembly Bill, No. 123, An Act to create the County of Alturas.

Mr. Dougherty moved to make the motion to reconsider, the special order for April third, at twelve, m.

Carried.

MESSAGES FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Monday, April 1st, 1861. }

MR. SPEAKER:—The Senate, this day, passed Assembly Bill, No. 192, An Act to provide for the annulling of Certificates of Purchase of Lands sold on a credit for the non-payment of Interest, etc.;

Also, have concurred in Assembly Concurrent Resolution, No. 39, Providing for the payment of Spanish Translation of certain Documents ;

Also, adopted Concurrent Resolution, Relative to Grape-Vine.

D. J. WILLIAMSON,
Assistant Secretary.

The House refused to concur in Senate amendments to Assembly Bill, No. 192, above reported, and appointed Messrs. Conness, Showalter, and Wood of Yolo, a Committee of Free Conference.

Mr. Amyx presented an account for Newspapers.

Referred to Committee on Accounts and Expenditures.

Mr. Banks presented a petition relating to Education.

Referred to Committee on Education.

REPORTS.

Reports were made as follows :

By Mr. Blair :

MR. SPEAKER:—Your Committee on Education, having duly considered, report back Assembly Bill, No. 351—and recommend its passage.

BLAIR,
Chairman.

By Mr. Miller :

MR. SPEAKER:—Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill, No. 29, An Act amendatory of an Act supplementary to An Act for securing Liens to Mechanics and others, approved March eighteenth, eighteen hundred and fifty-seven—have had the same under consideration, and beg leave to report the same back with a substitute, and recommend the passage of the substitute.

N. C. MILLER,
Chairman.

By Mr. Adams :

MR. SPEAKER:—The Committee on Swamp and Overflowed Lands, to

whom was referred Senate Bill, No. 11, entitled An Act for the Segregation, Reclamation, and Disposal, of the Swamp and Overflowed Lands belonging to this State, would respectfully report, that they have had the same under consideration.

In their opinion, the subject contemplated in this bill is one of the most important that can engage the attention of the Legislature. Congress has donated the swamp and overflowed lands to the State upon the express condition that the moneys derived from their sale shall be devoted to their reclamation.

The State has accepted this trust, and sold these lands to her citizens, with the express understanding that she will expend the money received in redeeming them. The State is thus impliedly a party to two contracts for the performance of this work.

This bill proposes that the State shall release herself from the obligations of these implied contracts, by donating the unsold portion of these lands to the counties in which they are situated, and by giving to the control of the Boards of Supervisors of said counties the money now in the State treasury, or hereafter to be received into the State treasury, from the sale of these lands—each Board of Supervisors to constitute a separate Board of Reclamation, each to elect a Swamp Land Commissioner and an Engineer, and each to have the control, disposal, and sale, of all these lands in their respective counties.

The sum, which under the provisions of the laws for the sale of these lands will be received into the State treasury, to be applied to the purposes of reclamation, has been estimated at one and a half millions of dollars. The judicious expenditure of this amount, in the reclamation of these lands, will increase the taxable property in the State more than five millions of dollars.

That so important a matter should be distributed to the management, disposition, and control, of about twenty different Boards of Supervisors, each perhaps experimenting upon a different system, and each composed of members who have neither been appointed, chosen, nor elected, with reference to the management of so vast a trust, is, in the opinion of your committee, so doubtful an experiment that it should not be attempted at the present time. In the opinion of your committee, the Legislature should pass no act granting to counties, corporations, or land companies, the disposal and control of these lands, or the management and direction of their reclamation.

The swamp lands are composed of large tracts, in some instances extending into two, in others into three, counties, the cost of the work of reclamation having to be expended in one county, while the greater part of the benefit of the expenditure will be received by others. In cases like these, it would be difficult to obtain the concurrence of the different Boards of Supervisors to unite in one plan, and to share the expense. Nature has provided that the work of reclamation and drainage of these lands must be performed solely with reference to the topography of the country where they are situated, and without regard to artificial county lines, or the local jurisdiction of county Boards of Supervisors.

The bill also proposes a new system for the sale of these lands, without repealing the laws at present in force, which provide for their sale. Under the present laws, the Register of the State Land Office alone has authority to grant certificates of purchase to the purchasers of these lands; this bill proposes to vest this power with each County Recorder. Instead of, as at present, one authority, and one form for conveying title to these lands, this bill proposes at least twenty agents to convey to pur-

chasers the State's interest. This, in a State whose people are cursed with confusion in the title to real estate, is so serious an innovation into the present policy of the State, which the people have hoped had become settled and determined, as to be, in the opinion of your committee, an insuperable objection to this feature of the bill.

Another feature of the bill embraces a plan for the segregation of these lands from the lands of the General Government; this, in the opinion of your committee, is the most important, practicable, and judicious, feature in it; the only one which does not contemplate a doubtful experiment, or a dangerous innovation.

The plan contemplated by the provisions of this bill, for the segregation of these lands, has heretofore been adopted by your committee, and incorporated in a bill now before your honorable body, the passage of which has been recommended by your committee.

Having adopted, and indorsed in another bill, all the provisions of this bill, which, in the opinion of your committee, are judicious, and expedient, we cannot advise the indorsement of any plan, which embraces so dangerous an experiment as the giving of these lands, and all the money heretofore derived from them, to the management and disposal of the Boards of Supervisors of the several counties; nor of any plan that scatters broadcast to County Recorders the power to issue certificates of purchase.

Your committee would, therefore, recommend that Senate Bill, No. 11, An Act for the Segregation, Reclamation, and Disposal of the Swamp and Overflowed Lands belonging to this State, be indefinitely postponed.

Respectfully submitted,

ADAMS.

Chairman.

W C WOODS,
PORTER.

By Mr. Childs:

MR. SPEAKER:—The Committee on Roads and Highways have had under consideration Assembly Bill, No. 111, an act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou—have made some alteration and amendments to the same, with the approbation of the member from Humboldt, and recommend the passage of the same as amended.

CHILDS,

Chairman.

The rules were suspended, amendments adopted, bill considered engrossed, read third time, and passed.

By Mr. Groen:

MR. SPEAKER:—Your Auditing Committee have examined the copying done on account of the Assembly, and find the same as follows:

Purpose.	Folio.	Per Folio.	Amount.
Reports for Appendix.....	1,582	10 cts.	\$158 20
Journals for Printer.....	1,283	10 cts.	128 30
Resolutions.....	428	10 cts.	42 80
Totals.....	3,293	.....	\$329 30

Your committee recommend the adoption of the following resolution :

Resolved, That the Controller of State be, and is hereby, authorized, to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of three hundred and twenty-nine dollars and thirty cents, payable out of the Copying Fund of the Assembly.

Adopted.

T. FOSTER,
M. G. GILLETTE.

By Mr. Piercy :

MR. SPEAKER :—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 333, An Act amendatory of An Act to provide for the Collection of Delinquent Taxes in the County of Nevada, approved March fifth, eighteen hundred and sixty-one ;

Also, Assembly Bill, No. 41, An Act to provide for the collection of Delinquent Taxes in the County of Butte ;

Also, Assembly Bill, No. 168, An Act to amend an Act entitled An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to other Counties herein named, approved March thirty-first, eighteen hundred and fifty-seven ;

Also, Assembly Bill, No. 64, 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 twenty-ninth, eighteen hundred and fifty-one.

PIERCY,
Of the Committee.

By Mr. Holman :

MR. SPEAKER :—The Solano Delegation, to whom was referred Assembly Bill, No. 343, An Act to make certain Offices of Solano County Salaried Offices—beg leave to report the same back, and recommend its passage.

HOLMAN.

The rules were suspended, and the bill above reported, considered engrossed, read a third time, and passed.

Mr. Fargo introduced a resolution to pay the Clerk of Investigating Committee.

Referred to Investigating Committee.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Monday, April 1st, 1861. }

MR. SPEAKER :—The Senate, on Saturday, March thirtieth, passed Senate Bill, No. 239, An Act to amend an Act passed April thirty, eighteen hundred and fifty-one, entitled An Act to regulate Rodeos ;

Also, Assembly Bill, No. 276, An Act to Incorporate the Town of Hornitos.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 239, above reported—was read first and second times, and placed on file.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Laspeyre, for An Act amendatory of an Act entitled An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight, and of the Act amendatory thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Also, An Act making Certificates of Purchase, or of Location, evidence of title.

Read first and second times, and placed on file.

By Mr. Conness, for An Act amendatory of, and supplemental to, An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty.

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

By Mr. Tittel, for An Act to amend An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other acts amendatory thereto.

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

By Mr. White, for An Act relating to the Office of Tax Collector in the County of Shasta.

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

By Mr. Burnell, for An Act to provide for the collection of Delinquent Taxes in the County of Amador.

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

By Mr. Piercy, for An Act to amend An Act to regulate Fees in Office, passed April tenth, eighteen hundred and fifty-five.

Read first and second times, and placed on file.

By Mr. Johnson, for An Act to establish the Boundary Line between the Counties of Monterey and San Luis Obispo

Read first and second times, and placed on file.

GENERAL FILE.

The House indefinitely postponed Assembly Bill, No. 120, An Act authorizing the County of Marin to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said County, for the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, to be applied for Road purposes in said County.

The House refused to pass Assembly Bill, No. 211, An Act to repeal an Act entitled An Act to authorize Married Women to transact business in their own name as Sole Traders, passed April twelfth, eighteen hundred and fifty-two.

SPECIAL ORDER.

Assembly Bills, Nos. 66 and 281, Roads and Highways—special order of the day, were postponed until April fourth, at twelve, M.

Mr. Conness made the following report:

MR. SPEAKER:—The Committee of Conference, appointed upon the disagreeing vote of both Houses upon Assembly Bill, No. 192—beg leave

to report that the Senate be recommended to recede from its amendment.

EDGERTON,
CLARK,
RHODES,
Senate Committee.

CONNESSE,
WOOD of Yolo,
SHOWALTER,
Assembly Committee.

Adopted.

GENERAL FILE, RESUMED.

Assembly Bill, No. —, An Act to amend an Act entitled An Act concerning certified copies of certain Instruments in Writing, approved April twenty-ninth, eighteen hundred and fifty-seven—amendments adopted, further amended, rules suspended, considered engrossed, read a third time and passed.

Senate Bill, No. 154, An Act entitled An Act in relation to the Water Front adjacent to Block. No 9, in the City and County of San Francisco—was recommitted to the San Francisco Delegation.

Assembly Bill, No. 114, An Act amendatory of, and supplementary to, the Act defining the rights of Husband and Wife—was indefinitely postponed.

Assembly Bill, No. 253, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco;

Also, Assembly Bill, No. 6, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco;

Also, Assembly Bill, No. 214, An Act to grant the right to construct a Bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named;

Also, Assembly Bill, No. 256, An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts—were ordered engrossed.

Assembly Bill, No. 265, An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one—amendments adopted, rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 260, An Act to incorporate the City of Santa Clara, and to repeal certain Acts—rules suspended, considered engrossed, read a third time and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Monday, April 1st, 1861. }

Mr. SPEAKER:—The Senate, on Saturday, March thirtieth, eighteen hundred and sixty-one, concurred in Assembly Concurrent Resolution, No. 44, Relative to a Joint Convention;

Also, this day, passed Senate Bill, No. 263, An Act to incorporate the Town of Grass Valley.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 263, above reported—was read first and second times, rules suspended, read a third time and passed.

GENERAL FILE, RESUMED.

Assembly Bills, Nos 165 and 202, in reference to the herding of Sheep—were recommitted to Committee on Agriculture, with instructions.

Assembly Bill, No. 179, An Act fixing the Salary of the County Judge of San Bernardino County—substitute adopted, rules suspended, considered engrossed, read a third time and passed.

The House refused to pass Assembly Bill, No. 242, An Act to amend an Act entitled An Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty.

Assembly Bill, No. 245, An Act to amend an Act entitled An Act to provide for the Incorporation of Water Companies, approved April twenty-second, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 291, An Act making the County Clerk of San Bernardino County *ex officio* County Superintendent of Public Instruction—rules suspended, considered engrossed, read a third time and passed.

Senate Bill, No. 174, An Act to authorize the Board of Supervisors of the County of San Mateo to levy a Special Tax for Road purposes—was read a third time and passed

Assembly Bill, No. 159, An Act to amend An Act concerning Forcible Entries and Unlawful Detainers—was indefinitely postponed.

Assembly Bill, No. 243, An Act to provide for the appointment and compensation of Counsel for the defense in Criminal Cases—was indefinitely postponed.

Assembly Bill, No. 201, An Act concerning Roads and Highways in certain Counties in this State—amendments adopted, rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 160, An Act amendatory of an Act to amend An Act concerning the Office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four, passed March twenty-sixth, eighteen hundred and fifty-nine—was recommitted, reported with amendments, amendments adopted, rules suspended, considered engrossed, read a third time and passed.

At twenty minutes past two o'clock, p. m. on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 2d, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called

Quorum present.

Journal of yesterday read and approved.

Mr. Coleman made the following report :

MR SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 175, An Act to provide for the survey and segregation of the Swamp and Overflowed Lands donated

to this State under the Act of Congress of September twenty-eighth, eighteen hundred and fifty, entitled An Act to enable the State of Arkansas and other States to reclaim the Swamp Lands within their limits;

Also, Assembly Bill, No. 353, An Act to exempt certain Property of the Turn Verein Association of Sacramento County from Taxation;

Also, Assembly Bill, No. 367, An Act amendatory and supplemental to An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation, for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty.

COLEMAN.

GENERAL FILE.

Senate Bill, No. 66, An Act appropriating Money for the benefit of the Ladies' Seamen's Friend Society of San Francisco.

On the indefinite postponement of the bill, Messrs. Wood of Plumas, Amyx, and Kungle, demanded the ayes and noes, and the House agreed by the following vote: Ayes, 39—noes, 25:

AYES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Childs, Coleman, Coltrin, Crocker, Dougherty, Eastman, Gillette, Gordon, Green, Gregory, Hanson, Harriman, Haun, Henderson, Holman, Horrell, Hunter, Kungle, Lalor, Laspeyre, Miller, O'Brien, Patrick, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Stearns, Walter, White, Wood of Plumas, Wood of Yolo, and Wright—39.

NOES—Messrs. Adams, Avery, Banks, Briggs, Campbell, Cherry, Conness, Councilman, Covarrubias, Curtis, Durst, Fargo, Flanders, Foster, Harris, Johnson, Kurtz, Morgan, Piercy, Porter, Powell, Tilden, Tilton, Tittel, and Willey—25.

Senate Bill, No. 25, An Act in relation to Auctioneers.

Mr. Dougherty moved to indefinitely postpone the bill.

Mr. Wood of Plumas moved the previous question.

Mr. Banks moved a call of the House.

Sustained.

Messrs. Clarke, Councilman, Crocker, Ford, Foster, Gordon, Harriman, Hunter, Kurtz, Montgomery, Piercy, Ross, Smith of Placer, and Wright, were absent.

On motion of Mr. Smith of Tulare, further proceedings under the call were dispensed with, and the previous question sustained.

On the indefinite postponement, Messrs. Dougherty, Miller, and Showalter, demanded the ayes and noes, and the House refused by the following vote: Ayes, 27—noes, 39:

AYES—Messrs. Amyx, Avery, Baechtel, Bradley, Childs, Coltrin, Curtis, Dougherty, Eastman, Gregory, Hagans, Hanson, Harrison, Haun, Henderson, Holman, Kungle, Laspeyre, Miller, Patrick, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Wood of Plumas, Wood of Yolo, and Wright—27.

NOES—Messrs. Adams, Banks, Blair, Briggs, Buell, Campbell, Chandler, Cherry, Coleman, Conness, Covarrubias, Crocker, Denniston, Durst, Fargo, Flanders, Foster, Gillette, Green, Harris, Horrell, Hunter, Lalor, Lippincott, Morgan, Munday, O'Brien, Piercy, Powell, Scott, Spence, Stearns, Tilden, Tilton, Tittel, Walter, White, Willey, and Mr. Speaker—39.

Bill read a third time.

On its passage, Messrs. Showalter, Dougherty, and Miller, demanded

the ayes and noes, and the bill passed by the following vote: Ayes, 38—noes, 26:

AYES—Messrs. Banks, Blair, Briggs, Buell, Campbell, Chandler, Cherry, Childs, Coleman, Conness, Covarrubias, Denniston, Durst, Fargo, Flanders, Foster, Gillette, Green, Henderson, Horrell, Hunter, Johnson, Lalor, Lippincott, Magruder, Morgan, Munday, O'Brien, Piercy, Powell, Scott, Stearns, Tilden, Tilton, Tittel, White, Willey, and Mr. Speaker—38.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Bradley, Coltrin, Curtis, Dougherty, Eastman, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Hill, Kungle, Miller, Patrick, Showalter, Smith of Tulare, Smith Smith of Placer, Sorrel, Wood of Plumas, Wood of Yolo, and Wright—26.

Mr. Sorrel, by leave, introduced a bill for An Act to provide for the better maintenance of the Indigent Sick of Siskiyou County

Read first and second times, and referred to the Committee on Hospitals.

On motion of Mr. Curtis, the rules were suspended, and the vote by which the House, on yesterday, indefinitely postponed Senate Bill, No. 63, An Act to audit and pay the claim of Gregory Yale, was reconsidered, and bill made special order for April sixth, at eleven o'clock. A. M.

Messrs. Showalter and Magruder were excused from serving on the Committee on Ways and Means.

REPORTS.

Reports were made as follows:

By Mr. Hunter:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate Bill, No. 167, An Act for the relief of William L. Patterson, report the same back, and recommend that it be referred to the Judiciary Committee;

Also, Senate Bill, No. 13, An Act to audit and allow the claim of J. J. Lecount;

Also, Senate Bill, No. 191, An Act to appropriate Money to pay the claim of L. B. Richardson—and report the same back, and recommend their passage;

Also, Senate Bill, No. 86, An Act to audit and allow the claim of John Herzo, Assignee—and report the same back, without recommendation;

Also, the claim of T. R. Eldridge, Assignee of Miguel Smith, for translating Laws, Resolutions, etc. into Spanish, under an Act of the Legislature, passed April second, eighteen hundred and fifty-nine, with the accompanying bill, and recommend the passage of the bill.

WALDEN,
Chairman.

By Mr. Lippincott:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly Bill, No. 136, An Act for the relief of John Bell, for services rendered in the Humboldt and Klamath Indian War—beg leave to report the same back, without recommendation.

LIPPINCOTT,
Chairman.

By Mr. Childs:

Mr. SPEAKER:—The Committee on Roads and Highways have considered Assembly Bill, No. 324, concerning Roads and Highways in the County of Mendocino—and beg leave to report:

This bill provides for establishing and keeping in repair the roads and highways in that county, and for levying and collecting a road tax within the same.

To the provisions of this bill your committee see no objection, and recommend that it pass without amendment.

CHILDS,
Chairman.

By Mr. Horrell :

MR. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 140, and Senate Bill, No. 199, An Act to create the County of Esmeralda, to define its Boundaries, and provide for its Organization—have had the same under consideration, and report the same back, and respectfully recommend the passage of the Senate Bill, without amendment.

T. M. HORRELL,
O. K. SMITH,
LIPPINCOTT,
ALEX. HUNTER.

Mr. Gillette, minority of same committee, made the following report :

MR. SPEAKER:—Your committee, to whom was referred Assembly Bill, No. 140, and Senate Bill, No. 199, An Act to create the County of Esmeralda, to define its Boundaries, and provide for its Organization—have had the same under consideration, and do protest against the annexation of said county to the county of Tuolumne, for Legislative purposes, for the reason that the proposed county of Esmeralda is far distant from the county of Tuolumne, and the committee recommend that the House do not concur in said report, signed by the majority of the committee.

M. G. GILLETTE.

Senate Bill, 199, above reported—was considered in Committee of the Whole

Mr. Wood of Plumas in the Chair.

Reported progress, and had leave to sit again at eleven o'clock to-morrow morning.

At two o'clock, p. m. the House took a recess to meet the Senate in Joint Convention, for the purpose of electing a United States Senator to fill the vacancy occasioned by the expiration of the term of the Hon. William M. Gwin, at which election James A. McDougal was declared duly elected to fill said vacancy.

IN JOINT CONVENTION.

In accordance with a Concurrent Resolution adopted by both Houses, the Senate and Assembly met in Joint Convention.

Hon. R. Irwin, President *pro tem.* of the Senate, and R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Mr. De la Guerra.

House roll called.

Absent—Messrs. Clarke, Montgomery, and Ross.

The Secretary of the convention read the resolution by which the convention assembled.

Mr. Amyx offered the following resolution :

Resolved, By the convention, that all persons, except members, State

officers, and the attachés of the Legislature, be excluded from within the bar of the House during the sitting of the convention.

Adopted.

On motion of Mr. Parks, the Senate Rules were adopted, with the exception of Rule, No. 27.

On motion of Mr. Patrick, two Tellers were appointed.

The President appointed Messrs. Thornton of the Senate, and Henderson of the House, as such Tellers.

On motion of Mr. Gallagher, each member was requested, when his name was called, to rise in his place and announce in a distinct voice the person for whom he votes.

The Secretary read a communication from Gen. James A. McDougall, relinquishing all claims he might have under the proceedings of a Joint Convention, held on the twentieth of March, eighteen hundred and sixty-one.

Mr. Laspeyre offered the following resolutions:

Resolved, That the late Joint Convention of the two Houses of the Legislature, commencing on the ninth day of March, eighteen hundred and sixty-one, and ending on the twentieth day of the same month, did not result in the election of a United States Senator, no candidate having received a majority of all the votes given on any one ballot.

Resolved, That inasmuch as a certificate of election, in favor of James A. McDougall, signed by the President of the Senate and the Speaker of the Assembly, the two officers presiding over said convention, is now in the hands of the Governor, and inasmuch as such certificate was signed by the officers aforesaid, through ignorance of the fact that Mr. McDougall had received less than a majority of all the votes given; therefore—

Resolved, That the President of the Senate, and the Speaker of the Assembly, be requested to withdraw from the hands of the Governor, and cancel such certificate of election so erroneously issued.

The Chair ruled the resolutions out of order.

Mr. Laspeyre appealed from the decision of the Chair.

The question being, shall the decision of the Chair stand as the judgment of the convention?

Upon which, the ayes and noes were demanded by Messrs. Crittenden, Thornton, and Edgerton.

Pending which, Mr. Wood of Plumas, moved the previous question.

Mr. Conness rose to a point of order: It was not in order to entertain the motion for the previous question when an appeal was pending.

The Chair ruled the point of order not well taken.

Mr. Shafter appealed from the decision of the Chair.

Upon which, the ayes and noes were demanded by Messrs. Franklin, Chase, and Conness, and taken with the following result: Ayes, 31—noes, 70:

AYES—Messrs. Burbank, Chase, Eagan, Haynes, Rhodes, Sharp, Vance, Watson, Adams, Blair, Burnell, Buell, Cherry, Councilman, Denniston, Dougherty, Flanders, Gordon, Hagans, Lippincott, Morgan, O'Brien, Piercy, Powell, Smith of Tulare, Stearns, Tittel, Walter, White, Willey, Wood of Plumas, and Wright—31.

NOES—Messrs. Clark, Crittenden, De Long, Denver, Dickinson, Edgerton, Franklin, Gallagher, Harvey, Heacock, Hill, Leet, Logan, Merritt,

Parks, Pico, Ryan, Shafter, Thomas, Thornton, Warmcastle, Watt, Williamson, Amyx, Avery, Bradley, Briggs, Campbell, Chandler, Childs, Coleman, Coltrin, Conness, Covarrubias, Crocker, Curtis, Durst, Eastman, Fargo, Ford, Foster, Gillette, Green, Gregory, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Munday, Patrick, Porter, Scott, Showalter, Smith of Placer, Sorrel, Spence, Tilden, and Wood of Yolo—70

So the Chair was not sustained.

The question being upon the appeal of Mr. Laspeyre, upon which the ayes and noes had been demanded,

Mr. White moved that the convention adjourn to Wednesday, April third, at twelve, M.

Upon which, the ayes and noes were demanded by Messrs. Ryan and Merritt of the Senate, and White of the House, and taken with the following result: Ayes, 30—noes, 75:

AYES—Messrs. Clark, Crittenden, Denver, Eagan, Franklin, Gallagher, Irwin, Leet, Logan, Merritt, Pico, Thornton, Warmcastle, Watt, Williamson, Coleman, Foster, Gillette, Hanson, Haun, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Munday, Scott, Showalter, White, and Wood of Plumas—30.

NOES—Messrs. Burbank, Chase, De Long, Dickinson, Edgerton, Harvey, Haynes, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Watson, Adams, Amyx, Avery, Banks, Blair, Bradley, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Green, Gregory, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Miller, Morgan, O'Brien, Patrick, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, Wood of Yolo, and Wright—75.

So the convention refused to adjourn.

The question again recurring on the appeal of Mr. Laspeyre from the decision of the Chair, the vote was taken with the following result: Ayes, 67—noes, 35:

AYES—Messrs. Burbank, Chase, Clark, De Long, Denver, Edgerton, Harvey, Haynes, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Adams, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Coleman, Coltrin, Conness, Covarrubias, Crocker, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Green, Hagans, Harriman, Harris, Hill, Holman, Horrell, Hunter, Johnson, Lippincott, Miller, Morgan, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, White, Willey, Wood of Plumas, and Wright—67.

NOES—Messrs. Crittenden, Dickinson, Eagan, Franklin, Gallagher, Leet, Logan, Merritt, Pico, Thornton, Warmcastle, Watson, Watt, Williamson, Amyx, Bradley, Chandler, Childs, Curtis, Gillette, Hanson, Harrison, Haun, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Munday, O'Brien, Patrick, Scott, Showalter, Sorrel, and Wood of Yolo—35.

So the decision of the Chair was sustained.

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

Resolved, That his Excellency the Governor is requested to return to the Joint Convention, now in session for the purpose of electing a United States Senator, the certificate of election now in the Executive Department, which sets forth that James A. McDougall was, on the twentieth of March, eighteen hundred and sixty-one, elected United States Senator of the State of California, for the term of six years from the fourth of March last.

Upon which, Mr. Crocker moved the previous question, which was seconded.

So the main question was sustained.

The question then being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Conness, Thornton, and Shafter, and taken with the following result: Ayes, 76—noes, 29:

AYES—Messrs. Clark, Crittenden, De Long, Denver, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Harvey, Haynes, Heacock, Irwin, Leet, Logan, Merritt, Parks, Pico, Ryan, Sharp, Thomas, Thornton, Vance, Warmcastle, Watt, Williamson, Amyx, Bradley, Briggs, Burnell, Buell, Chandler, Cherry, Childs, Conness, Covarrubias, Crocker, Curtis, Denniston, Eastman, Foster, Gillette, Gordon, Green, Gregory, Hagans, Hanson, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Miller, Morrison, Munday, O'Brien, Patrick, Porter, Powell, Scott, Showalter, Smith of Tulare, Sorrel, Tilden, Tittel, Wood of Plumas, Wood of Yolo, and Wright—76.

NOES—Messrs. Burbank, Chase, Phelps, Rhodes, Shafter, Watson, Adams, Avery, Banks, Blair, Campbell, Coleman, Coltrin, Councilman, Dougherty, Durst, Fargo, Flanders, Ford, Harriman, Lippincott, Morgan, Piercy, Smith of Placer, Spence, Tilton, Walter, White, and Willey—29.

So the resolution was adopted.

Mr. Merritt moved that the convention adjourn, to meet on Thursday, April fourth, at twelve, M.

Mr. Wood moved to amend, that the convention adjourn to Wednesday, April third, at twelve M.

Upon which, the ayes and noes were demanded by Messrs. Merritt and Crittenden of the Senate, and Haun of the House, and taken with the following result: Ayes, 28—Noes, 76:

AYES—Messrs. Crittenden, Dickinson, Eagan, Franklin, Leet, Logan, Merritt, Pico, Thornton, Watt, Williamson, Bradley, Coleman, Coltrin, Hanson, Harris, Harrison, Hill, Johnson, Kungle, Lalor, Munday, Patrick, Scott, Showalter, White, Wood of Plumas, and Wood of Yolo—28.

NOES—Messrs. Burbank, Chase, Clark, De Long, Denver, Edgerton, Gallagher, Harvey, Haynes, Heacock, Hill, Irwin, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Warmcastle, Watson, Adams, Amyx, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gillette, Gordon, Green, Gregory, Hagans, Harriman, Haun, Henderson, Horrell, Hunter, Laspeyre, Lippincott, Magruder, Miller, Morgan, Morrison, O'Brien, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Sorrel, Spence, Tilden, Tilton, Tittel, Walter, Willey, and Wright—76.

So the motion was lost.

The question being on the motion of Mr. Merritt, the ayes and noes were demanded by Messrs. Edgerton, De Long, and Merritt, and taken with the following result: Ayes, 46—noes, 62:

AYES—Messrs. Crittenden, De Long, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Irwin, Leet, Logan, Merritt, Pico, Thornton, Warmcastle, Watson, Watt, Williamson, Amyx, Bradley, Chandler, Conness, Foster, Gillette, Green, Gregory, Hanson, Harris, Harrison, Haun, Henderson, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Morrison, Munday, O'Brien, Patrick, Scott, Showalter, Sorrel, Wood of Yolo, and Wright—46.

NOES—Messrs. Burbank, Chase, Clark, Denver, Harvey, Haynes, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Adams, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Coleman, Coltrin, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Hagans, Harriman, Hill, Holman, Hunter, Lippincott, Miller, Morgan, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, White, Willey, and Wood of Plumas—62.

So the motion was lost.

Mr. Smith of Tulare, moved that the Convention proceed to ballot for United States Senator.

Pending which, Mr. Showalter moved that the Convention adjourn to Thursday, April fourth, at one o'clock, p. m.

Upon which, the ayes and noes were demanded by Messrs. Showalter, Wood, and O'Brien, and taken with the following result: Ayes, 41—noes, 64:

AYES—Messrs. Crittenden, Dickinson, Eagan, Edgerton, Franklin, Gallagher, Irwin, Leet, Logan, Merritt, Pico, Thornton, Warmcastle, Watkins, Watson, Watt, Williamson, Amyx, Bradley, Chandler, Foster, Gillette, Gregory, Hanson, Harris, Harrison, Haun, Horrell, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Morrison, Munday, O'Brien, Scott, Showalter, Sorrel, Wood of Yolo, and Wright—41.

NOES—Messrs. Burbank, Chase, Clark, De Long, Denver, Harvey, Haynes, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Adams, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Green, Hagans, Harriman, Hill, Holman, Hunter, Lippincott, Morgan, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Walter, White, Willey, and Wood of Plumas—64.

So the motion was lost.

Mr. Wood of Plumas moved the previous question.

The question being shall the main question now be put.

Upon which, the ayes and noes were demanded by Messrs. Chase and Burbank of the Senate, and Fargo of the House, and taken with the following result: Ayes, 66—noes, 37:

AYES—Messrs. Burbank, Chase, Clark, De Long, Edgerton, Harvey, Haynes, Heacock, Hill, Parks, Phelps, Rhodes, Ryan, Shafter, Sharp, Thomas, Vance, Adams, Avery, Banks, Blair, Briggs, Burnell, Buell, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Green, Hagans, Harriman, Hill, Hunter, Johnson, Lippincott, Miller, Morgan, Piercy, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Tilton, Tittel, Walter, White, Willey, Wood of Plumas, and Wright—66.

NOES—Messrs Crittenden, Denver, Eagan, Franklin, Gallagher, Irwin, Lect, Logan, Merritt, Pico, Thornton, Warmcastle, Watson, Watt, Williamson, Amyx, Bradley, Foster, Gillette, Gregory, Hanson, Harris, Harrison, Haun, Holman, Horrell, Kungle, Kurtz, Lalor, Laspeyre, Munday, O'Brien, Patrick, Scott, Showalter, Sorrel, and Wood of Yolo—37.

So the main question was sustained.

The question then being on the motion of Mr. Smith.

Carried.

FOR U. S. SENATOR—FIRST BALLOT.

The Secretary called the roll for the first ballot with the following result :

NAMES.	McDougal	Nugent...	Weller....
Burbank.....	1		
Chase ..	1		
Clark.....	1		
Crittenden.....		1	
DeLong	1		
Denver.....		1	
Dickinson.....		1	
Eagan		1	
Edgerton.....	1		
Franklin.....			1
Gallagher.....		1	
Harvey	1		
Heacock	1		
Irwin	1		
Logan		1	
Merritt		1	
Parks			1
Phelps.....	1		
Pico.....		1	
Rhodes	1		
Ryan	1		
Shafter ..	1		
Sharp	1		
Thomas.....	1		
Thornton.....		1	
Vance.....	1		
Warmcastle.....		1	
Watson		1	
Watt		1	
Williamson.....		1	
Amyx			1
Avery	1		
Banks	1		
Blair	1		
Bradley		1	
Briggs.....	1		

NAMES.	McDougal	Nugent...	Weller
Burnell..	1		
Campbell.....	1		
Cherry.....	1		
Childs		1	
Coleman.....	1		
Coltrin.....	1		
Conness	1		
Councilman.....	1		
Covarrubias.....	1		
Crocker	1		
Curtis		1	
Denniston	1		
Dougherty	1		
Durst	1		
Eastman	1		
Fargo	1		
Flanders	1		
Ford	1		
Foster	1		
Gillette		1	
Gordon			1
Green	1		
Gregory		1	
Hagans.....	1		
Hanson		1	
Harriman.....	1		
Harris		1	
Harrison		1	
Haun		1	
Henderson	1		
Hill.....	1		
Holman.....		1	
Horrell		1	
Hunter	1		
Johnson.....		1	
Kungle		1	
Kurtz.....		1	
Lalor		1	
Laspeyre.....		1	
Lippincott	1		
Magruder		1	
Miller.....		1	
Morgan	1		
Munday		1	
O'Brien		1	
Patrick		1	
Piercy	1		
Porter.....	1		

NAMES.	McDougall	Nugent ...	Weller
Powell	1	...	...
Scott ... ..	...	1	...
Showalter.. ..	...	1	...
Smith of Tulare	1	...	...
Smith, of Placer	1	...	...
Sorrel .....	...	1	...
Spence	1	...	...
Tilden	1	...	...
Tilton	1	...	...
Tittel	1	...	...
Walter	1	...	...
White	1	...	...
Willey	1	...	...
Wood, of Plumas .....	...	1	...
Wood of Yolo .....	...	1	...
Wright	1	...	...

Those who voted for Mr. Casserly, were—

Messrs. Haynes, Leet, and Watkins.

Mr. Buell voted for General James Shields.

Whole number of votes cast, one hundred and four.

Necessary to a choice, fifty-three.

Mr. McDougall received fifty-seven votes.

Mr. Nugent received thirty-nine votes.

Mr. Weller received four votes.

Mr. Casserly received three votes.

Mr. Shields received one vote.

Mr. McDougall having received a majority of all the votes cast was by the President declared duly elected United States Senator for the State of California from the fourth of March, eighteen hundred and sixty-one, for six years.

On motion of Mr. Sharp, the minutes of the convention were read and approved.

The President of the convention then announced that the object for which the convention assembled had been accomplished and he thereupon declared it adjourned *sine die*, and the Senate returned to its Chamber.

IN ASSEMBLY.

The House reassembled, and at forty-five minutes past five o'clock, P. M. on motion of Mr. Cherry, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 3d, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday was read and approved.

GENERAL FILE.

Assembly Bill, No. 290, An Act to provide for the removing of obstructions in the Mokelumne River, and to devise means for carrying the same into effect—House refused to order to engrossment.

Assembly Bill, No. 219, An Act to appropriate Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy—was considered in Committee of the Whole, reported, and referred to the Committee on Ways and Means.

Mr. Dougherty moved to reconsider the vote by which the House, on yesterday, passed Senate Bill, No. 25, An Act in relation to Auctioneers.

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

Mr. Smith of Tulare, moved to make the motion the special order for April fifth, at twelve, M.

Lost.

On the motion to indefinitely postpone, Messrs. Banks, Dougherty, and Smith of Tulare, demanded the ayes and noes, and the House refused by the following vote: Ayes, 28—noes, 38:

AYES—Messrs. Banks, Blair, Campbell, Chandler, Cherry, Clarke, Conness, Covarrubias, Durst, Fargo, Flanders, Foster, Gillette, Green, Hunter, Johnson, Lalor, Lippincott, Morgan, Munday, O'Brien, Porter, Powell, Scott, Stearns, Tilton, Tittel, and Willey—28.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Bradley, Briggs, Buell, Childs, Coltrin, Councilman, Crocker, Dougherty, Eastman, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Hill, Holman, Horrell, Kungle, Laspeyre, Magruder, Miller, Patrick, Piercy, Ross, Showalter, Smith of Tulare, Sorrel, Spence, Walter, Wood of Plumas, Wood of Yolo, and Wright—38.

Mr. Campbell moved to make the motion to reconsider the special order for April fifth, at twelve and a half o'clock, M.

Mr. Smith of Tulare, moved the previous question, which was sustained, and Mr. Campbell's motion lost.

On reconsidering, Messrs. Laspeyre, Wood of Yolo, and Kungle, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 39—noes, 27:

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Bradley, Briggs, Buell, Childs, Coleman, Coltrin, Councilman, Crocker, Dougherty, Eastman, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Hill, Holman, Horrell, Kungle, Laspeyre, Magruder, Miller, Patrick, Piercy, Ross, Showalter, Smith of Tulare, Sorrel, Spence, Walter, Wood of Plumas, Wood of Yolo, and Wright—39.

NOES—Messrs. Banks, Blair, Campbell, Chandler, Cherry, Clarke, Conness, Covarrubias, Durst, Fargo, Flanders, Foster, Gillette, Green, Hunter, Johnson, Lalor, Lippincott, Morgan, Munday, O'Brien, Porter, Powell, Stearns, Tilton, Tittel, and Willey—27.

On the passage of the bill, Messrs. Laspeyre, Banks, and Haun, demanded the ayes and noes

Mr. Fargo moved a call of the House.

Lost.

The bill was lost by the following vote: Ayes, 31—noes, 37:

AYES—Messrs. Banks, Blair, Briggs, Campbell, Chandler, Cherry,

Clarke, Coleman, Conness, Covarrubias, Durst, Fargo, Flanders, Foster, Gillette, Green, Hunter, Johnson, Lalor, Lippincott, Morgan, Munday, O'Brien, Porter, Powell, Scott, Stearns, Tilden, Tilton, Tittel, and Willey—31.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Bradley, Buell, Childs, Coltrin, Councilman, Crocker, Dougherty, Eastman, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Hill, Holman, Horrell, Kungle, Laspeyre, Magrader, Miller, Patrick, Piercy, Ross, Showalter, Smith of Tulare, Sorrel, Spence, Walter, Wood of Plumas, Wood of Yolo, and Wright—37.

SPECIAL ORDER.

Senate Bill, No. 199, An Act to create the County of Esmeralda, to define its Boundaries, and to provide for its Organization—special order for this day, was considered in Committee of the Whole.

Mr. Fargo in the Chair.

Bill reported with amendments, amendments concurred in, bill read third time and passed.

Title amended, by substituting "Mono" in place of "Esmeralda."

Assembly Bill, No. 123, An Act to create the County of Alturas.

Mr. Dougherty moved to make the motion to reconsider the vote by which this House refused to engross the bill, the special order for Wednesday next, at one, P. M.

Mr. Conness moved the previous question.

Carried.

The motion of Mr. Dougherty, to make the motion to reconsider the special order for next Wednesday, was lost.

On reconsidering the vote, Messrs. Dougherty, Kungle, and Wood of Plumas, demanded the ayes and noes, and the House refused by the following vote: Ayes, 13—noes, 51:

AYES—Messrs. Crocker, Dougherty, Green, Gregory, Henderson, Hill, Johnson, Kungle, O'Brien, Piercy, Smith of Tulare, Smith of Placer, and Tilden—13.

NOES—Messrs. Adams, Avery, Baechtel, Banks, Blair, Bradley, Campbell, Chandler, Cherry, Clarke, Conness, Durst, Eastman, Flanders, Gillette, Hagans, Harrison, Holman, Horrell, Morgan, Patrick, Ross, Scott, Sorrel, Spence, Tilton, Tittel, White, Willey, Wood of Plumas, and Wright—31.

Assembly Bill, No. 116, An Act in relation to the Militia of the State—also special order of the day, was considered in Committee of the Whole.

Mr. Crocker in the Chair.

The committee rose, and had leave to sit again.

Assembly Bill, No. 63, An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco—was made the special order for April fourth, at eleven and a half, A. M.

Assembly Bill, No. 311, An Act providing for the permanent improvement of the Grounds of the Agricultural Society.

Mr. Conness moved to make the bill the special order for Tuesday next, at twelve, M.

Upon which, Messrs. Conness, Crocker, and Cherry, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 43—noes, 21:

AYES—Messrs. Adams, Avery, Banks, Blair, Campbell, Childs, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Durst, Fargo, Flanders, Ford, Foster, Green, Harriman, Harris, Har-

risson, Henderson, Hunter, Johnson, Kurtz, Lippincott, Miller, Munday, Piercy, Porter, Powell, Ross, Scott, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilden, Wood of Yolo, Wright, and Mr. Speaker—43.

NOES—Messrs. Amyx, Bradley, Briggs, Chandler, Dougherty, Eastman, Gillette, Hanson, Haun, Hill, Holman, Kungle, Lalor, Laspeyre, Magruder, Morgan, O'Brien, Patrick, Showalter, Walter, and Wood of Plumas—21.

At two o'clock, P. M. the House took a recess for the purpose of meeting the Senate in Joint Convention to elect Physicians and Trustees of the State Insane Asylum.

IN JOINT CONVENTION.

The convention met pursuant to adjournment.

Hon. Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, presiding.

Senate Roll called.

Absent—Messrs. Heacock and Thomas.

House Roll called.

Absent—Messrs. Montgomery and Walden.

Minutes of preceding convention read and approved.

RESIDENT PHYSICIAN—TWENTY-SEVENTH BALLOT.

The Secretary called the roll for the twenty-seventh ballot, with the following result:

NAMES.	Aylote ...	Tilden	Timmons..	Ellis
Burbank .....	.....	1	.....	.....
Chase .....	.....	1	.....	.....
Clark .....	.....	1	.....	.....
Crittenden	1	.....	.....	.....
DeLong .....	.....	1	.....	.....
Denver .....	.....	.....	1	.....
Dickinson .....	.....	.....	1	.....
Eagan	1	.....	.....	.....
Edgerton .....	.....	1	.....	.....
Franklin	1	.....	.....	.....
Gallagher	1	.....	.....	.....
Harvey .....	.....	1	.....	.....
Haynes .....	.....	.....	1	.....
Hill .....	.....	1	.....	.....
Irwin .....	.....	1	.....	.....
Leet .....	.....	.....	1	.....
Logan	1	.....	.....	.....
Merritt	1	.....	.....	.....
Parks .....	.....	.....	1	.....
Phelps .....	.....	1	.....	.....
Pico	1	.....	.....	.....
Rhodes .....	.....	1	.....	.....
Ryan .....	.....	1	.....	.....
Sharp .....	.....	1	.....	.....
Thomas	1	.....	.....	.....

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis.....
Thornton.....	1			
Vance.....	1			
Warmcastle.....	1			
Watkins.....	1			
Watson.....	1			
Watt.....	1			
Williamson.....	1			
Amyx.....	1			
Avery.....		1		
Bacchtel.....			1	
Banks.....		1		
Blair.....		1		
Bradley.....	1			
Briggs.....		1		
Burnell.....		1		
Buell.....	1			
Campbell.....		1		
Chandler.....	1			
Cherry.....		1		
Clark.....		1		
Coleman.....		1		
Coltrin.....		1		
Conness.....		1		
Councilman.....		1		
Covarrubias.....	1			
Crocker.....		1		
Curtis.....	1			
Denniston.....		1		
Doughterty.....		1		
Durst.....		1		
Eastman.....		1		
Fargo.....		1		
Flanders.....		1		
Ford.....		1		
Foster.....			1	
Gillette.....	1			
Gordon.....	1			
Green.....		1		
Gregory.....	1			
Hagans.....			1	
Hanson.....	1			
Harriman.....			1	
Harris.....	1			
Harrison.....			1	
Haun.....	1			
Henderson.....		1		
Hill.....		1		
Holman.....	1			

NAMES.	Aylette ...	Tilden ...	Thomas...	Ellis
Horrell	1			
Hunter		1		
Johnson	1			
Kungle	1			
Kurtz	1			
Lalor	1			
Laspeyre.....	1			
Lippincott		1		
Magruder			1	
Miller			1	
Morgan		1		
Morrison	1			
Munday			1	
O'Brien		1		
Patrick	1			
Piercy			1	
Porter		1		
Powell.....		1		
Ross			1	
Scott	1			
Showalter	1			
Smith of Tulare.....		1		
Smith of Placer.....			1	
Sorrel	1			
Spence		1		
Stearns ...		1		
Tilton		1		
Tittel		1		
Walter		1		
White	1			
Willey.....		1		
Wood of Plumas.....			1	
Wood of Yolo	1			

Mr. Shafter voted for Mr. Spencer.

Whole number of cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Aylette received forty-one votes.

Mr. Tilden received forty-eight votes.

Mr. Thomas received seventeen votes.

Mr. Spencer received one vote.

There being no election, no one having received a majority of all the votes cast—

RESIDENT PHYSICIAN—TWENTY-EIGHTH BALLOT.

The Secretary then called the roll for the twenty-eighth ballot with the following result:

NAMES.	Aylett ...	Tilden ...	Thomas...	Ellis.....
Burbank		1		
Chase		1		
Clark		1		
Crittenden	1			
De Long		1		
Denver			1	
Dickinson			1	
Eagan	1			
Edgerton		1		
Franklin	1			
Gallagher	1			
Harvey		1		
Haynes			1	
Hill		1		
Irwin		1		
Leet			1	
Logan	1			
Merritt ..			1	
Parks			1	
Phelps		1		
Pico	1			
Rhodes		1		
Ryan		1		
Sharp		1		
Thomas	1			
Thornton ..	1			
Vance	1			
Warmcastle	1			
Watkins	1			
Watson	1			
Watt	1			
Williamson	1			
Amyx	1			
Avery.....		1		
Baechtel			1	
Banks		1		
Blair		1		
Bradley	1			
Briggs		1		
Burnell		1		
Buell	1			
Campbell.....		1		
Chandler	1			
Cherry		1		
Childs.....	1			
Clark		1		
Coleman		1		
Coltrin		1		

NAMES.	Aylette....	Tilden....	Thomas...	Ellis.....
Conness		1		
Councilman		1		
Covarrubias	1			
Crocker			1	
Curtis	1			
Denniston		1		
Dougherty		1		
Durst		1		
Eastman		1		
Fargo		1		
Flanders		1		
Ford		1		
Foster			1	
Gillette	1			
Gordon.....	1			
Green		1		
Gregory	1			
Hagens			1	
Hanson	1			
Harriman			1	
Harris	1			
Harrison			1	
Haun	1			
Henderson		1		
Hill.....		1		
Holman	1			
Horrell	1			
Hunter.....		1		
Johnson	1			
Kungle	1			
Kurtz.....			1	
Lalor	1			
Laspeyre	1			
Lippincott		1		
Magruder			1	
Miller		1		
Morgan		1		
Morrison			1	
Munday			1	
O'Brien		1		
Patrick			1	
Porter		1		
Powell		1		
Ross			1	
Scott	1			
Showalter.....	1			
Smith of Tulare		1		
Smith of Placer.....			1	

NAMES.	Aylette...	Tilden...	Thomas...	Ellis....
Sorrel.....	1			
Spence.....		1		
Stearns.....		1		
Tilton.....		1		
Tittel.....		1		
Walter.....		1		
White.....	1			
Willey.....		1		
Wood of Plumas.....			1	
Wood of Yolo.....	1			

Mr. Shafter voted for Mr. Spencer.

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Aylette received thirty-eight votes.

Mr. Tilden received forty-nine votes.

Mr. Thomas received nineteen votes.

Mr. Spencer received one vote.

There being no election, no one having received a majority of all the votes cast—

RESIDENT PHYSICIAN—TWENTY-NINTH BALLOT.

The Secretary called the roll for the twenty-ninth ballot, with the following result :

NAMES.	Aylette....	Tilden...	Thomas...	Ellis....
Burbank.....		1		
Chase.....		1		
Clark.....		1		
Crittenden.....	1			
DeLong.....		1		
Denver.....			1	
Dickinson.....			1	
Eagan.....			1	
Edgerton.....		1		
Franklin.....	1			
Gallagher.....	1			
Harvey.....		1		
Haynes.....			1	
Hill.....		1		
Irwin.....		1		
Lect.....			1	

NAMES.	Aylette ...	Tilden	Thomas...	Ellis
Logan.....	1			
Merritt	1			
Parks		1		
Phelps.....		1		
Pico	1			
Rhodes		1		
Ryan		1		
Shafter		1		
Sharp		1		
Thomas		1		
Thornton	1			
Vance	1			
Warmcastle	1			
Watkins	1			
Watson	1			
Watt	1			
Williamson	1			
Amyx	1			
Avery		1		
Baechtel			1	
Banks		1		
Blair		1		
Bradley	1			
Briggs		1		
Burnell		1		
Buell.....		1		
Campbell		1		
Chandler	1			
Cherry.....		1		
Childs		1		
Clark		1		
Coleman		1		
Coltrin		1		
Conness		1		
Councilman		1		
Covarrubias	1			
Crocker		1		
Curtis	1			
Denniston		1		
Dougherty.....		1		
Durst.....		1		
Eastman		1		
Fargo		1		
Flanders		1		
Ford.....		1		
Foster.....		1		
Gillette	1			
Gordon	1			

NAMES.	Ayette...	Tilden...	Thomas...	Ellis...
Green		1		
Gregory	1			
Hagans		1		
Hanson	1			
Harriman		1		
Harris.....	1			
Harrison			1	
Haun	1			
Henderson		1		
Hill		1		
Holman	1			
Horrell.....	1			
Hunter		1		
Johnson.....	1			
Kungle	1			
Kurtz			1	
Lalor.....	1			
Laspeyre.....	1			
Lippincott		1		
Magruder			1	
Miller		1		
Morgan.....		1		
Morrison.....	1			
Munday.....			1	
O'Brien		1		
Patrick			1	
Porter.....		1		
Powell.....		1		
Ross	1			
Scott	1			
Showalter.....	1			
Smith of Tulare		1		
Smith of Placer ...			1	
Sorrel.....	1			
Spence		1		
Stearns.....		1		
Tilton		1		
Tittel		1		
Walter.....		1		
White		1		
Willey		1		
Wood of Plumas			1	
Wood of Yolo.....	1			

Whole number of votes cast, one hundred and seven.

Necessary to a choice, fifty-four.

Mr. Ayette received thirty-six votes.

Mr. Tilden received fifty-eight votes.

Mr. Thomas received thirteen votes.

Mr. Tilden having received a majority of all the votes cast, the President declared him duly elected Resident Physician of the State Insane Asylum, for the term prescribed by law.

Nominations being in order for Visiting Physician,

Mr. Buell nominated Dr. Ellis, of Sacramento.

Mr. Patrick nominated Dr. Kendall, of Stockton.

Mr. Ross nominated Dr. Green, of Sonoma.

Mr. Harvey nominated Dr. Clark, of El Dorado.

Mr. Porter nominated Dr. Shurtliff, of Stockton.

Mr. Curtis nominated Dr. Sharkey, of San Francisco.

Mr. Showalter nominated Dr. Linon of Mariposa.

VISITING PHYSICIAN—FIRST BALLOT.

The Secretary called the roll for the first ballot, with the following result:

NAMES.	Linon	Ellis	Kendall...	Green	Clark	Shurtliff..	Sharkey...
Burbank.....						1	
Chase.....					1		
Clark.....					1		
Crittenden.....			1				
De la Guerra.....					1		
De Long					1		
Denver		1					
Eagan			1				
Edgerton.....					1		
Franklin.....			1				
Gallagher							1
Harvey					1		
Haynes		1					
Hill				1			
Irwin.....					1		
Leet.....		1					
Merritt			1				
Parks		1					
Phelps						1	
Pico.....			1				
Rhodes.....						1	
Ryan.....					1		
Shafter.....						1	
Sharp					1		
Thomas					1		
Vance.....		1					
Warmcastle.....			1				
Watson.....							1
Watt.....							1

NAMES.	Linon ...	Ellis	Kendall...	Green ...	Clark	Shurtled ..	Sharkey...
Williamson			1				
Adams					1		
Amyx			1				
Avery						1	
Baechtel.....				1			
Banks						1	
Blair						1	
Bradley			1				
Briggs						1	
Burnell.....						1	
Buell.....		1					
Campbell						1	
Cherry.....						1	
Childs		1					
Clarke						1	
Coleman.....					1		
Coltr.n.....					1		
Conness.....					1		
Covarrubias.....					1		
Crocker						1	
Curtis							1
Denniston					1		
Dougherty					1		
Durst					1		
Eastman.....					1		
Fargo						1	
Flanders.....						1	
Ford.....						1	
Foster.....					1		
Gillette.....				1			
Gordon				1			
Green					1		
Gregory	1						
Hagans				1			
Hanson		1					
Harriman.....						1	
Harris.....		1					
Harrison.....		1					
Haun.....				1			
Henderson					1		
Hill					1		
Holman				1			
Hunter.....					1		
Johnson.....			1				
Kungle		1					
Kurtz.....							1
Lalor							1
Laspeyro			1				

NAMES.	Linon	Ellis	Kendall...	Green	Clark	Shurtleff..	Sharkey...
Lippincott					1		
Magruder				1			
Morgan						1	
Morrison							1
Munday							1
O'Brien							1
Patrick			1				
Piercy		1					
Porter						1	
Powell					1		
Ross				1			
Scott				1			
Showalter.....	1						
Smith of Tulare..		1					
Smith of Placer.....		1					
Sorrel		1					
Spence						1	
Stearns.....							1
Tilden					1		
Tilton						1	
Tittel						1	
Walter		1					
White		1					
Willey						1	
Wood of Plumas		1					
Wood of Yolo..				1			
Wright					1		

Mr. Logan voted for Mr. Spaulding.

Mr. Councilman voted for Mr. Thompsons.

Whole number of votes cast, one hundred and six.

Necessary to a choice, fifty-four.

Mr. Kendall received twelve votes.

Mr. Ellis received eighteen votes.

Mr. Green received eleven votes.

Mr. Clark received twenty-nine votes.

Mr. Shurtleff received twenty-two votes.

Mr. Linon received two votes.

Mr. Spaulding received one vote.

Mr. Thompsons received one vote.

There being no election, no one having received a majority of all the votes cast—

VISITING PHYSICIAN—SECOND BALLOT.

The Secretary called the roll for the second ballot with the following result:

NAMES.	Sharkey...	Clark.....	Ellis.....	Kendall...	Shurtleff..	Green.....
Burbank.....					1	
Crittenden.....						1
De la Guerra.....		1				
DeLong.....		1				
Denver.....			1			
Dickinson.....		1				
Eagan.....					1	
Edgerton.....		1				
Franklin.....				1		
Gallagher.....	1					
Harvey.....		1				
Haynes.....			1			
Hill.....						1
Irwin.....		1				
Leet.....			1			
Logan.....			1			
Merritt.....					1	
Parks.....			1			
Phelps.....					1	
Rhodes.....					1	
Ryan.....		1				
Shafter.....					1	
Thomas.....		1				
Vance.....			1			
Warmcastle.....					1	
Watkins.....			1			
Watson.....	1					
Williamson.....				1		
Adams.....		1				
Amyx.....				1		
Avery.....					1	
Baechtel.....						1
Banks.....					1	
Blair.....					1	
Bradley.....				1		
Briggs.....						1
Burnell.....		1				
Buell.....			1			
Campbell.....					1	
Cherry.....					1	
Childs.....			1			
Clarke.....					1	
Coleman.....		1				
Coltrin.....		1				
Conness.....		1				
Councilman.....					1	
Covarrubias.....		1				
Crocker.....			1			

NAMES.	Sharkey...	Clark.....	Ellis.....	Kendall...	Shurtleff..	Green.....
Curtis.....	1					
Denniston		1				
Dougherty.....		1				
Durst		1				
Eastman		1				
Fargo					1	
Flanders					1	
Ford					1	
Foster.....		1				
Gillette			1			
Gordon						1
Green		1				
Hagans.....						1
Hanson			1			
Harriman..					1	
Harris			1			
Harrison			1			
Haun			1			
Henderson.....		1				
Hill		1				
Holman						1
Horrell			1			
Hunter		1				
Kungle			1			
Kurtz						1
Lalor	1					
Laspeyre..					1	
Lippincott		1				
Magruder						1
Morgan					1	
Morrison ..	1					
Munday	1					
O'Brien	1					
Patrick				1		
Piercy			1			
Porter					1	
Powell	1					
Ross						1
Scott						1
Showalter		1				
Smith of Tulare		1				
Smith of Placer ..		1				
Spence					1	
Tilden	1					
Tilton					1	
Tittel					1	
Walter	1					
White.....		1				

NAMES.	Sharkey...	Clark.....	Ellis.....	Kendall...	Shurtleff..	Green.....
Wiley	1	1				
Wood of Plumas.....		1				
Wood of Yolo						1
Wright	1					

Mr. Gregory voted for Mr. McCaffery.

Whole number of cast, one hundred and one.

Necessary to a choice, fifty-one.

Mr. Kindall received five votes.

Mr. Ellis received twenty-three votes.

Mr. Green received twelve votes.

Mr. Clark received twenty-nine votes.

Mr. Shurtleff received twenty-four votes.

Mr. Sharkey received seven votes.

Mr. McCaffery received one vote.

There being no election, no one having received a majority of all the votes cast—

Mr. Showalter withdrew the name of Mr. Lincoln.

Mr. Patriok withdrew the name of Mr. Kendall.

VISITING PHYSICIAN—THIRD BALLOT.

The Secretary then called the roll for the third ballot with the following result:

NAMES.	Sharkey...	Clark.....	Ellis.....	Shurtleff..	Green.....
Burbank				1	
Crittenden			1		
De la Guerra		1			
DeLong		1			
Denver.....			1		
Eagan			1		
Edgerton		1			
Franklin.....			1		
Gallagher	1				
Harvey		1			
Haynes			1		
Hill					1
Irwin		1			
Leet			1		
Logan			1		

NAMES.	Sharkey...	Clark	Ells.....	Shurtliff..	Green.....
Merritt				1	
Parks.....			1		
Phelps.....		1			
Pico			1		
Rhodes.....				1	
Ryan		1			
Shafter.....				1	
Thomas		1			
Vance.....			1		
Warmcastle.....			1		
Watkins			1		
Watson	1				
Adams		1			
Avery				1	
Baechtel					1
Banks				1	
Blair				1	
Bradley			1		
Briggs.....	1				
Burnell		1			
Buell			1		
Campbell				1	
Cherry				1	
Childs.....			1		
Clark.....				1	
Coleman				1	
Coltrin		1			
Conness.....		1			
Councilman.....				1	
Covarrubias		1			
Curtis.....	1				
Denniston		1			
Doughterty.....		1			
Durst		1			
Eastman		1			
Fargo				1	
Flanders				1	
Ford				1	
Foster.....		1			
Gordon					1
Green		1			
Gregory.....				1	
Hagans.....					1
Hanson.....			1		
Harriman				1	
Harris			1		
Harrison			1		
Haun					1

NAMES.	Sharkey...	Clark.....	Ellis.....	Shurtleff..	Green.....
Henderson		1			
Hill		1			
Holman					1
Horrell			1		
Hunter		1			
Kungle			1		
Kurtz	1				
Lalor	1				
Laspeyre.....				1	
Lippincott		1			
Magruder					1
Morgan				1	
Morrison	1				
Munday	1				
O'Brien	1				
Patrick			1		
Piercy			1		
Porter				1	
Powell.....		1			
Ross					1
Scott					1
Showalter					1
Smith of Tulare.....			1		
Smith of Placer			1		
Spence				1	
Stearns			1		
Tilden.....		1			
Tilton				1	
Tittel				1	
Walter		1			
White		1			
Willey		1			
Wood of Plumas.....			1		
Wood of Yolo					1
Wright		1			

Whole number of votes cast, ninety-eight.

Necessary to a choice, fifty.

Mr. Ellis received twenty-six votes.

Mr. Green received twelve votes.

Mr. Clark received twenty nine votes.

Mr. Shurtleff received twenty-three votes.

Mr. Sharkey received eight votes.

There being no election, no one having received a majority of all the votes cast—

VISITING PHYSICIAN—FOURTH BALLOT.

The Secretary called the roll for the fourth ballot, with the following result :

NAMES.	Clark	Elli	Shurtlet ..
Burbank	1		
De la Guerra	1		
De Long	1		
Denver		1	
Eagan		1	
Edgerton	1		
Franklin		1	
Gallagher		1	
Harvey	1		
Haynes		1	
Hill	1		
Irwin ..	1		
Leet		1	
Logan		1	
Merritt		1	
Parks		1	
Phelps	1		
Pico		1	
Rhodes	1		
Ryan	1		
Shafter	1		
Thomas	1		
Vance		1	
Warmcastle		1	
Watkins		1	
Watson		1	
Williamson		1	
Adams	1		
Avery	1		
Baechtel		1	
Banks	1		
Blair ..			1
Bradley		1	
Briggs	1		
Burnell	1		
Buell ..		1	
Campbell	1		
Chandler		1	
Cherry	1		
Childs		1	
Clark	1		
Coleman	1		
Coltrin	1		
Conness	1		
Councilman	1		
Covarrubias	1		
Crocker	1		
Curtis		1	

NAMES.	Clark	Ellis	Shurtlett ..
Denniston	1		
Dougherty	1		
Durst	1		
Eastman	1		
Fargo	1		
Flanders	1		
Ford	1		
Foster	1		
Green	1		
Gregory		1	
Hagans ..		1	
Hanson		1	
Harriman	1		
Harris		1	
Harrison		1	
Haun		1	
Henderson	1		
Hill	1		
Holman		1	
Horrell		1	
Hunter	1		
Johnson		1	
Kungle ..		1	
Kurtz		1	
Lalor		1	
Laspeyre		1	
Lippincott ..	1		
Magruder ..		1	
Miller	1		
Morgan ..	1		
O'Brien	1		
Patrick		1	
Piercy		1	
Porter	1		
Powell	1		
Ross		1	
Scott		1	
Showalter		1	
Smith of Tulare		1	
Smith of Placer	1		
Spence	1		
Stearns	1		
Tilden	1		
Tilton	1		
Tittel	1		
Walter	1		
White	1		
Willey	1		

NAMES.	Clark	Ellis	Shurtleff ..
Wood of Plumas.....	.....	1	.....
Wright	1	.....	.....

Those who voted for Mr. Green were—

Messrs. Gordon and Wood of Yolo.

Those who voted for Mr. Kendall were—

Messrs. Crittenden and Munday.

Whole number of votes cast, one hundred and two.

Necessary to a choice, fifty-two.

Mr. Ellis received forty-two votes.

Mr. Clark received fifty-five votes.

Mr. Shurtleff received one vote.

Mr. Green received two votes.

Mr. Kendall received two votes.

Mr. Clark, having received a majority of all the votes cast, was declared duly elected, by the President, Visiting Physician for the State Insane Asylum, for the term prescribed by law.

Mr. Conness moved that the convention adjourn to Thursday, April fourth, at two o'clock, P. M.

Lost.

On motion of Mr. Conness, the convention adjourned *sine die*.

The President and Senators then proceeded to the Senate chamber.

IN ASSEMBLY.

At half-past five o'clock, P. M. on motion of Mr. Lalor, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, April 4th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Denniston had indefinite leave of absence, and Mr. Tilton for two days.

The Speaker appointed Messrs. Showalter and Magruder on Committee of Ways and Means.

REPORTS.

Reports were made as follows:

By Mr. White:

Mr. SPEAKER:—The Committee of Free Conference, appointed by the Senate and Assembly, to consider Senate Bill, No 125, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty—have considered the same, and for the purpose of adjusting the differences between the two Houses, recommend that the Senate concur in all the Assembly amendments, except amendment No 1, and recommend concurrence in that after striking out the words “and Colusa.”

CLARK,

Chairman Senate Committee.

WHITE,

Of Assembly Committee.

Adopted.

By Mr. Cherry:

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred Assembly Bill, No 239, An Act to provide for the appointment of Commissioners in Equity—have amended the bill, and recommend its passage as amended.

S. S. TILTON,

For Delegation.

By Mr. Durst:

Mr. SPEAKER:—Your Committee on Hospitals, to whom was referred Assembly Bill, No. 376—having had the same under consideration, beg leave to report the same back, and recommend its passage.

DURST,

Chairman.

The rules were suspended, bill above reported, considered engrossed, read a third time and passed.

GENERAL FILE.

Senate Bill, No. 178, An Act supplementary to, and to amend An Act concerning the Debt and the Current Expenses of the County of Monterey, and to provide for the funding and the payment of the same, approved April nineteenth, eighteen hundred and fifty-six—was indefinitely postponed.

Assembly Bill, No. 232, An Act to amend an Act entitled An Act to provide for the construction of a Railroad from a point on Petaluma Creek to the City of Petaluma, and for the right of way for the same—rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 92, An Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned—amendments adopted, further amended, rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No 229, An Act for the relief of James McCauley, Assessor of Yolo County—rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No 20, An Act to amend An Act approved April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty one, 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—amendments adopted, rules suspended, considered engrossed, read a third time and passed.

The House rejected the claim of John Valentine against the State, for

articles furnished the Marine Hospital in eighteen hundred and fifty-five.

Assembly Bill, No. 233, An Act for the relief of I. C. Wood—was re-committed to the Committee on Claims.

Assembly Bill, No. 137, An Act to pay the claim of B. F. Hastings—was considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 228, An Act to prescribe the number and pay of Attachés of the Legislature, and the per diem of the Members—was made the special order for April fifth, at half past ten o'clock, A. M.

Senate Bill, No. 118, An Act to reimburse Mary B. Russell certain Moneys expended by the Sisters of Mercy for the burial of the Dead—was considered in Committee of the Whole, and reported, without recommendation.

Mr. Conness moved to strike out the third section.

Mr. White moved the previous question.

Sustained, and the motion of Mr. Conness carried.

Bill read a third time.

On its passage, Messrs. Lippincott, Hunter, and Munday, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 45—noes, 15:

AYES—Messrs. Adams, Briggs, Campbell, Childs, Clarke, Coleman, Coltrin, Conness, Covarrubias, Curtis, Denniston, Dougherty, Durst, Eastman, Flanders, Foster, Green, Harriman, Harris, Harrison, Henderson, Horrell, Hunter, Johnson, Kungle, Lalor, Laspeyre, Lippincott, Miller, Montgomery, Morrison, Munday, O'Brien, Porter, Powell, Scott, Smith of Tulare, Smith of Placer, Sorrel, Stearns, Tilden, Tittel, White, Wood of Yolo, and Mr. Speaker—45.

NOES—Messrs. Amyx, Banks, Bradley, Buell, Chandler, Cherry, Councilman, Crocker, Gregory, Hagans, Hill, Holman, Patrick, Ross, and Wiley—15.

Mr. Flanders gave notice of reconsideration.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Thursday, April 4th, 1861. }

MR. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 110. An Act granting the right to lay a Railroad Track through certain Streets in the City and County of Sacramento, with amendments;

Also, Assembly Bill, No. 112, An Act to legalize the Assessment Roll, and extend the time for the collection of Taxes in the County of Los Angeles;

Also, Senate Bill, No. 105, An Act entitled An Act concerning Roads and Highways in the County of Yuba;

Also, have appointed Messrs Clark, Edgerton, and Logan, a Committee of Free Conference on Assembly Bill, No. 36, Relative to Roads in Sacramento;

Also, passed Senate Bill, No. 274, An Act relating to the payment of Stewards for the San Francisco Fire Department;

Also, Senate Bill, No. 266, An Act appropriating Money for the payment of Copying for the Legislature during the Twelfth Session.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 274, above reported—was read first and second times, rules suspended, read a third time and passed.

The House concurred in Senate amendments to Assembly Bill, No. 110, above reported.

Senate Bill, No. 105, above reported—was read first and second times, and referred to the Committee on Roads and Highways.

Mr. Horrell, by leave, introduced a bill for An Act authorizing the holding of Special Terms of the District Court in the Counties of Amador and Calaveras.

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

Mr. Scott made the following report:

Mr. SPEAKER:—The undersigned, to whom was referred Assembly Bill, No. 513, An Act to define the Boundaries and provide for the Organization of Lake County—beg leave to report the same back, with amendments, and recommend the passage of the same as amended.

JOHN B. SCOTT,
WOOD of Yolo.

Mr. Patrick verbally reported and recommended the passage of Assembly Bill, No. 356, An Act amendatory of An Act to make certain Offices in Tuolumne County salaried Offices, approved February twenty-second, eighteen hundred and sixty-one.

Rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 63, An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco—special order for this day, was entertained for twenty minutes.

Assembly Bill, No. 116, An Act in relation to the Militia—also special order for this day, was continued until to-morrow, at twelve o'clock, M.

Mr. Avery moved to reconsider the vote by which the House, on yesterday, refused to pass Senate Bill, No. 25, Relative to Auctioneers.

The Speaker decided the motion out of order.

Mr. Campbell appealed.

Mr. Magruder moved a call of the House.

Sustained.

The following members were absent:

Messrs. Bacchtel, Coltrin, Fargo, Flanders, Ford, Gordon, Hanson, Harrison, Haun, Henderson, Hunter, Kurtz, Laspeyre, Lippincott, Morrison, Scott, Smith of Tulare, Sorrel, Tilden, Tittel, Willey, and Wood of Yolo.

On motion of Mr. Ross, further proceedings under the call were dispensed with.

On the question, Shall the decision of the Chair stand as the judgment of the House? Messrs. Walter, Magruder, and Kungle, demanded the ayes and noes, and the Chair was sustained by the following vote: Ayes, 32—noes, 12:

AYES—Messrs. Amyx, Bradley, Briggs, Buell, Childs, Coleman, Dougherty, Eastman, Gillette, Green, Gregory, Hagans, Harriman, Harris, Harrison, Hill, Horrell, Kungle, Magruder, Miller, Montgomery, Morgan, O'Brien, Patrick, Pierce, Ross, Showalter, Smith of Placer, Spence, Walter, White, and Wood of Plumas—32.

NOES—Messrs. Campbell, Cherry, Clarke, Councilman, Fargo, Flanders, Johnson, Morrison, Munday, Porter, Stearns, and Wright—12.

Mr. Ross made the following report:

Mr SPEAKER :—Your Committee on Mileage have had under consideration the mileage to which your committee on the State Reform School at Marysville, and find that the committee visited the school, which is located six miles above Marysville, a distance of fifty-six miles from the Capitol; that they also visited the Industrial School, seven miles south of San Francisco, a distance of one hundred and twenty-seven miles from the Capitol, and that the members of your committee are entitled to mileage as follows, payable out of the Contingent Fund of the Assembly :

Name.	Miles.	Amount.
Magruder.....	366	\$36 60
Tilton.....	366	36 00
Henderson	366	36 60
Total.. .....	.....	\$109 80

ROSS,
Chairman.

Adopted.
Reconsidered and amended so as to make the mileage seventy-three dollars and twenty cents each, and again adopted.

Mr. Foster offered a Concurrent Resolution, providing for a Joint Convention for the election of Trustees for the Insane Asylum, to be held on the fifth instant, at two o'clock, p. m.

Mr. Showalter moved to lay on the table.

Lost.

Resolution adopted.

Mr O'Brien made a report from the Committee on Accounts and Expenditures.

(For Report see Appendix.)

Adopted.

Mr. Morrison presented a petition and remonstrance, Relative to City Government of Los Angeles

Referred to Los Angeles Delegation.

Mr. Piercy made the following report:

Mr. SPEAKER :—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 205, An Act regulating the Fees of Associate Justices of the Court of Sessions, Jurors, and Inspectors, Judges, and Clerks, of Elections, in Tuolumne County;

Also, Assembly Bill, No. 294, An Act to grant the right to construct a Turnpike Road between the Town of Jackson and Ione City, in the County of Amador;

Also, Assembly Bill, No. 266, An Act in relation to the burning of Bricks in the City and County of San Francisco;

Also, Assembly Bill, No. 184, An Act to fund the Indebtedness of the County of Los Angeles, now existing in the form of County Auditor's Warrants, or that may be outstanding on the first day of July, eighteen hundred and sixty-one, or Warrants issued for Indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same.

S. S. TILTON,
Chairman.

Assembly Bill, No 63, An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San Francisco—special order, was taken up.

Mr. Coleman moved a call of the House.

Sustained.

Messrs. Bacchtel, Coltrin, Covarrubias, Foster, Gordon, Hanson, Harris, Haun, Holman, Horrell, Lippincott, Piercy, Tilden, and Willey, were absent.

Mr. Crocker moved to indefinitely postpone the bill.

Mr White moved the previous question.

Sustained.

On the indefinite postponement of the bill, Messrs White, Campbell, and Tittel, demanded the ayes and noes, and the bill was indefinitely postponed by the following vote: Ayes, 28—noes, 22:

AYES—Messrs Adams, Avery, Banks, Blair, Bradley, Briggs, Campbell, Cherry, Clarke, Councilman, Crocker, Fargo, Flanders, Gillette, Green, Harriman, Henderson, Kungle, Lalor, Miller, Morgan, Porter, Ross, Scott, Stearns, Tittel, Walter, and Willey—28.

NOES—Messrs Amyx, Buell, Childs, Coleman, Conness, Eastman, Gregory, Hagans, Harris, Harrison, Holman, Johnson, Laspeyre, Magruder, Montgomery, Morrison, Munday, O'Brien, Smith of Placer, White, Wood of Plumas, and Wright—22.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Sorrel, for An Act to legalize the Acts of the Surveyor of the County of Siskiyou in defining the Northern Boundary Line of said County.

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

By Mr. Showalter, for An Act to authorize, John J. Parcels, and such other persons as he may associate with him, and his and their Assigns, to construct a Wharf at the foot of Howard Street, in the City and County of San Francisco, and have the proceeds thereof for ten years.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Flanders, for An Act authorizing the resurvey of a portion of the City of San Francisco;

Also, An Act for the relief of John Duane.

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

Mr. Lalor made the following report:

MR. PRESIDENT:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 234, An Act to fund the Debt of the County of Solano, which accrued from and after the first day of May, A. D. eighteen hundred and fifty-nine, to the first day of October, A. D. eighteen hundred and sixty-one, and to provide for the payment of the same;

Also, Assembly Bill, No. 253, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco.

E. LALOR,
Chairman.

Mr. Lalor offered the following resolution:

Resolved, That the Engrossing Clerk be authorized to appoint another Assistant at a per diem of eight dollars, payable out of the Contingent Fund of the Assembly

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

Assembly Bill, No. 66, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads—also special order of the day, was taken up, considered in Committee of the Whole, reported, without recommendation, and, together with Assembly Bill, No. 281, recommitted to a Special Committee of three.

Mr. Fargo offered the following resolution :

Resolved, By the Assembly, the Senate concurring, that the sum of seventy-five dollars be, and the same is hereby, appropriated, one-half out of the Contingent Fund of the Assembly, and one-half out of the Contingent Fund of the Senate, in favor of the Chairman of the Joint Committee appointed to investigate the late Senatorial Convention, and the Controller of State is hereby authorized to draw his warrant in favor of said Chairman for the same.

Lost.

Mr. Crocker moved that the House adjourn.

Lost.

Mr. Laspeyre presented a petition in relation to Militia Law ;

Also, for An Act to amend An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
April 4th, 1861. }

MR. SPEAKER:—The Senate concurred in Assembly amendments to Senate Bill, No. 199, An Act creating the County of Esmeralda, except the amendments to Section Eleven.

D. J. WILLIAMSON,
Assistant Secretary.

The House took up Senate Bill, No. 199, above reported.

Mr. Conness moved the previous question.

Carried.

Mr. Amyx moved a call of the House.

Lost.

On receding from the amendment to section eleven, Messrs. Amyx, Magruder, and Haun, demanded the ayes and noes, and the House receded by the following vote : Ayes, 29—noes, 16 :

AYES—Messrs. Avery, Banks, Blair, Cherry, Childs, Clarke, Coltrin, Conness, Crocker, Eastman, Fargo, Green, Hagans, Henderson, Hill, Hunter, Laspeyre, Lippincott, Miller, Montgomery, Morgan, O'Brien, Patrick, Porter, Smith of Tulare, Spence, Stearns, Tittel, and Mr. Speaker—29.

NOES—Messrs. Amyx, Bacchtel, Bradley, Buell, Haun, Holman, Hor-

rell, Johnson, Kunglo, Magruder, Piercy, Ross, Showalter, Smith of Placer, Wood of Plumas, and Wood of Yolo—16.

Mr. Patrick gave notice of reconsideration.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Haun, for An Act to incorporate District Agricultural Societies, and to appropriate Money for their support.

Read first and second times, and referred to Special Committee of five.

By Mr. Holman, for An Act to authorize D. D. Reeve and others to build a Wharf at Suisun City, in Solano County.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Green, for An Act concerning Roads and Highways in the County of El Dorado.

Read first and second times, and referred to the El Dorado and Amador delegations.

By Mr. Tittel, for An Act respecting the rights and duties of Landlords and Tenants ;

Also, An Act to provide for the recovery of the possession of Land by summary proceedings.

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

By Mr. Cherry, for An Act to authorize the Commissioners of the Funded Debt of the City and County of San Francisco to reissue certain Bonds of the City and County of San Francisco to Noah C. Efford.

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

By Mr. Laspeyre, for An Act to amend An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty.

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

By Mr. Piercy, for An Act to provide for the construction of a Road in the County of San Bernardino.

Read first and second times, and referred to the Committee on Roads and Highways.

REPORTS.

Reports were made as follows :

By Mr. Ross :

Mr. SPEAKER :—Your Special Committee, to whom was referred Assembly Bill, No. 360—have had the same under consideration, and report the bill back, with amendments, and recommend its passage as amended.

ROSS,

BAECHTEL.

By Mr. Stearns :

Mr. SPEAKER :—Your committee, to whom was referred Assembly Bill, No. 328, An Act to amend an Act entitled An Act to provide for the better encouragement of the culture of the Vine and the Olive, approved April eleventh, eighteen hundred and fifty-nine ;

Also, substitute for Assembly Bill, No. 202, An Act to amend An Act to restrict the herding of Sheep to certain Pastures in the Counties of Sonoma and Marin, and the several Acts amendatory thereof, approved April twenty-first, eighteen hundred and fifty-seven, approved April fifteenth, eighteen hundred and fifty-eight, approved March sixteenth, eighteen hundred and fifty-nine, approved April twenty-eighth, eighteen

hundred and sixty—do respectfully report the same back to the House, with amendments, and recommend their passage as amended.

ABEL STEARNS,
Chairman.

By Mr. Magruder:

Mr. SPEAKER:—The Yuba Delegation, to whom was referred Assembly Bill, No. 362, An Act amendatory of An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five—have had the same under consideration, and report it back, with amendments, and recommend that the bill pass as amended.

C. H. KUNGLE,
L. MAGRUDER,
D. HAUN,
E. LALOR.

Mr. Laspeyre moved a call of the House.

Carried.

The following members were absent:

Messrs. Briggs, Campbell, Chandler, Councilman, Covarrubias, Curtis, Denniston, Dougherty, Durst, Flanders, Ford, Foster, Gillette, Gordon, Green, Gregory, Hanson, Harriman, Harrison, Henderson, Hunter, Kurtz, Lalor, Morrison, Munday, Powell, Scott, Sorrel, Tilden, Walter, White, and Wright—32.

On motion of Mr. Showalter, further proceedings under the call, were dispensed with.

At fifty minutes past four o'clock, P. M. on motion of Mr. Wood of Yolo, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, April 5th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Sorrel had leave of absence for one day, Mr. Harris for two days, and Mr. Gordon, for three days.

On motion of Mr. Wood of Yolo, the resolution in relation to the order of business by which the General File was to be considered first in order, was rescinded.

REPORTS.

Reports were made as follows:

By Mr. Campbell:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred certain bills, ask leave to report Senate Bill, No. 35, An Act concerning Conveyances—and recommend that it do not pass;

Also, Assembly Bill, No. 370, An Act relating to the Office of Tax Collector in the County of Shasta—with a recommendation that it be referred to the Shasta Delegation;

Also, Assembly Bill, No. 289, An Act defining the mode of serving Civil Process in the County of San Bernardino—and recommend that it be referred to the San Bernardino Delegation;

Also, Assembly Bill, No. 272, 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 eighteenth, eighteen hundred and fifty-three—and recommend that it be indefinitely postponed;

Also, Assembly Bill, No. 273, An Act to ratify and approve certain Orders made by the Board of Supervisors of the County of Tulare during the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, granting Land to certain parties—with amendments, and recommend its passage as amended.

CAMPBELL,
Chairman.

By Mr. Curtis :

Mr. SPEAKER:—The Committee on Corporations, to whom was referred a petition from the Chamber of Commerce of the City of San Francisco—report the same back, and recommend that it be referred to the Judiciary Committee of the two Houses, who have now under consideration certain amendments to the Constitution of the State.

They have also had under consideration Senate Bill, No. 124, An Act to repeal the Charter of the City of Sonoma—and report the same back, and recommend its reference to the Sonoma Delegation

Respectfully submitted.

CURTIS,
Chairman.

By Mr. Banks :

Mr. SPEAKER:—The majority of the Committee of Commerce and Navigation, to whom was referred Assembly Bill, No. 241, An Act to authorize Michael O'Brien to construct a Wharf at the foot of Green Street, in the City and County of San Francisco—having considered the same, respectfully recommend that it do not pass, for reasons formerly assigned by us in a similar case. For the same reasons we recommend that Senate Bill, No. 158, An Act to authorize Henry B. Platt and James Gallagher to construct a Wharf at the foot of Third Street, in the City and County of San Francisco—do not pass.

JAMES A. BANKS,
JOHN N. CHERRY,
ALVIN FLANDERS.

By Mr. Laspeyre :

Mr. SPEAKER:—A minority of the Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 158, and Assembly Bill, No. 241, ask leave to report the same back to the House, without recommendation;

Also, recommend the indefinite postponement of Assembly Bill, No. 257.

LASPEYRE.

By Mr. Smith of Tulare :

Mr. SPEAKER:—The Committee on Public Lands, having had under consideration Assembly Bill, No. 365, An Act to amend An Act to authorize the location of the Town Site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine—report the same back, and recommend that it do not pass.

SMITH of Tulare,
Chairman.

By Mr. Durst:

MR. SPEAKER:—Your Committee on State Hospitals, having had under consideration Assembly Bill, No. 299—beg leave to report it back, with amendments, and recommend its passage.

DURST.

The rules were suspended, the amendments to Assembly Bill, No. 299, above reported, adopted, bill considered engrossed, read a third time and passed.

By Mr. Adams:

MR. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento—have had the same under consideration, and beg leave to report the same back, with amendments, and recommend that the bill be passed as amended.

ADAMS,
POWELL,

By Mr. Powell:

MR. SPEAKER:—The majority of the Sacramento Delegation, to whom was referred Senate Bill, No. 45, An Act to pay certain Warrants—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

POWELL,
CROCKER,
CURTIS.

By Mr. White:

MR. SPEAKER:—The Special Committee, to whom was referred Assembly Bill, No. —, An Act in relation to the Tax Collector of Shasta County—beg leave to report the same back, with a substitute, and recommend the adoption of the substitute.

WHITE.

By Mr. Piercy:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 171, An Act for the relief of Marin County;

Also, Assembly Bill, No. 89, An Act to regulate Fees in Office in the County of Los Angeles;

Also, Assembly Bill, No. 173, An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a Special Tax for Building purposes, and to levy an additional Tax for County purposes, in said County;

Also, Assembly Bill, No. 276, An Act to incorporate the Town of Hornitos;

Also, Assembly Bill, No. 156, An Act amendatory of, and supplemental to, an Act entitled 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, Assembly Bill, No. 224, An Act to authorize the Board of Supervisors of the County of San Mateo to take and subscribe One Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

PIERCY,
For the Committee.

Mr. Flanders made a verbal report, recommending the passage of a substitute for Assembly Bill, No. 270, An Act amendatory of the San Francisco Consolidation Act.

By Mr. Curtis :

MR SPEAKER:—The Sacramento Delegation, to whom was referred Senate Bill, No. 252, An Act for the relief of the Clerk of the Board of Supervisors of the City and County of Sacramento—have had the same under consideration, and the undersigned, members of said delegation, report the same back, without amendment, and recommend its passage.

CURTIS,
POWELL.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 4th, 1861.

To the Honorable the Assembly of California :

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 298, An Act making an appropriation for the Salary of the State Librarian from the sixteenth of March to the thirtieth day of June, eighteen hundred and sixty-one ;

Also, Assembly Bill, No. 312, An Act making an appropriation for Deficiencies made for the Twelfth Fiscal Year ending June thirtieth, eighteen hundred and sixty-one.

JOHN G. DOWNEY,
Governor.

Mr. Buell offered a Concurrent Resolution, providing that the Committee on Public Buildings and Grounds of each House be instructed to meet and act as a Joint Committee on the construction of the State Capitol.

Mr. Montgomery moved to reconsider the vote by which the House, on yesterday, receded from its amendment to section eleven of Senate Bill, No. 199. An Act to create the County of Esmeralda, to define its Boundaries, and to provide for its Organization.

The Speaker ruled the motion out of order.

Mr. Showalter appealed.

On the question, Shall the decision of the Chair stand as the judgment of the House? Messrs Gillette, Haun, and Chandler, demanded the ayes and noes, and the Chair was sustained by the following vote: Ayes, 33—noes, 26:

AYES—Messrs. Adams, Avery, Banks, Blair, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Covarrubias, Crocker, Dougherty, Durst, Fargo, Flanders, Ford, Green, Hagans, Harriman, Henderson, Hill, Hunter, Lippincott, Miller, O'Brien, Smith of Tulare, Spence, Stearns, Tilden, Tit-tel, Walter, and White—33.

NOES—Messrs. Amyx, Baechtel, Bradley, Buell, Chandler, Clarke, Foster, Gillette, Gregory, Harris, Haun, Holman, Johnson, Kungle, Kurtz, Laspeyre, Magruder, Montgomery, Morrison, Munday, Patrick, Scott, Showalter, Smith of Placer, Willey, and Wright—26.

Mr. Patrick had leave to change his vote on receding from the amendment to section eleven of the bill, from aye to no, and was excused from serving on all committees of which he was a member.

Mr. Smith of Tulare offered the following resolution :

Resolved, That the Senate be requested to return to the House Assembly Swamp Land Bill, No. 54—said bill having been reported to the Senate by mistake, (after its engrossment,) without having received a third reading, or having been placed on its final passage.

Adopted.

Mr. Coleman made the following report :

Mr. SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 160, An Act amendatory of An Act to amend An Act concerning the Office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four, passed March twenty-sixth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 256, An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts;

Also, Assembly Bill, No. 111, An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou.

COLEMAN.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
Friday, April 5th, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly Bills, Nos. 56, 57, and 157, Relative to Railroads in the City and County of San Francisco—with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bills, Nos. 56, 57, and 157, above reported.

SPECIAL ORDER.

Assembly Bill, No. 116, An Act in relation to the Militia—special order for this day, was taken up, and considered in Committee of the Whole.

Mr. Curtis in the Chair.

Reported, with amendments.

Amendments concurred in.

On ordering the bill engrossed, Messrs. Wood of Plumas, Baechtel, and Conness, demanded the ayes and noes.

Mr. Wood of Plumas offered a substitute.

Mr. Conness demanded the previous question.

Sustained.

On the adoption of the substitute, Messrs. Wood of Plumas, Ross, and Piercy, demanded the ayes and noes, and the House refused by the following vote : Ayes, 19—noes, 37 :

AYES—Messrs. Amyx, Baechtel, Bradley, Briggs, Childs, Hagans, Harriman, Johnson, Kungle, Laspeyre, Magruder, Morgan, Patrick, Piercy, Ross, Spence, White, Wood of Plumas, and Wright—19.

NOES—Messrs. Adams, Avery, Banks, Blair, Buell, Campbell, Chandler, Cherry, Coltrin, Conness, Covarrubias, Curtis, Dougherty, Durst, Fargo, Flanders, Foster, Gillette, Green, Gregory, Harris, Haun, Henderson,

Holman, Hunter, Miller, Montgomery, Morrison, O'Brien, Porter, Powell, Showalter, Smith of Tulare, Stearns, Tilden, Tittel, and Willey—37.

And the bill was ordered engrossed by the following vote: Ayes, 36—noes, 26:

AYES—Messrs Adams, Banks, Blair, Buell, Campbell, Cherry, Coleman, Conness, Curtis, Dougherty, Durst, Fargo, Flanders, Foster, Green, Gregory, Hagans, Harris, Henderson, Hunter, Laspeyre, Miller, Morrison, O'Brien, Porter, Powell, Ross, Showalter, Spence, Stearns, Tilden, Tilton, Tittel, Walter, Willey, and Wright—36.

NOES—Messrs Amyx, Avery, Baechtel, Bradley, Briggs, Chandler, Childs, Coltrin, Covarrubias, Gillette, Harriman, Haun, Holman, Horrell, Johnson, Kungle, Magruder, Montgomery, Morgan, Munday, Patrick, Percy, Scott, Smith of Tulare, White, and Wood of Plumas—26.

Mr Coleman made the following report:

MR. SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No 214, An Act to grant the right to construct a Bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named;

Also, Assembly Bill, No 6, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco;

Also, Assembly 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 thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 265, An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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.

COLEMAN.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Wood of Plumas, for An Act relating to the Sureties on the Official Bond of Thomas J. Miner, late County Treasurer of Plumas County.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Porter, for An Act concerning Hogs found running at large in the Counties of Contra Costa and Monterey, between the first day of June and the first day of October in each year.

Read first and second times, and referred to the delegations from Monterey and Contra Costa;

Also, An Act granting to William Fitzpatrick and his Associates, the right to construct a Railroad.

Read first and second times, and referred to the Committee on Corporations.

At two o'clock, p. m. the House took a recess to meet the Senate in Joint Convention to elect Trustees for the Insane Asylum.

IN JOINT CONVENTION.

Hon Pablo de la Guerra, President of the Senate, and Hon. R. Burnell, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. Clark, Crittenden, Edgerton, Gallagher, Heacock, Phelps, Sharp, Thomas, Watt, and Williamson.

House roll called.

Absent—Messrs. Councilman, Denniston, Ford, Hanson, Gordon, Kurtz, Lalor, Piercy, Smith of Placer, Sorrel, and Walden.

The Secretary then read the Concurrent Resolution by which both Houses assembled.

On motion of Mr. Amyx, two Tellers were appointed.

The President of the Senate appointed Mr. Shafter as Teller on the part of the Senate, and the Speaker of the House appointed Mr. Henderson as Teller on the part of the House.

On motion of Mr. Rhodes, the Senate rules were adopted with the exception of Rule No. Twenty-Nine.

On motion of Mr. Amyx, each member as his name was called would arise in his seat and announce in a distinct voice the three candidates for whom he voted.

Nominations being in order, Mr. Warmcastle nominated J. A. Anderson, G. A. Shurtleff, and L. R. Bradley.

Mr. Lippincott nominated P. E. Connor, H. T. Huggins, and W. H. Lyons.

There being no other nominations the Secretary called the roll with the following result:

NAMES.	Anderson.	Shurtleff.	Bradley...	Huggins..	Connor....	Lyons
Burbank.....	1	1	1	.....	.....	.....
Chase .....	.....	.....	.....	1	1	1
De la Guerra.....	.....	.....	.....	1	1	1
DeLong .....	.....	.....	.....	1	1	1
Denver.....	1	1	1	.....	.....	.....
Egan.....	1	1	1	.....	.....	.....
Franklin	1	1	1	.....	.....	.....
Harvey .....	.....	1	.....	1	.....	1
Haynes	1	1	1	.....	.....	.....
Hill	1	1	1	.....	.....	.....
Leet	1	1	1	.....	.....	.....
Logan.....	1	1	1	.....	.....	.....
Merritt.....	1	1	1	.....	.....	.....
Parks	1	1	1	.....	.....	.....
Pico	1	1	1	.....	.....	.....
Rhodes	1	1	1	.....	.....	.....
Ryan .....	.....	.....	.....	1	1	1
Shafter.....	1	1	.....	1	.....	.....
Warmcastle.....	1	1	1	.....	.....	.....
Watson	1	1	1	.....	.....	.....
Adams .....	.....	.....	.....	1	1	1
Amyx	1	1	1	.....	.....	.....
Avery	1	1	.....	1	.....	.....
Baechtel.....	1	1	1	.....	.....	.....
Banks.....	1	1	1	.....	.....	.....

NAMES.	Anderson.	Shurtleff..	Bradley...	Huggins..	Connor....	Lyons
Blair	1	1	1			
Bradley	1	1			1	
Briggs	1	1	1			
Burnell..				1	1	1
Buell.....	1	1	1			
Campbell.....	1	1		1		
Chandler	1	1	1			
Cherry	1	1	1			
Childs	1	1	1			
Clarke	1	1		1		
Coleman.....	1				1	1
Coltrin				1	1	1
Conness				1	1	1
Covarrubias..				1	1	1
Crocker	1	1	1			
Curtis.....	1	1	1			
Dougherty.....			1	1		1
Durst				1	1	1
Eastman				1	1	1
Fargo	1	1	1			
Flanders	1	1	1			
Foster.....		1	1	1		
Gillette			1			
Green				1	1	1
Gregory.....	1	1	1			
Hagans	1	1	1			
Harriman	1	1	1			
Harris.....	1	1	1			
Haun	1		1			
Henderson.....				1	1	1
Hill				1	1	1
Holman	1	1	1			
Horrell	1	1	1			
Hunter				1	1	1
Johnson	1	1	1			
Kungle	1	1	1			
Laspeyre..	1	1	1			
Lippincott				1	1	1
Magruder	1	1	1			
Miller	1	1	1			
Montgomery	1	1	1			
Morgan	1	1	1			
Morrison	1	1	1			
Munday	1	1	1			
O'Brien				1	1	1
Patrick			1			
Porter	1	1	1			
Powell				1	1	1

NAMES.	Anderson	Shurtleff..	Bradley...	Huggins..	Connor...	Lyons....
Ross	1	1	1	.....	.....	.....
Scott .....	.....	1	1	1	.....	.....
Showalter .....	.....	.....	1	.....	.....	.....
Smith of Tulare .....	.....	1	1	.....	1	.....
Spence	1	1	1	.....	.....	.....
Stearns.....	1	1	.....	1	.....	.....
Tilden.....	.....	.....	.....	1	1	1
Tilton	1	1	1	.....	.....	.....
Tittel	1	1	1	.....	.....	.....
Walter .....	.....	1	.....	1	1	.....
White	1	1	1	.....	.....	.....
Willey	1	1	1	.....	.....	.....
Wood of Plumas.....	1	1	1	.....	.....	.....
Wood of Yolo	1	1	1	.....	.....	.....
Wright.....	.....	.....	1	.....	1	1

Mr Haun gave one vote for Mr. Ford.

Whole number of votes cast, eighty-eight.

Necessary to a choice, forty-five.

Mr. Anderson received sixty votes.

Mr. Shurtleff received sixty-two votes.

Mr. Bradley received sixty votes.

Mr. Huggins received twenty-nine votes.

Mr. Connor received twenty-three votes.

Mr. Ford received one vote.

Messrs. Anderson, Bradley, and Shurtleff, each having received a majority of all the votes cast, the President declared them duly elected Trustees of the State Insane Asylum at Stockton for the time prescribed by law.

The business for which the convention assembled having been accomplished, the President declared the same adjourned *sine die*.

The President and Senators then proceeded to the Senate Chamber.

IN ASSEMBLY.

The House reassembled.

Mr. Coleman made the following report :

MR. SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 264, An Act to amend An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April twenty-fourth, eighteen hundred and fifty-eight.

COLEMAN.

The rules were suspended, and Assembly Bill, No. 313, An Act to define the Boundaries and provide for the Organization of Lake County—

was taken up, amendments adopted, bill considered engrossed, read a third time and passed.

Assembly Bill, No. 273, An Act to ratify and approve certain Orders made by the Board of Supervisors of the County of Tulare during the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, granting Land to certain parties—amendments adopted, rules suspended, considered engrossed, read a third time, passed, and title amended.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr Morrison, for An Act to amend an Act to amend Section One of an Act entitled An Act to provide Revenue for the support of the Government of this State.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Campbell, for An Act concerning Jurors in the City and County of San Francisco.

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

By Mr. Haun, for An Act to grant to certain parties the right of laying a Railroad Track along certain Streets within the City of Marysville.

Read first and second times, and referred to the Yuba Delegation.

By Mr. Johnson, for An Act authorizing the construction of a Wagon Road over the Coast Range of Mountains in San Luis Obispo County.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Powell, for An Act authorizing the removal of certain Bodies interred in New Helvetia Cemetery.

Read first and second times, and referred to the Sacramento Delegation.

By Mr Harriman, for An Act to amend An Act concerning Estates of deceased persons ;

Also, An Act to amend An Act to regulate Proceedings in Civil Cases, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee;

Also, An Act to amend An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Ways and Means.

Assembly Bill, No. 228, An Act to prescribe the number and pay of Attachés of the Legislature, and the per diem of the Members—made the special order for April 6th, at twelve o'clock, M.

At forty-five minutes past three o'clock, P. M. on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, April 6th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

REPORTS.

Reports were made as follows :

By Mr. Harriman :

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly Bill, No. 117, An Act for the relief of Hiram Killham—beg leave to report the same back, and recommend that it do not pass;

Also, Senate Bill, No. 236, An Act to appropriate Money to pay the claim of William Bofer & Co—report that it is unsupported by the approval of the Board of Examiners, or vouchers of any kind, and recommend that it do not pass;

Also, Senate Bill, No. 71, An Act for the relief of John T. Carcy, Treasurer of Klamath County—and report the same back, without recommendation.

HARRIMAN,
LIPPINCOTT,
HUNTER.

By Mr. Campbell :

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Senate Bill, No. 94, An Act to amend an Act entitled An Act to provide for the appointment, and prescribe the duties, of Guardians—having considered the same, report it back, with amendments, and recommend its passage as amended.

CAMPBELL,
Chairman.

By Mr. Munday :

Mr. SPEAKER:—Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 379, An Act to legalize the acts of the County Surveyor of the County of Siskiyou in defining the Northern Boundary Line of said County—having had the same under consideration, beg leave to report the same back, with amendments, and recommend its passage as amended;

Also, Senate Bill, No. 155, An Act to change the Boundary Line between the Counties of Butte and Yuba, at the Woodville House—having had the same under consideration, beg leave to report the same back, and recommend its indefinite postponement.

Your committee are of the opinion that no county boundary should be changed without the consent of the parties interested, and as the proposed change in this bill is not sought by petition, or other evidence, your committee are of the opinion, that by sanctioning this bill it would be establishing a very dangerous precedent

All of which is respectfully submitted.

MUNDAY,
Chairman.

By Mr. Blair :

Mr. SPEAKER:—The Committee on Education think Assembly Bill, No. 348, should be indefinitely postponed, because—

First—It gives to any individuals, society, sect, or denomination, of persons, the right to establish schools to suit their own peculiar notions, independent of the regulations prescribed by the general school law, and by their declaring such schools public schools, can receive their *pro rata*

share of the Public School Fund, whether such private schools give instruction to all pupils entitled to the benefits of the Public School Fund or not.

Second.—It permits such schools, supported by the public funds, to devote a portion of the time to private sectarian religious instruction.

The spirit of our institutions seems to be to recognize no sectarian religion whatever, further than to secure to all the free exercise of their religious faith, and to protect them in the rights thereto. The children of all citizens alike, Jews, Pagans, and Mahomedans, as well as all the various Christian sects, societies, and denominations, are entitled equally to all the benefits of our own public schools and Public School Fund, and we should make no distinction, nor grant any special privilege therein by law, but make our present system of schools so acceptable that the children of all classes can be instructed therein upon terms of perfect equality, alike and together. We ought not by legislation do anything to promote religious sectarianism of any kind, either directly or indirectly, but by a wise and well considered public school system, to provide for the instruction in the great and all-important principles of science, and a pure morality, universally applicable alike to all classes of mankind, thus promoting among all classes of our fellow-citizens a spirit of unity, harmony, and universal religious toleration.

By multiplying, in an undue degree, the number of our public schools, we weaken their power and materially lessen their efficiency for public good by dissipating the School Fund, which is now too small to fully meet the wants of the people by sustaining good and permanent schools, and the operation of the law proposed would, we think, have this effect.

Our present school system is, we think, a good one, and its principles should not be essentially changed. The people are familiar with it as it is, and it can, from time to time, be changed and amended as necessity may require, without striking at the very principle and foundation of the system itself. We fear the passage of the present bill would tend greatly to derange our whole school system. However, the passage of the bill is asked by a petition of more than fourteen thousand citizens of the State, and we hope the House will give it that consideration due to so grave and important a subject, and act in reference thereto as wisdom, justice, and a sound judgment, may dictate.

BLAIR,
Chairman.

By Mr. Childs :

MR. SPEAKER :—The Committee on Roads and Highways have had under consideration Assembly Bill, No. 399, An Act to provide for the construction of a Road in the County of San Bernardino—and report a substitute for the bill, and recommend the passage of the substitute.

CHILDS,
Chairman.

By Mr. Powell

MR. SPEAKER :—The Sacramento Delegation, to whom was referred Assembly Bill, No. 332—have had the same under consideration, and the undersigned beg leave to report the same back, and recommend its passage.

POWELL,
CURTIS.

By Mr. Crocker :

MR. SPEAKER :—The undersigned, of the Sacramento Delegation, to

whom was referred Assembly Bill, No. 332, An Act conferring further powers on the Board of Supervisors of the City and County of Sacramento—respectfully report that this bill is another attempt on the part of certain Clerks in the employ of the city and county of Sacramento to obtain from the Legislature an advance of fifty per cent on the salaries allowed by the law under which they are employed, and under which they accepted their positions.

A bill having the same object in view passed this House and was vetoed by the Governor, and the people of this city and county, almost unanimously sustain that veto, and are opposed to this bill; and your committee are of the opinion that it is bad policy on the part of the State to encourage the system of raising the salaries of public servants during the terms of their service, and granting back pay, as this bill does.

Your committee, therefore, recommend the indefinite postponement of the bill

C. CROCKER,
AMOS ADAMS.

By Mr. Foster:

MR. SPEAKER:—Your Auditing Committee have examined the copying done on account of the Assembly, and find the same as follows:

Purpose.	Folio.	Per Folio.	Amount.
Journal for Printer.....	1,185	10 cts.	\$118 50
Appendix	1,396	10 cts.	139 60
Assembly Bills	986	10 cts.	98 60
Reports	732	10 cts.	73 20
Totals.....	4,299	.....	\$429 90

Your committee recommend the adoption of the following resolution:

Resolved, That the Controller of State be, and is hereby authorized, to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of four hundred and twenty-nine dollars and ninety cents, payable out of the Copying Fund of the Assembly.

Adopted.

GILLETTE,
FOSTER

By Mr. Horrell:

MR. SPEAKER:—The undersigned, one of the Amador Delegation, to whom was referred Assembly Bill, No. 368, An Act authorizing the transcribing of certain Records for the County of Amador—beg leave to report the same back, and recommend the passage of the bill.

HORRELL.

By Mr. Burnell:

MR. SPEAKER:—The undersigned dissents from the report made by his colleague, and recommends the indefinite postponement of the bill.

R. BURNELL.

Mr. Wood of Plumas offered a Concurrent Resolution, Relative to the Boundary Line between Honey Lake Valley and Utah Territory.

Adopted.

Senate Bill, No. 105, An Act concerning Roads and Highways in the County of Yuba—was referred to the Yuba Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 5th, 1861.

To the Honorable the Assembly of California :

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 231, An Act for the payment of the claim of I. & S. Wormser, Assignees of J. M. Anderson and Joseph R. Beard, for copying done for the Senate and Assembly during the Eleventh Session of the Legislature, and as Assignees of C. A. Sumner, W. M. Cutter, and P. Malone, for pay as Reporters of Assembly, allowed by resolution passed April thirtieth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 84, An Act to provide for recording certain Deeds, and to make the same Notice and Evidence ;

Also, Assembly Bill, No. 240, An Act supplementary to, and explanatory of, Section One of An Act to provide a Fund for the redemption of, and prescribing the manner of redeeming, the Outstanding County Warrants drawn upon the Treasury of Tuolumne County, and further to provide for the payment of all the Current Expenses of said Tuolumne County in cash, approved February twenty-second, eighteen hundred and sixty-one ;

Also, Assembly Bill, No. 129, An Act making appropriations for the payment of the per diem and mileage of Presidential Electors

JOHN G. DOWNEY,
Governor.

Assembly Bill, No. 370, An Act relating to the Office of Tax Collector in the County of Shasta—substitute adopted, rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 270, An Act amendatory of 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, approved April nineteenth, eighteen hundred and fifty-six, and of the several Acts amendatory thereof—substitute adopted, rules suspended, considered engrossed, read a third time and passed.

Senate Bill, No. 187, An Act to authorize Peter Davidson to execute a certain Conveyance in behalf of his Infant Children—was read a third time and passed.

PROTEST.

Mr. Patrick presented the following protest :

WHEREAS, The Assembly, on the fourth of April, A. D. eighteen hundred and sixty-one, receded from amendment to Assembly Bill, No. 199, An Act to create the County of Mono, to define its Boundaries and provide for its Organization ; and, *whereas*, the said act contains provisions destructive and subversive of the constitutional rights of the constituents which the undersigned represents in part ; and, *whereas*, the undersigned believe that they were denied under the ruling of the Speaker, which was sustained by the House, the common rights guaranteed, as we conceive, to us, under the rules of the House, for a reconsideration of the vote on the motion to recede from the House amendment, which was

the final action on the bill, the undersigned demanded a reconsideration, and it was refused. Therefore, the undersigned most respectfully ask that this protest be entered on the Journal, against what they conceive to be the unconstitutional and onerous provisions of said act. We protest—

First—Because the House, on the fourth instant, receded from its amendments to section eleven, striking out all down to, and including, the word “and,” in the fifth line, and inserting “The County of Mono.”

Second—Because attaching the county of Mono to Tuolumne County, for Representative purposes, and to the Seventh Senatorial District for Senatorial purposes, is a violation of the constitutional rights of representation of the people of Tuolumne and Stanislaus counties, by attaching to said county and Senatorial District a large population in said Mono County, which said county of Mono was formed entirely out of territory taken from other counties, and no part of the territory or population was taken from Tuolumne County, or from the Seventh Senatorial District, in forming said county of Mono, thereby reducing the constitutional and lawful representative power of the citizens of Tuolumne and Stanislaus counties.

Third—Because the bill has never passed the Assembly in its present form, and the bill as it came from the Senate, provided in section eleven, that the county of Mono “shall be attached to Tuolumne for Representative purposes, and to the Seventh Senatorial District for Senatorial purposes.” The Assembly struck out all after the word “shall.” The Senate refused to concur in the amendment, and returned the bill to the Assembly, and on the fourth of April the House receded from its amendment of section eleven, and here the House ceased to take further action; so that the eleventh section of said bill has never been voted upon by the Assembly in its present form.

Wherefore, further protesting, we believe that said bill should not become a law for the reasons above stated.

G. W. PATRICK,
M. G. GILLETTE,
F. AMYX,
F. J. CHANDLER.

April 6th, 1861.

Mr. Smith of Tulare introduced a bill for An Act to provide for the reclamation of the Swamp and Overflowed Lands donated to this State by Act of Congress

Read first and second times, made the special order for Tuesday next at one o'clock, P. M. with Assembly Bill, No. 54, and ordered printed

Assembly Bill, No. 136, An Act for the relief of John Bell, for services rendered in the Humboldt and Klamath Indian War—was referred to the Military Committee.

Mr. Smith of Tulare introduced a bill for An Act supplementary to 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 April twenty-eighth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Education.

Senate Bill, No. 63, An Act to audit and pay the claim of Gregory Yale—was read a third time.

On its passage, Messrs Gregory, Lippincott, and Chandler, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 42—noes, 14:

AYES—Messrs. Amyx, Banks, Blair, Bradley, Buell, Campbell, Cherry, Childs, Clarke, Coleman, Covarrubias, Curtis, Dougherty, Durst, Eastman, Flanders, Foster, Gillette, Green, Harris, Henderson, Hill, Horrell, Hunter, Johnson, Kurtz, Laspeyre, Lippincott, Miller, Morrison, Patrick, Percy, Porter, Powell, Scott, Showalter, Stearns, Tittel, White, Willey, Wright, and Mr. Speaker—42.

NOES—Messrs. Avery, Briggs, Chandler, Crocker, Gregory, Hagans, Haun, Kungle, Magruder, Morgan, Spence, Tilton, Walter, and Wood of Plumas—14.

Mr. Fargo introduced a bill for An Act in relation to Agricultural Societies

Read first and second times, and referred to a Special Committee of five.

GENERAL FILE.

Assembly Bill, No. 6, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco—was read a third time.

On its passage, Messrs. Tilton, Tittel, and Cambell, demanded the ayes and noes, and the bill was lost by the following vote: Ayes, 20—noes, 32:

AYES—Messrs. Amyx, Baechtel, Blair, Cherry, Conness, Curtis, Durst, Fargo, Flanders, Gregory, Hagans, Haun, Johnson, Morgan, Powell, Ross, Tittel, Willey, Wood of Plumas, and Mr. Speaker—20.

NOES—Messrs. Adams, Avery, Banks, Briggs, Campbell, Chandler, Clarke, Coleman, Coltrin, Dougherty, Gillette, Green, Harriman, Harris, Henderson, Hill, Holman, Hunter, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Miller, Munday, Porter, Scott, Smith of Placer, Spence, Tilton, Walter, and Wright—32.

Mr. Tilton gave notice of reconsideration.

Senate Bill, No. 168, An Act to amend an Act entitled An Act to authorize the Administrator of the Estate of Charles Smith, deceased, to sell and convey Real Estate, approved April sixth, eighteen hundred and sixty—was read a third time and passed.

Mr. Tilton made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 212, An Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe Two Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto;

Also, Assembly Bill, No. 192, An Act to provide for the annulling of Certificates of Purchase of Lands sold on a credit, and declared forfeited, for the non-payment of Interest, or Principal, and for the relief of purchasers of Swamp and Overflowed Lands;

Also, Assembly Bill, No. 112, An Act to legalize the Assessment Roll, and extend the time for the collection of Taxes in the County of Los Angeles;

Also, Assembly Bill, No. 262, An Act to provide for the collection of Delinquent Taxes in the County of Contra Costa, and the City and County of Sacramento;

Also, Assembly Bill, No. 57, An Act to grant to certain persons the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco;

Also, Assembly Bill, No. 157, An Act to provide for Street Railroads within the City and County of San Francisco;

Also, Assembly Bill, No. 56, An Act to provide for a Railroad within the City and County of San Francisco.

S. S. TILTON,
Chairman.

Assembly Bill, No. 147, An Act to define and punish Adultery, Seduction, and Fornication.

Mr. Smith of Tulare moved to indefinitely postpone the bill.
Carried.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
Thursday, April 4th, 1861. }

Mr. SPEAKER:—The Senate, this day, passed Assembly Bill, No. 267, An Act concerning Roads and Highways in the County of Klamath, with amendments;

Also, Assembly Bill, No. 233, An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax, and to provide for building a Bridge in said County, with amendments;

Also, Assembly Bill, No. 359, An Act to authorize John Atkinson, of Placer County, to remove the Remains of Deceased Persons;

Also, Senate Bill, No. 146, Relative to the Outstanding Unfunded Indebtedness of San Francisco.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 329, above reported.

SENATE CHAMBER,
Friday, April 5th, 1861. }

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No. 96, An Act to amend an Act entitled An Act to grant certain parties the right of laying down a Railroad Track along certain Streets in the City and County of San Francisco.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 96, above reported—was read first and second times.

On its reference to the San Francisco Delegation, Messrs. Cherry, Willey, and Flanders, demanded the ayes and noes, and the bill was so referred by the following vote: Ayes, 31—noes, 28 :

AYES—Messrs. Avery, Banks, Briggs, Cherry, Clarke, Coleman, Conness, Covarrubias, Crocker, Durst, Flanders, Foster, Hanson, Harriman, Haun, Hill, Lippincott, Magruder, Miller, Morgan, Piercy, Porter, Smith of Tulare, Spence, Stearns, Tilden, Tilton, Walter, White, Willey, and Mr. Speaker—31.

NOES—Messrs. Adams, Amyx, Blair, Chandler, Childs, Curtis, Dougherty, Gillette, Green, Gregory, Harris, Henderson, Horrell, Hunter, Lalor, Laspeyre, Munday, O'Brien, Patrick, Powell, Ross, Scott, Showalter, Smith of Placer, Tittel, Wood of Plumas, Wood of Yolo, and Wright—28.

Mr. Lalor made the following report :

Mr. SPEAKER:—Your Committee on Engrossment have examined, and

found correctly engrossed, Assembly Bill, No. 201, An Act concerning Roads and Highways in certain Counties in this State;

Also, Assembly Bill, No. 232, An Act amendatory of An Act to provide for the construction of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for the right of way for the same.

LALOR,
Chairman.

Senate Bill, No. 266, An Act appropriating Money for the payment of the Copying of the Legislature during the Twelfth Session—was read first and second times, considered in Committee of the Whole, reported, and recommended, rules suspended, read a third time and passed.

Substitute for Assembly Bill, No. 228, An Act to prescribe the number and pay of Attachés of the Legislature, and the per diem of the Members—the special order of the day, was considered in Committee of the Whole.

Mr Showalter in the Chair.

Reported, with amendments, amendments adopted, except as to the salary of the Judge of the Twelfth District Court.

Mr Gregory moved to strike out “ninety days,” and insert “during the session.”

Upon which, Messrs. Gregory, Magruder, and Briggs, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 15—noes, 27:

AYES—Messrs. Amyx, Buell, Coltrin, Conness, Covarrubias, Curtis, Durst, Green, Gregory, Hanson, Harris, Henderson, Lippincott, Piercy, and Wood of Yolo—15.

NOES—Messrs. Avery, Baechtel, Banks, Blair, Bradley, Briggs, Burnell, Cherry, Clarke, Crocker, Dougherty, Hagans, Haun, Hill, Kungle, Laspeyre, Magruder, Miller, O'Brien, Porter, Showalter, Smith of Tulare, Smith of Placer, Spence, Stearns, Walter, and Wood of Plumas—27.

Rules suspended, bill considered engrossed, and read a third time.

On its passage, Messrs. Powell, Briggs, and Bradley, demanded the ayes and noes.

Mr. Wood of Yolo moved a call of the House.

Lost.

Mr. Harris moved to adjourn.

Lost.

The bill was passed by the following vote: Ayes, 35—noes, 11:

AYES—Messrs. Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Burnell, Cherry, Childs, Clarke, Coleman, Conness, Crocker, Dougherty, Green, Gregory, Hagans, Haun, Henderson, Hill, Horrell, Laspeyre, Magruder, Miller, O'Brien, Porter, Powell, Ross, Showalter, Smith of Tulare, Smith of Placer, Tilton, Wood of Plumas, and Wood of Yolo—35.

NOES—Messrs. Covarrubias, Curtis, Hanson, Harris, Kungle, Lippincott, Patrick, Piercy, Spence, Stearns, and Walter—11.

Mr. Wood of Yolo gave notice of reconsideration.

Mr. Harris made the following report:

Mr. SPEAKER:—The Special Committee of five, to whom was referred an act entitled An Act concerning Mining Companies in this State—beg leave to report a substitute for the same, which is herewith submitted, and recommend its passage.

COUNCILMAN,
Chairman.

At twenty minutes past three o'clock, P. M. on motion of Mr. Crocker, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 8th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present.

Journal of Saturday read and approved.

Leave of absence was granted as follows :

Mr. Willey, for three days ; Messrs. Campbell and Sorrel, for two days each ; Messrs. Wright, Holman, Harrison, and Tittel, for one day each, and Mr. Hanson, indefinite leave.

Mr. Ross introduced a bill for An Act to define the Boundary Line between the Counties of Sonoma and Marin.

Read first and second times, and referred to the Marin and Sonoma Delegation.

Mr. Magruder presented a protest against sectarian division of School Fund.

Placed on file.

Assembly Bill, No. 175, An Act to provide for the survey and segregation of the Swamp and Overflowed Lands donated to this State by Act of Congress of September twenty-eighth, eighteen hundred and fifty, entitled An Act to enable the State of Arkansas, and other States, to reclaim the Swamp and Overflowed Lands within their limits ;

Also, Senate Bill, No. 198, An Act in relation to the Compensation of the County Auditor of Butte County—were read a third time and passed.

REPORTS.

Reports were made as follows :

By Mr. Curtis :

MR. SPEAKER :—The Committee on Corporations, to whom was referred Assembly Bill, No. 330, An Act authorizing John A. Rudasil to construct a Turnpike, or Gravel Road, from the City of Petaluma to Rudasil's Landing, in the County of Sonoma—have had the same under consideration, and report it back, and recommend its reference to the Sonoma Delegation.

N. GREENE CURTIS,
Chairman.

By Mr. Dougherty :

MR. SPEAKER :—Your Committee of Ways and Means to whom was referred Assembly Bill, No. 280, entitled An Act to repeal An Act to aid in the erection of the Washington Monument—having considered the same, a majority of your committee beg leave to recommend that it do not pass ;

Also, Senate Bill, No. 209, entitled An Act in amendment to An Act concerning the Secretary of State—and recommend its passage.

JOHN DOUGHERTY,
Chairman.

By Mr. Lippincott :

Mr. SPEAKER :—The Committee on Claims to whom was referred Assembly Bill, No. 355, An Act to appropriate Money to pay Barney Clark, Assignee of J. M. Anderson—have had the same under consideration and beg leave to report it back and recommend its passage.

LIPPINCOTT,
GILLETTE,
HUNTER,
HARRIMAN.

By Mr Blair :

Mr. SPEAKER :—The Committee on Education say that Assembly Bill, No. 118, substitute, should not pass.

BLAIR,
Chairman.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 6th, 1861. }

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No. 168, An Act to amend an Act entitled An Act supplementary to an Act entitled An Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to other Counties herein named, approved March thirty-first, eighteen hundred and fifty-seven ;

Also, Assembly Bill, No. 41, An Act to provide for the collection of Delinquent Taxes in the County of Butte ;

Also, Assembly Bill, No. 266, An Act in relation to the Burning of Brick in the City and County of San Francisco ;

Also, Assembly Bill, No. 294, An Act to grant the right to construct a Turnpike Road between the Town of Jackson and Ione City, in the County of Amador ;

Also, Assembly Bill, No. 156, An Act amendatory of, and supplementary to, an Act entitled 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, Assembly Bill, No. 89, An Act to regulate the Fees of Office in the Counties of Los Angeles and Santa Barbara ;

Also, Assembly Bill, No. 184, An Act to fund the Indebtedness of the County of Los Angeles, now existing in the form of County Auditor's Warrants, or that may be outstanding on the first day of July, A. D. eighteen hundred and sixty-one, or Warrants issued for Indebtedness accrued prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same.

JOHN G. DOWNEY,
Governor.

On motion of Mr. Tilton, the vote by which the House, on Saturday, refused to pass Assembly Bill, No. 6, An Act granting to certain parties the right to construct a Macadamized Road within the City and County San Francisco—was reconsidered, bill read a third time, and passed.

Assembly Bill, No. 253, An Act granting to certain parties the right to

construct a Macadamized and Turnpike Road within the City and County of San Francisco—was read a third time, and passed.

REPORTS.

Reports were made as follows :

By Mr. Wood of Plumas :

Mr. SPEAKER :—The Committee on Military Affairs, to whom was referred Assembly Bill, No. 59, 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—have had the same under consideration, and report it back, with a substitute, and recommend the passage of the substitute.

A. WOOD,
Chairman.

By Mr. Miller :

Mr. SPEAKER :—The Committee on Mines and Mining Interests, to whom was referred the substitute for Assembly Bill, No. 152, An Act concerning Mining Companies in this State—have had the same under consideration, and report it back, without recommendation, and ask that it may be printed.

NEWTON C. MILLER,
Chairman.

Substitute for Assembly Bill, No. 152, above reported—was ordered printed and recommitted.

By Mr. Harris :

Mr. SPEAKER :—The Butte Delegation, to whom was referred Assembly Bill, No. 225—have had the same under consideration, and beg leave to report it back, and recommend its passage.

HARRIS,
Chairman.

Rules suspended, bill above reported, read a third time, and passed.

By Mr. Scott :

Mr. SPEAKER :—The Napa Delegation, to whom was referred Assembly Bill, No. 358, An Act supplemental to An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty—having considered the same, herewith report it back, and recommend its passage.

SCOTT.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Curtis :

Resolved, That the Journal Clerk be allowed an Assistant at a per diem of six dollars, to commence on the passage of this resolution, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Spence: Concurrent Resolution, providing for adjournment *sine die*.

Laid on table.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, April 8th, 1861.

To the Honorable the Assembly of California :

I transmit herewith to your Honorable Body an official abstract of census returns for the State of California furnished this department by Hon. John G. Kennedy, Superintendent of the Census Office at Washington, in compliance with Assembly Concurrent Resolution, No. 17, together with the letter of the Superintendent, addressed to the Hon. M. S. Latham on that subject for your consideration.

JOHN G. DOWNEY,
 Governor.

Message and accompanying documents therein referred to, was referred to the Committee on Apportionment.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER, }
 April 2d, 1861.

Mr. SPEAKER :—The Senate, on yesterday, passed Assembly Bill, No. 171, An Act for the relief of Marin County ;

Also, Senate Bill, No. 179, An Act to authorize the parties therein named to construct and maintain a Ferry and Wharf ;

Also, Assembly Bill, No. 329, An Act to amend Section Thirty-Six of an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty seven, entitled An Act to incorporate the City and County of Sacramento—with amendments ;

Also, passed Assembly Bill, No. 294 An Act to grant the right to construct a Turnpike Road between the Town of Jackson and Ione City, in the County of Amador ;

Also, on April fourth, passed Senate Bill, No. 285, An Act to authorize Frederick Griffin and his Associates to construct a Wharf in the City and County of San Francisco ;

Also, Senate Bill, No. 286, An Act to amend an Act entitled An Act to provide for the disposition of certain Property of the State of California, passed March twenty-sixth eighteen hundred and fifty-one ;

Also, this day, concurred in Assembly Concurrent Resolution, No 49, Relative to a Joint Convention for Election of Trustees of Insane Asylum.

D. J. WILLIAMSON,
 Assistant Secretary.

SENATE CHAMBER, }
 April 6th, 1861.

Mr. SPEAKER :—The Senate, this day, passed Assembly Bill, No. 158, An Act to prohibit Lotteries, Raffles, Gift-Enterprises, and other Schemes, of like character ;

Also, this day, passed Assembly Bill, No. 148, An Act to amend An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said Counties for the year eighteen hundred and fifty-nine, and for the year eighteen hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka, approved April nineteenth, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No. 68, An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego, and to define their Duties, approved May third, eighteen hundred and fifty-two—with amendments;

Also, refused to recede from its amendments to Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the Interest in certain Real Estate of her Infant Child;

Also, have concurred in Assembly Concurrent Resolution, No. 50, Relative to Joint Committee on Public Buildings and Grounds;

Also, Assembly Bill, No. 180, An Act to extend the Term of Office and define the Duties and Powers in certain cases, and establish the Salaries of the Board of Supervisors of San Bernardino County;

Also, have passed Senate Bill, No. 40, An Act to provide for the disposition of certain Property in the State of California;

Also, Senate Bill, No. 220, An Act to amend an Act entitled An Act concerning the Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three;

Also, Senate Bill, No. 234, An Act to pay certain Claims, and to make an appropriation for the same;

Also, Senate Bill, No. 238, An Act for the relief of Thomas W. Day, County Treasurer of Monterey County, to reimburse him for Costs and Expenses incurred by him in a Suit for Writ of Mandamus, wherein David Jacks was Plaintiff;

Also, Senate Bill, No. 246, An Act supplementary to An Act explanatory of An Act concerning Notaries Public, passed April twentieth, eighteen hundred and fifty-nine;

Also, Senate Bill, No. 268, An Act to appropriate Money to pay the Claim of E. J. Saunders and others;

Also, Senate Bill, No. 90, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto;

Also, on yesterday, passed Senate Bill, No. 231, An Act to separate the offices of County Recorder and County Auditor from the office of County Clerk, in the County of Calaveras;

Also, passed Assembly Bill, No. 178, An Act to authorize the County Auditors of the Counties of San Luis Obispo and Tulare to issue certain Bonds, and to provide for the construction of a Road herein named—with amendments;

Also, passed Assembly Bill, No. 367, An Act amendatory of, and supplemental to, An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their Compensation for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty;

Also, passed Assembly Bill, No. 146, An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for the payment of the Expenses of surveying the Harbor of San Francisco;

Also, passed Assembly Bill, No. 291, An Act making the County Clerk of San Bernardino County *ex officio* County Superintendent of Public Instruction;

Also, passed Assembly Bill, No. 380, An Act authorizing the holding of Special Terms in the Counties of Amador and Calaveras;

Also, passed Assembly Bill, No. 220, An Act concerning the Compensation of the Deputy District Attorney in the City and County of Sacramento;

Also, Assembly Bill, No. 181, An Act in relation to the Entry of Lands in certain cases;

Also, passed Senate Bill. No 264, An Act to authorize the Board of Supervisors of the County of Santa Clara to grant the right of way for the construction of Turnpike Roads;

Also, passed Senate Bill, No 272, An Act concerning the Office of Tax Collector in the County of Placer;

Also, this day, adopted Concurrent Resolution, No. —, Relative to pay of Clerk to Joint Investigating Committee.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bills, Nos. 68, 100, 158, 178, 238, and 267, above reported.

The House concurred in Senate Concurrent Resolution, above reported, relative to pay of Investigating Committee on Senatorial Election.

Senate Bills, Nos. 40, 90, 220, 246, and 286, above reported—were read first and second times, and referred to the Judiciary Committee.

Senate Bill, No 179, above reported—was read first and second times, and placed on file.

Senate Bill, No. 146, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bills, Nos. 268 and 234, above reported—were read first and second times, and referred to the Committee on Claims.

Senate Bill, No 238, above reported—was read first and second times, and referred to the Monterey Delegation

Senate Bills, Nos 40, 285, and 286, above reported—were read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill, No. 264, above reported—was read first and second times, and referred to the Santa Clara Delegation.

Senate Bill, No 272, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No 181, above reported—was read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill, No 231, above reported—was read first and second times, and referred to the Calaveras Delegation.

Senate Bill, No 138, An Act to appropriate Money to pay Counsel employed by the Board of Commissioners appointed to settle with John F McCauly and Lloyd Tevis.

Mr. Laspeyre moved to recommit the bill to the Judiciary Committee.

Lost

Mr Wood of Plumas, moved to indefinitely postpone the bill.

Upon which, Messrs. Magruder, Wood of Plumas, and Ross, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 34—noes, 10:

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Blair, Bradley, Briggs, Buell, Chandler, Childs, Clarke, Coleman, Coltrin, Conness, Flanders, Gillette, Green, Gregory, Hagans, Harris, Haun, Henderson, Hill, Horrell, Kungle, Magruder, Montgomery, Morgan, Patrick, Ross, Spence, Walter, Wood of Plumas, and Mr. Speaker—34.

NOES—Messrs. Banks, Covarrubias, Curtis, Dougherty, Laspeyre, Lippincott, O'Brian, Powell, Showalter, and Tilton—10.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tilton, for An Act to authorize the Administrator of the Estate

of Joseph K. Irving, deceased, to sell the Real Estate of said deceased at public, or private, sale.

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

By Mr. Covarrubias, for An Act to legalize certain Grants and Sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City of Santa Barbara, of Lands belonging to the said Pueblo and City;

Also, for An Act to Incorporate the City of Santa Barbara.

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

By Mr. Green, for An Act to authorize David Saville to construct Wharfs at the foot of Chestnut and Harrison Streets, in the City and County of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
April 8th, 1861. }

Mr. SPEAKER:—The Senate this day passed Assembly Bill, No. 274, Relative to a Dam and Lock in Napa Creek, in Napa County—with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

The bill above reported, was made the special order for April eleventh, at 12, M.

Assembly Bill, No. 300, An Act to change the name of Juan H. Suñiga to Alfred J. Hermozilla—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 239, An Act to provide for the construction of a Gravel Road in the County of San Joaquin—was recommitted to the San Joaquin Delegation.

REPORTS.

Reports were made as follows :

By Mr. Childs :

Mr. SPEAKER:—The Committee on Roads and Highways, have considered Assembly Bill, No. 388, An Act authorizing the constructing of a Wagon Road over the Coast Range of Mountains, in San Luis Obispo County—and recommend its passage.

CHILDS,
Chairman.

The rules were suspended, and the bill above reported, considered engrossed, read a third time, and passed.

By Mr. Coleman :

Mr. SPEAKER:—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 177, An Act to authorize Pacificus Ord to sell certain Real Estate of his Infant Children ;

Also, Assembly Bill, No. 270, An Act amendatory of 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, approved the nineteenth day of

April, A. D. eighteen hundred and fifty-six, and of An Act amendatory and supplementary thereof, approved the eighteenth day of April, A. D. eighteen hundred and fifty-seven, and of An Act amendatory thereof, approved March twenty-eighth, A. D. eighteen hundred and fifty-nine, and also supplementary thereof.

COLEMAN.

GENERAL FILE.

Assembly Bill, No. 239, An Act to provide for the appointment of Commissioners in Equity ;

Also, Assembly Bill, No. 302, An Act to repeal so much of Section Seventeen, of an Act entitled An Act concerning Estray Animals, passed April nineteenth, eighteen hundred and fifty-six, as relates to the County of Monterey, and to make said Act applicable to said County of Monterey—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 51, An Act to prevent the Amalgamation of the different Races of Men of this State—substitute adopted, and ordered engrossed.

Assembly Bill, No. 214, An Act to grant the right to construct a Bridge across the Colorado River, at, or near, Fort Yuma, to certain parties therein named ;

Also, Assembly Bill, No. 256, An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts—were read a third time, and passed

Senate Bill, No. 155, An Act to change the Boundary Line between the Counties of Butte and Yuba, at the Woodville House—was read a third time.

On its passage, Messrs. Harris, Bradley, and Magruder, demanded the ayes and noes, and the bill passed by the following vote : Ayes, 22—noes, 19 :

AYES—Messrs. Adams, Bradley, Chandler, Clarke, Covarrubias, Curtis, Dougherty, Flanders, Gillette, Hagans, Haun, Kungle, Magruder, Montgomery, Morrison, Patrick, Powell, Stearns, Tilton, Walter, Wood of Plumas, and Mr. Speaker—22.

NOES—Messrs. Avery, Blair, Buell, Coleman, Coltrin, Conness, Crocker, Durst, Gregory, Harris, Hill, Horrell, Laspeyre, Lippincott, Miller, O'Brien, Piercy, Porter, and Showalter—19.

Mr. Hagans gave notice of reconsideration.

Senate Bill, No. 86, An Act to audit and allow the Claim of John Herzo, Assignee ;

Also, Assembly Bill, No. 177, An Act to authorize Pacificus Ord to sell Real Estate of his Infant Children—were read a third time, and passed.

Assembly Bill, No. 259, An Act in relation to the Common Pound in the City and County of San Francisco—amendments adopted, rules suspended, considered Engrossed, read a third time, and passed.

Assembly Bill, No. 284, An Act to authorize J. C. Cisna to build a Wharf in the Bay of San Luis Obispo, and providing for the same—amendments adopted.

Assembly Bill, No. 31, An Act to authorize County Judges to hold terms of the County Courts, Courts of Sessions, and Probate Courts, in other Counties than their own—amendments adopted, rules suspended, considered engrossed, read a third time and passed, and title amended.

Assembly Bill, No. 283, An Act to authorize the Board of Supervisors

of the City and County of San Francisco to pay a certain Judgment—amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No. 138, An Act making an appropriation for the payment of the Claim of James R. Hardenbergh, for Postage Stamps furnished Senate, Eleventh Session—was considered in Committee of the Whole, read a third time, and passed.

Senate Bill, No. 13, An Act to audit and allow the Claim of J. J. Le-count ;

Also, Assembly Bill, No. 162, An Act conferring further and additional powers upon the Board of Supervisors of the County of Monterey ;

Also, Assembly Bill, No. 182, An Act amendatory of an Act entitled 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 twenty-first, eighteen hundred and fifty-six ;

Also, Assembly Bill, No. 271, An Act to regulate the Interest of Money ;

Also, Assembly Bill, No. 277, An Act concerning Leases ;

Also, Assembly Bill, No. 285, An Act for the Relief of Charles E. Curtis—were indefinitely postponed.

Assembly Bill, No. 360, An Act to restore Eliza Martin, late Eliza Hall, to her former authority as Executrix of the Last Will and Testament of Edward H. Hall, deceased, with power to sell and convey certain Real and Personal Property at public, or private, sale—amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No. 236, An Act to appropriate Money to pay the Claim of William Bofer & Co.

On the indefinite postponement of the bill, Messrs. Haun, Chandler, and Tilton, demanded the ayes and noes, and the bill was indefinitely postponed by the following vote. Ayes, 33—noes, 15 :

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Buell, Chandler, Childs, Coleman, Coltrin, Conness, Councilman, Crocker, Dougherty, Durst, Flanders, Foster, Gregory, Hagans, Harrison, Haun, Hill, Laspeyre, Lippincott, Morgan, O'Brien, Ross, Spence, Stearns, Walter, and Mr. Speaker—33.

NOES—Messrs. Cherry, Clarke, Covarrubias, Henderson, Horrell, Kungle, Magruder, Patrick, Piercy, Porter, Powell, Showalter, Smith of Placer, Tilton, and Wood of Plumas—15.

Assembly Bill, No. 368, An Act authorizing the transcribing of certain Records for the County of Amador—was indefinitely postponed.

At half past three o'clock, P. M. on motion of Mr. Buell, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 9th, 1861. }

The House met pursuant to adjournment.
Speaker in the Chair.

The roll was called.

Quorum present.

Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows :

By Mr. Morrison, Of two thousand citizens, Relative to School Fund.

Placed on file.

By Mr. Tittel, Of citizens of San Francisco, Relative to change of Grade.
Referred to the San Francisco Delegation.

REPORTS.

Reports were made as follows :

By Mr. Dougherty :

Mr. SPEAKER :—Your Committee on Ways and Means, to whom was referred Assembly Bill, No. 219, entitled An Act to appropriate Money for the payment of Joseph Budger, J. W. Mitchell, and C. W. Piercy—having had the same under consideration, beg leave to report the same back, without recommendation ;

Also, Assembly Bill, No. 384, An Act relating to the Sureties on the Official Bond of Thomas J. Miner, late Treasurer of Plumas County.

Your committee find, upon examination, that the parties seeking relief by this bill were sureties on the official bond of Thomas J. Miner, late Treasurer of Plumas County.

That said Treasurer went to Oregon, and appointed a Deputy, who gave no bonds, and who subsequently defrauded the State of the sum of two thousand one hundred and fifty-eight dollars and seventy-eight cents.

A judgment in favor of the State has been obtained in the Seventeenth Judicial District Court against the sureties of D. R. Cate and J. C. Church, on the Treasurer's bond, for the sum of two thousand eight hundred and eighty dollars and eight cents, including interest and costs of suit.

With this statement of facts, your committee beg leave to report the bill back, without recommendation.

JOHN DOUGHERTY,
Chairman.

By Mr. Wood of Yolo :

Mr. SPEAKER :—Your Select Committee, to whom was referred Assembly Bill, No. 66, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads ;

Also, Assembly Bill, No. 281. An Act to provide for the location and establishment of Roads and Highways—having considered the same, herewith report them back, with a substitute, and recommend the passage of the substitute.

WOOD of Yolo,
Chairman.

By Mr. Curtis :

Mr. SPEAKER :—The committee appointed to examine the matter of the claim of the United States to certain swamp and overflowed lands improperly included in the general survey, made in the dry season of the year eighteen hundred and fifty-eight, and after said land had been reclaimed and laid dry, report as the result of their examination, that they have taken the testimony of disinterested witnesses, showing beyond a doubt, that all the land in townships five, six, and seven, north of Range four, East Mount Diablo meridian, containing about fifteen thousand acres, claimed by the General Government as Swamp and Overflowed Land.

The committee submit the accompanying maps and testimony taken, and ask the adoption of the following resolution :

Resolved, That his Excellency the Governor, be requested to transmit, without delay, the testimony taken, and maps herewith submitted by the committee, to the Department of the Interior, at Washington, and that our Senators in Congress be instructed, and our representatives requested, to use all reasonable means to obtain an early decision of the matter.

N. GREENE CURTIS,
Chairman of Committee.

T. FOSTER,
WOOD of Yolo,
MORRISON,
T. LASPEYRE.

Adopted.

Messrs. Powell, Porter, and Laspeyre, made verbal reports.

Assembly Bill, No. 386, An Act authorizing the removal of certain Bodies interred in New Helvetia Cemetery—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 293, An Act to provide for the construction of a Gravel Road in the County of San Joaquin—amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 394, An Act concerning Hogs found running at large in the Counties of Contra Costa and Monterey, between the first day of June and the first day of October, in each year—rules suspended, considered engrossed, read a third time, and passed.

REPORTS.

Reports were made as follows :

By Mr. Ross :

MR. SPEAKER :—The Sonoma and Marin delegations, to whom was referred Assembly Bill, No. 406, An Act to define the Boundary Line between the Counties of Sonoma and Marin—have considered the same, and report the bill back, without amendment, and recommend its passage.

ROSS,
Chairman.

Rules suspended, considered engrossed, read a third time, and passed ;
Also,

MR. SPEAKER :—Your Special Committee, to whom was referred Senate Bill, No. 124, An Act to repeal the Charter of the City of Sonoma—have considered the same, and report the bill back, with amendments, and recommend the passage of the same as amended.

ROSS.

By Mr. Curtis :

MR. SPEAKER :—The Committee on Corporations, to whom was referred Assembly Bill, No. 396, An Act to authorize the construction of a Railroad over certain Lands in this State—have had the same under consideration, and report it back, with amendments, and recommend its passage as amended.

CURTIS,
Chairman.

By Mr. Lippincott :

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly Bill, No. 335, An Act for the relief of Thomas B. Ludlum—have had the same under consideration, and beg leave to report it back, and recommend its passage.

HARRIMAN,
LIPPINCOTT,
HUNTER.

Mr. Harris moved to reconsider the vote by which the House, on yesterday, passed Senate Bill, No. 155, An Act to change the Boundary Line between the Counties of Butte and Yuba, at the Woodville House.

Upon which, Messrs. Crocker, Conness, and Coltrin, demanded the ayes and noes, and the House refused by the following vote: Ayes, 24—noes, 24:

AYES—Messrs. Adams, Buell, Childs, Coleman, Coltrin, Conness, Crocker, Curtis, Durst, Foster, Green, Gregory, Hagans, Harriman, Harris, Hill, Horrell, Hunter, Morgan, O'Brien, Sorrel, Spence, Walter, and Wright—24.

NOES—Messrs. Amyx, Baechtel, Banks, Blair, Bradley, Briggs, Chandler, Cherry, Dougherty, Flanders, Gillette, Haun, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Montgomery, Patrick, Powell, Showalter, Smith of Placer, Tittel, White, Wood of Plumas, Wood of Yolo, and Mr. Speaker—27.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 8th, 1861. }

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 333, An Act amendatory of An Act to provide for the collection of Delinquent Taxes in the County of Nevada, approved March fifth, eighteen hundred and sixty-one;

Also, Assembly Bill, No. 64, 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 twenty-ninth, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 265, An Act regulating the Fees of Associate Justices of the Court of Sessions, Jurors, and Inspectors, Judges, and Clerks, of Elections, in Tuolumne County;

Also, Assembly Bill, No. 171, An Act for the relief of Marin County;

Also, Assembly Bill, No. 173, An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a Special Tax for Building purposes, and to levy an additional Tax for County Expenditures in said County;

Also, Assembly Bill, No. 276, An Act to incorporate the Town of Hornitos;

Also, Assembly Bill, No. 262, An Act to provide for the collection of Delinquent Taxes in the County of Contra Costa and the City and County of Sacramento;

Also, Assembly Bill, No. 112, An Act to legalize the Assessment Roll, and to extend the time for the collection of Taxes in the County of Los Angeles.

JOHN G. DOWNEY,
Governor.

COMMUNICATION FROM THE BOARD OF EXAMINERS.

OFFICE BOARD OF EXAMINERS,
Sacramento, April 8th, 1861. }

To the Honorable the Assembly of California :

I herewith transmit to your Honorable Body the following claim, which has been rejected by the Board, together with the papers and decisions of the Board :

Claim, No. 206, Francis A. Bonnard, ninety-four dollars and fifty cents.

JOHN G. DOWNEY,
President Board of Examiners.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
April 8th, 1861. }

MR. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 155, An Act to appropriate Money to pay for Services rendered under the Act creating the State Land Office, approved April tenth, eighteen hundred and fifty-eight, in the segregation of certain Swamp Lands of this State ;

Also, Assembly Bill, No. 309, An Act to authorize the modification, or alteration, of certain Streets in the City and County of San Francisco—with amendments ;

Also, Assembly Bill, No. 244, An Act to amend an Act to fund the Debt of the County of Sonoma, and to provide for the payment of the same, approved April twentieth, eighteen hundred and sixty ;

Also, have indefinitely postponed Assembly Bill, No. 236, An Act to authorize the Board of Supervisors of San Diego County to levy a Special Tax to be applied for County Jail purposes ;

Also, have passed Assembly Bill, No. 149, An Act to define the duties and liabilities of Pawnbrokers and Pledges—with amendments ;

Also, Senate Bill, No. 53, An Act for the protection of Water Companies—with amendments ;

Also, Senate Bill, No. 200, An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five ;

Also, Senate Bill, No. 269. An Act to authorize the Board of Supervisors of Yuba County to construct a Bridge across Yuba River—with amendments ;

Also, have adopted Senate Concurrent Resolution, No. 28. Relative to granting leave of absence to Thomas H. Brown, County Judge of Contra Costa County, for four months ;

Also, return to the Assembly, Assembly Bill, No. 54, An Act to provide for the reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress—the same having been transmitted to the Senate by mistake.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 53, above reported—was read first and second times, and referred to the Committee on Corporations.

Senate Bill, No 200, above reported—was read first and second times, and referred to the Committee on Education.

The House concurred in Senate Concurrent Resolution, No 28, above reported.

Senate Bill, No. 269, above reported—was read first and second times, and referred to the Yuba Delegation.

The House concurred in Senate amendments to Assembly Bill, No 149, above reported.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Harris, for An Act concerning the Salaries and Compensation of certain County officers.

Read first and second times, and referred to the Butte Delegation.

By Mr. Magruder, for An Act to legalize and provide for the collection of Delinquent Taxes in the Counties of this State

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Adams, for An Act amendatory of An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

GENERAL FILE.

Senate Bill, No. 71, An Act for the Relief of John T. Carey, Treasurer of Klamath County ;

Also, Senate Bill, No. 119, An Act to ascertain and correct the errors and defects of the Statute Laws of this State ;

Also, Senate Bill, No. 148, An Act authorizing the Board of Supervisors of the City and County of San Francisco to procure Chambers for the Judges of certain Courts ;

Also, Senate Bill, No. 192, An Act to authorize the Board of Supervisors of the County of Tehama to levy, assess, and collect, certain Taxes in said County—were read a third time, and passed.

Assembly Bill, No 246, An Act to amend an Act supplementary to An Act concerning the Courts of Justice of this State, and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three ;

Also, Assembly Bill, No. 318, An Act to fix the compensation of the County Judge of San Luis Obispo County, and to repeal, in part, the first section of an Act entitled An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed May seventeenth, eighteen hundred and fifty-three—were ordered engrossed.

Assembly Bill, No. 251, An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco ;

Also, Assembly Bill, No. 307, An Act to amend an Act entitled An Act to authorize the President of the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco, to provide for the actual and prospective deficiency in the Corporation Debt Fund of said City and County, for the fiscal years eighteen hundred and fifty-nine, and eighteen hundred and sixty, approved April sixth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 308, An Act to amend an Act entitled An Act to provide for the Funding and Payment of the outstanding unfunded Claims against the City of San Francisco, as they existed prior to the

first day of July, eighteen hundred and fifty-six, approved April twentieth, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 322, An Act supplementary to An Act authorizing the Board of Supervisors of the County of Mendocino to levy an additional Tax for County purposes, approved April thirteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 323, An Act to amend section twelve of An Act to define the Boundaries and provide for the Organization of Mendocino County, approved March eleventh, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 337, An Act to amend An Act concerning Jurors, passed May third, eighteen hundred and fifty-two;

Also, Assembly Bill, No. 247, 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, approved April nineteenth, eighteen hundred and fifty-six—were taken up, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 351, An Act to amend 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 third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty—was recommitted to Special Committee of three.

SPECIAL ORDER.

Assembly Bill, No. 311, An Act providing for the permanent improvement of the Stock Grounds belonging to the State Agricultural Society—was considered in Committee of the Whole, reported with amendments, and amendments concurred in.

Mr. Flanders moved to refer to the Committee on Ways and Means.

Mr. Conness moved the previous question.

Carried.

On referring the bill to the Committee on Ways and Means, Messrs. Dougherty, Haun, and Ross, demanded the ayes and noes, and the House refused by the following vote: Ayes, 21—noes, 34:

AYES—Messrs. Avery, Baechtel, Bradley, Briggs, Cherry, Flanders, Gordon, Gregory, Haun, Holman, Kungle, Magruder, Montgomery, Morgan, O'Brien, Porter, Ross, Smith of Tulare, Sorrel, Walter, and Wood of Plumas—21.

NOES—Messrs. Adams, Amyx, Banks, Buell, Childs, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Dougherty, Durst, Foster, Gillette, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Laspeyre, Lippincott, Piercy, Powell, Spence, Stearns, Tilden, White, Wood of Yolo, and Mr. Speaker—34.

Mr. Magruder moved a call of the House.

Lost.

On ordering the bill engrossed, Messrs. Magruder, Ross, and Dougherty demanded the ayes and noes, and the House so ordered by the following vote: Ayes, 31—noes, 23:

AYES—Messrs. Adams, Avery, Banks, Buell, Childs, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Durst, Flanders, Foster, Gillette, Green, Hagans, Harris, Henderson, Hill, Horrell, Hunter, Lippincott, Piercy, Powell, Stearns, Tilden, White, Wood of Yolo, and Mr. Speaker—31.

NOES—Messrs. Amyx, Baechtel, Blair, Bradley, Briggs, Chandler, Cherry, Dougherty, Gordon, Gregory, Harrison, Haun, Holman, Kungle, Laspeyre, Magruder, Montgomery, Morgan, O'Brien, Porter, Ross, Walter, and Wood of Plumas—23.

Assembly Bill, No. 54, An Act to provide for the reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress, also special order for this day—was taken up, and referred to a Special Committee of three, Messrs. Smith of Tulare, Magruder, and Ross, with instructions to insert amendments.

Amended bill reported.

Bill read a third time, and on its passage, Messrs. Ross, Baechtel, and Blair, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 30—noes, 14:

AYES—Messrs. Adams, Avery, Banks, Bradley, Briggs, Childs, Conness, Covarrubias, Crocker, Curtis, Durst, Foster, Green, Gregory, Haggans, Harriman, Harris, Henderson, Hill, Hunter, Montgomery, Piercy, Porter, Powell, Smith of Tulare, Spence, Tittel, Walter, Wood of Yolo, and Mr. Speaker—30.

NOES—Messrs. Amyx, Baechtel, Blair, Dougherty, Gordon, Horrell, Lalor, Laspeyre, Magruder, O'Brien, Ross, Showalter, Sorrel, and Wood of Plumas—14.

Mr. Montgomery gave notice of reconsideration.

The following communication was received from Mr Tilden:

ASSEMBLY CHAMBER,
April 9th, 1861. }

MR. SPEAKER:—The time being at hand when it becomes necessary for me to enter upon the duties devolving upon the office of Resident Physician of the State Insane Asylum, I hereby resign my right to a seat as a Representative of Butte County, in the Legislature of California.

W. P. TILDEN.

REPORTS.

Reports were made as follows:

By Mr. Childs:

MR. SPEAKER:—The Committee on Roads and Highways have considered Assembly Bill, No. 304, An Act to authorize the construction of a Turnpike Road through the Cajon Pass, in San Bernardino County—and beg leave to report the same back with a substitute, to take the place of the entire bill except the title and enacting clause thereof, and your committee recommend that the bill so amended does pass.

CHILDS.

Chairman.

By Mr. O'Brien:

MR. SPEAKER:—The Calaveras Delegation, to whom was referred Senate Bill, No. 231, An Act to separate the offices of County Recorder and County Auditor from the office of County Clerk, in the County of Calaveras—have had the same under consideration, report it back without amendment, and recommend its passage.

THOS. O'BRIEN.

The rules were suspended, and Senate Bill, No. 231, above reported—was read a third time and passed.

GENERAL FILE, RESUMED.

Assembly Bill, No. 336, An Act for the relief of Thomas R. Eldridge—was laid on the table.

Assembly Bill, No. 226, An Act supplementary to an Act passed April fourth, eighteen hundred and fifty eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento—rules suspended, considered engrossed, read third time and passed.

Senate Bill, No. 133, An Act to appropriate Money for the purpose of taking Testimony in regard to certain Swamp and Overflowed Lands—was indefinitely postponed.

Assembly Bill, No. 108, An Act to amend an Act entitled An Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one—rules suspended, considered engrossed, read third time and passed.

Assembly Bill, No. 315, An Act authorizing the Administrators of the Estate of Gilbert A. Grant, deceased, to sell and convey Real Estate at private sale—was ordered engrossed.

Mr. Conness offered the following resolution :

Resolved, By the Assembly, that the Assistant Clerk be directed to prepare a list, to be corrected by him each day, of all bills on general file, engrossed bills, and special orders, and that said officer be directed to post the same in some prominent place in the Assembly Chamber.

Adopted.

Assembly Bill, No. 331, An Act to amend An Act regulating Marriages, passed April twenty-second, eighteen hundred and fifty—was ordered engrossed.

Assembly Bill, No. 347, An Act to enable and require the Board of Supervisors of the County of Contra Costa to complete the Levy of Taxes for Road Purposes in said County, for the year eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time and passed.

Senate Bill, No. 24, An Act to amend an Act entitled An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight—was laid on the table.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Harris, for An Act to amend An Act concerning Crimes and Punishments

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

By Mr. Patrick, for An Act to establish and define the Boundary Line of the City of Sonora.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Harriman, for An Act to amend An Act to separate the Offices of County Recorder, County Auditor, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, from the office of County Clerk of the County of Placer.

Read first and second times, and referred to the Placer Delegation.

REPORTS.

Reports were made as follows :

By Mr. Tilton :

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 220, An Act concerning the Compensation of the Deputy District Attorney in the City and County of Sacramento ;

Also, Assembly Bill, No. 100, An Act authorizing and empowering Juanna M. Estudillo to sell and convey the interest in certain Real Estate of her Infant Child ;

Also, Assembly Bill, No. 359, An Act to authorize John Atkinson of Placer County to remove the Remains of Deceased Persons ;

Also, Assembly Bill, No. 291, An Act making the County Clerk of San Bernardino County *ex officio* County Superintendent of Public Instruction ;

Also, Assembly Bill, No. 380, An Act authorizing the holding of Special Terms of the District Court in the Counties of Alameda and Calaveras ;

Also, Assembly Bill, No. 146, An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for the payment of the Expenses of Surveying the Harbor of San Francisco.

S. S. TILTON,
Chairman.

By Mr. Piercy :

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 110, An Act granting the right to lay a Railroad Track through certain Streets in the City of Sacramento, and to use and maintain the same ;

Also, Assembly Bill, No. 367, An Act amendatory and supplemental to An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their Compensation for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty.

PIERCY,
Of the Committee.

Assembly Bill, No. 336, An Act for the relief of Thomas R. Eldridge—was taken from the table.

Pending the consideration of the bill the House, on motion of Mr. Foster, at three o'clock, P. M. adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 10th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

PETITIONS.

Petitions were presented as follows :

By Mr. Spence, Of Citizens of Nevada County in relation to Fire Department.

Referred to Nevada Delegation.

By Mr. Laspeyre, Of Citizens of San Joaquin County, relative to Agricultural Society.

Referred to Committee on Agriculture.

By Mr. Campbell, Of Citizens of San Francisco, for change of Street Grade.

Referred to the San Francisco Delegation.

REPORTS.

Reports were made as follows :

By Mr. Curtis :

MR. SPEAKER :—The Committee on Corporations, to whom was referred Assembly Bill, No. 411, An Act to establish and define the Boundary Line of the City of Sonora—have had the same under consideration, and report it back without recommendation.

CURTIS,
Chairman.

The rules were suspended, and bill above reported, considered en grossed, read a third time, and passed.

By Mr. Lalor :

MR. SPEAKER :—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 374, An Act to provide for the collection of Delinquent Taxes in the County of Amador ;

Also, Assembly Bill, No. 20, An Act to amend an Act approved April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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 ;

Also, Assembly Bill, No. 239, An Act to provide for the appointment of Commissioners in Equity ;

Also, Assembly Bill, No. 204, An Act to amend an Act entitled An Act concerning certified copies of certain Instruments in Writing, approved April twenty-ninth, eighteen hundred and fifty-seven ;

E. LALOR,
Chairman.

By Mr. Adams :

MR. SPEAKER :—Your Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill, No. 371, An Act amendatory of an Act entitled An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, A. D. eighteen hundred and fifty-eight, and of an Act amendatory thereof, approved April eighteenth, eighteen hundred and fifty-nine—have had the same under consideration, and respectfully report, that in all of the laws passed providing for the sale of the swamp lands belonging to this State, a clause has been wisely inserted restricting the frontage of each purchase to half a mile, on any navigable bay, river, or slough. The necessity of such a restriction is well understood, when the fact is known that the best of the lands are situated on the margins of the streams ; hence the great desire to remove this salutary restriction, which, in the opinion of your committee, would virtually exclude many thousand acres of

swamp lands from sale by reason of frontage lands having been taken up by a few persons, in quantities of six hundred and forty acres, and extending from one to two miles on streams, thereby rendering almost valueless lands lying off of streams without a frontage. The result will be, should this bill pass, it will virtually exclude thousands of acres of swamp lands from sale. That there are a few instances where a removal of this restriction would not work an injury to this State, is freely admitted, but the object of legislation should be to benefit the many and not the few.

The committee therefore recommend that the bill be indefinitely postponed.

ADAMS,
Chairman.

Also,

Mr. SPEAKER :—The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill, No. 181, An Act in relation to the Entry of Lands in certain cases—have had the same under consideration, and report the same back, and recommend its passage with the following amendments:

Strike out all after the word “law,” in the fourth line from the bottom of section first, and insert in lieu thereof, the accompanying amendment.

ADAMS,
Chairman.

By Mr. Flanders :

Mr. SPEAKER :—I am instructed to report back Senate Bill, No. 146, An Act amendatory of, and supplementary to, 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, eighteen hundred and fifty-six—and recommend the passage of the bill ;

Also, Senate Bill, No. 176. An Act extending Stewart Street, in San Francisco—and recommend that the bill do not pass.

FLANDERS,
For the Delegation.

By Mr. Harriman :

Mr. SPEAKER :—The Placer Delegation, to whom was referred Assembly Bill, No. 415—report the same back, and recommend its passage.

HARRIMAN,
For Committee.

The rules were suspended, the bill above reported, considered engrossed, read a third time, and passed.

By Mr. Briggs :

Mr. SPEAKER :—The Santa Clara Delegation, to whom was referred Senate Bill, No. 264, An Act to authorize the Board of Supervisors of the County of Santa Clara to grant the Right of Way for the construction of Turnpike Roads—have had the matter under consideration, and report the bill back, and recommend its passage.

BRIGGS,
MORGAN.

The rules were suspended, bill above reported, read a third time, and passed.

By Mr. Magruder :

MR. SPEAKER:—The Yuba Delegation, to whom was referred Senate Bill, No. 269, An Act to authorize the Board of Supervisors of Yuba County to construct a Bridge across Yuba River—have had the same under consideration, and report it back, together with a petition from the citizens of Yuba County asking the passage of the bill, and recommend the passage of the bill.

MAGRUDER,
On behalf of the Delegation.

By Mr. Stearns :

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred Assembly Bill, No. 165, An Act to protect Sheep and Lambs in this State—having considered the same, report an amendment recommending that all after the enacting clause of the original bill be stricken out, and the amendment inserted, and that the bill shall be passed as amended.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Ross :

Resolved, That no new business shall be introduced after Saturday, April twentieth.

Laid on the table.

By Mr. Curtis :

Resolved, That the Sergeant-at-Arms be authorized to draw a warrant in favor of P. H. Mulford, for thirty-eight days' services, at the rate of six dollars per day, as Clerk of the Committee appointed to examine the matter of certain State land, having been improperly included in the general survey, and now claimed as government land—with power to take testimony, etc. to be paid out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Wood of Plumas :

Joint Resolution Relative to cession of Lands for Railroad purposes.

Read first and second times, and referred to the Committee on Internal Improvements.

Mr. Conness verbally reported, with amendments, Assembly Bill, No. 351, An Act to amend 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 third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty—and recommended its passage as amended.

Amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

By Mr. Laspeyre :

Resolved, That James M. Taylor, Clerk of the Committee on Commerce and Navigation, be allowed forty-two dollars for services on said Committee, and the Sergeant-at-Arms is hereby directed to draw his warrant for the same, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Fargo:

Resolved, That the Assembly Chamber be, and is hereby, tendered to Capt. W. M. Gibson, on Thursday evening, the eleventh instant, for the purpose of delivering a lecture upon the productions, climate, and inhabitants, of the East Indies, and their commercial importance with reference to the interests of the Pacific Coast.

Adopted.

Mr. Montgomery moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill, No. 54, and to make the motion the special order for Saturday next, at eleven o'clock.

Mr. Conness moved the previous question.

Carried.

Mr. Montgomery moved a call of the House.

Sustained.

Absent—Messrs. Baechtel, Chandler, Coleman, Gillette, Gordon, Harris, Haun, Johnson, and Willey.

On motion of Mr. Avery, further proceedings under the call were dispensed with.

The motion to make the bill the special order was lost.

On reconsidering, Messrs. Montgomery, Laspeyre, and Kungle, demanded the ayes and noes, and the House refused by the following vote: Ayes, 28—noes, 38:

AYES—Messrs. Amyx, Blair, Briggs, Chandler, Clarke, Covarrubias, Dougherty, Flanders, Gillette, Gordon, Gregory, Harrison, Haun, Holman, Horrell, Kungle, Lalor, Laspeyre, Magruder, Montgomery, Morgan, Morrison, Patrick, Piercy, Ross, Sorrel, Wood of Plumas, and Mr. Speaker—28.

NOES—Messrs. Adams, Avery, Banks, Bradley, Buell, Campbell, Cherry, Childs, Coleman, Coltrin, Conness, Councilman, Crocker, Curtis, Durst, Eastman, Fargo, Foster, Green, Hagans, Harriman, Henderson, Hill, Hunter, Lippincott, Munday, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilton, Tittel, Walter, White, Wood of Yolo, and Wright—38.

GENERAL FILE.

Assembly Bill, No. 384, An Act relating to the Sureties on the Official Bond of Thomas J. Miner, late County Treasurer of Plumas County—was made special order for April twelfth, at eleven, A. M.

Assembly Bill, No. 311, An Act in relation to Cattle Grounds—was made special order for April eleventh, at twelve o'clock, M.

Assembly Bills, Nos. 66 and 281, In relation to Roads and Highways—were made special order for April twelfth, at one o'clock, P. M.

Senate Bill, No. 252, An Act for the relief of the Clerk of the Board of Supervisors of Sacramento County—was read third time and passed.

Assembly Bill, No. 336, An Act for the relief of Thomas R. Eldridge—rules suspended, considered engrossed, read third time and passed.

Senate Bill, No. 181, An Act in relation to the Entry of Lands in certain cases—was placed at the top of the file.

Assembly Bill, No. 348, An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, passed May third, eighteen hundred and fifty-five, special order of the day—was taken up, considered, and made the special order for April eleventh, at two o'clock, P. M.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER.

April 10, 1861. }

Mr SPEAKER :—The Senate, on yesterday, passed Senate Bill, No. 207, An Act for the permanent location of the County Seat of Stanislaus County ;

Also, Senate Bill, No. 259, An Act to support and maintain a Fire Department in the City of Nevada ;

Also, Senate Bill, No. 78, 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 Powers, passed March twentieth, eighteen hundred and fifty-five ;

Also, Senate Bill, No. 79, An Act to amend an Act entitled An Act to regulate Elections ;

Also, on yesterday, passed Senate Bill, No. 303, An Act to repeal the several Acts incorporating the City of Los Angeles, and to provide for the Government thereof,

Also, Senate Bill, No. 201, An Act to provide for the payment of the Claim of Gen A. M. Winn ;

Also, Senate Bill, No. 208, An Act to amend an Act entitled An Act for Opening and Repairing Roads in the Counties of Sutter and Santa Cruz ;

Also, Senate Bill, No. 161, An Act to refund to Martin Brannan the amount paid to the Treasurer of State for certain Poll Tax Receipts ;

Also, this day, passed Senate Bill, No. 304, An Act to provide Revenue for the support of the Government of this State

D. J. WILLIAMSON,

Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bills, Nos. 207, 78, and 79, above reported—were read first and second times and referred to the Judiciary Committee.

Senate Bill, No. 259, above reported—was read first and second times and referred to Nevada Delegation.

Senate Bill, No. 303, above reported—was read first and second times and referred to Los Angeles Delegation.

Senate Bill, No. 201, above reported—was read first and second times and referred to Committee on Claims.

Senate Bill, No. 208, above reported—was read first and second times and referred to Committee on Roads and Highways.

Senate Bill, No. 161, above reported—was read first and second times, rules suspended, read third time and passed

Senate Bill, No. 304, above reported—was read first and second times and referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Fargo, for An Act to enable the Kirk's Pass Coal Company to make a Railroad from its Mines

Read first and second times and referred to Committee on Internal Improvements.

Also, An Act conferring further Powers upon the Board of Supervisors of Alameda County.

Read first and second times and placed on file.

Also, An Act to provide for the appointment of a Commissioner to the World's Fair in London.

Read first and second times and referred to Committee on Ways and Means

By Mr. Curtis, for An Act to amend an Act entitled An Act for the relief of Insolvent Debtors and protection of Creditors, approved May fourth, eighteen hundred and fifty-two

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

By Mr. Crocker, for An Act concerning certain Street Assessments in the City of Sacramento.

Read first and second times and referred to the Sacramento Delegation.

By Mr. Flanders, for An Act authorizing the Board of Supervisors of the City and County of San Francisco to modify and change the present adopted Grade of a certain Street-Crossing in said City.

Read first and second times and referred to the San Francisco Delegation.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
April 10th, 1861. }

MR. SPEAKER:—The Senate, this day, passed Senate Bill, No 99, An Act to audit and allow a claim of John F McCauley;

Also, Senate Bill, No. 205, An Act amendatory of An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty;

Also, Senate Bill, No. 215, An Act in relation to Bills of Exchange.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No 99, above reported—was read first and second times and referred to Committee on Claims.

Senate Bills, Nos. 205 and 215, above reported—read first and second times, and referred to the Judiciary Committee.

GENERAL FILE.

Senate Bill, No. 181, An Act in relation to the Entry of Lands in certain cases—amendments concurred in, read a third time, title amended and passed.

Mr. Laspeyre gave notice of reconsideration.

Assembly Bill, No. 371, An Act amendatory of an Act entitled An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April second, eighteen hundred and fifty-eight, and of the Act amendatory thereof, approved April eighteenth, eighteen hundred and fifty-nine—was made special order for April twelfth, at two o'clock, P. M.

Senate Bill, No. 11, An Act for the Segregation, Reclamation, and Disposal, of the Swamp and Overflowed Lands belonging to this State—was laid on the table.

At half past two o'clock, P. M. on motion of Mr. Conness, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, April 11th, 1861 }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Durst had six days' leave of absence, and Mr. Clark for one day.

Mr. Laspeyre presented a petition Of Citizens of San Joaquin County for change of Revenue Laws.

Referred to the Committee of Ways and Means.

REPORTS.

Reports were made as follows:

By Mr. Wood of Plumas:

MR. SPEAKER:—The Committee on Military Affairs, to whom was referred the Claim of S. Washburn, of Sonora, for collecting Arms and Accouterments belonging to the State—have had the same under consideration, and report the same back with a recommendation that the introducer have leave to withdraw the claim and papers connected therewith. The claim should have been submitted to the Board of Military Auditors.

A. WOOD,
Chairman.

By Mr. Briggs:

MR. SPEAKER:—Your Committee on Public Morals, to whom was referred Assembly Bill, No. 321, An Act for the observance of the Sabbath—have had the matter under careful consideration, and believing that the physical, moral, and mental constitution of mankind, requires that one day in seven shall be set apart as a day of rest, that the common and expressed sense of the great mass of community has fixed upon the first day of the week as the day to be so observed, and that a due regard for the peace, the happiness, and the rights, of a largely preponderating class of citizens, requires some police regulations of the character contemplated in the proposed act. Your committee therefore report the bill back, and respectfully recommend its passage.

BRIGGS,
Chairman.

By Mr. Blair:

MR. SPEAKER:—The Committee on Education think Assembly Bill, No. 405, should be postponed indefinitely.

BLAIR,
Chairman.

By Mr. Spence:

MR. SPEAKER:—The Nevada Delegation, to whom was referred Senate Bill, No. 259, An Act to support and maintain a Fire Department in the City of Nevada—beg leave to report the same back, and recommend its passage.

SPENCE.

The rules were suspended, and Senate Bill, No. 259, above reported—was read a third time, and passed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 10th, 1861. }

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No. 224, An Act to authorize the Board of Supervisors of the County of San Mateo to take and subscribe One Hundred Thousand Dollars to the Capital Stock of the San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto ;

Also, Assembly Bill, No. 212, An Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe Two Hundred Thousand Dollars to the Capital Stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto ;

Also, Assembly Bill, No. 192, An Act to provide for the annulling of Certificates of Purchase of Lands sold on a Credit, and declared forfeited for non-payment of Interest or Principal, and for the relief of Purchasers of Swamp and Overflowed Lands ;

Also, Assembly Bill, No. 367, An Act amendatory and supplemental to, An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 110, An Act granting the right to lay a Railroad Track through certain Streets in the City of Sacramento, and to use and maintain the same.

JOHN G. DOWNEY,
Governor.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Wood of Yolo, for An Act to fix the time of holding certain Courts in Yolo County.

Read first and second times, and referred to the Yolo Delegation.

By Mr. Magruder, for An Act to amend An Act to amend An Act entitled An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges, approved April twenty-fourth, eighteen hundred and fifty-eight.

Read first and second times, and referred to the delegations from Solano, Sutter, Yuba, and Yolo, counties.

By Mr. Curtis, for An Act to amend An Act passed April twenty-fourth, eighteen hundred and fifty eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Baechtel, for An Act for the Relief of Benjamin S. Birch.

Read first and second times, and referred to the Committee on Claims.

MESSAGE FROM THE SENATE

The following message was received from the Senate :

SENATE CHAMBER,
April 11th, 1860. }

Mr SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 126, An Act to more clearly define the Boundaries of Sacramento County ;

Also, Assembly Bill, No. 411, An Act to establish and define the Boundary of the City of Sonora ;

Also, Assembly Bill, No. 177, An Act to authorize Pacificus Ord to sell Real Estate of his Infant Children ;

Also, Assembly Bill, No. 374, An Act to provide for the collection of Delinquent Taxes in the County of Amador ;

Also, Assembly Bill, No. 122, An Act to grant the right to construct and maintain a Ferry in Monterey County ;

Also, Assembly Bill, No. 261, An Act to amend An Act for the protection of Game—with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in first and second Senate amendments to Assembly Bill, No. 261, above reported—and non-concurred in third amendment.

Senate Bill, No. 126, above reported—was read first and second times, and referred to the Committee on Counties and County Boundaries, with instructions to report on Saturday next, at eleven o'clock.

Mr. Lalor made the following report :

Mr SPEAKER:—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 388, An Act authorizing the constructing of a Wagon Road over the Coast Range of Mountains, in San Luis Obispo County ;

Also, Assembly Bill, No. 273, An Act to ratify and approve certain Orders made by the Board of Supervisors of the County of Tulare, during the years, eighteen hundred and fifty-three, and eighteen hundred and fifty-four, granting Land to certain parties, and to make certain Conveyances ;

Also, Assembly Bill, No. 311, An Act providing for the permanent improvement of the Stock Grounds belonging to the State Agricultural Society.

E. LALOR,
Chairman.

GENERAL FILE.

Assembly Bill, No. 138, An Act amendatory of, and supplementary to, an Act entitled An Act to incorporate the City of Oakland, passed March twenty fifth, eighteen hundred and fifty-four—was taken from the table, read a third time, and passed.

Assembly Bills, Nos. 35, 167, and 216, providing for Street Railroads in the City of San Francisco—were indefinitely postponed.

Senate Bill, No. 173, An Act appropriating Moneys for the benefit of the Home for the Care of the Inebriates, in the City and County of San Francisco.

On adopting the amendment of the committee, Messrs. Amyx, Sorrel, and Dougherty, demanded the ayes and noes, and the amendment was adopted by the following vote : Ayes, 41—noes, 5 :

AYES—Messrs. Adams, Avery, Banks, Briggs, Buell, Campbell, Cherry, Coleman, Conness, Councilman, Covarrubias, Curtis, Dougherty, Fargo, Flanders, Foster, Gordon, Green, Harriman, Harris, Henderson, Hill, Holman, Horrell, Johnson, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, O'Brien, Porter, Powell, Ross, Sorrel, Spence, Stearns, Tittel, Walter, White, Wood of Yolo, Wright, and Mr. Speaker—44.

NOES—Messrs. Amyx, Bradley, Gregory, Harrison, and Haun—5.

Mr. Dougherty moved to indefinitely postpone the bill.

Mr. Conness moved the previous question.

Sustained

On the indefinite postponement of the bill, Messrs. Sorrell, Gregory, and Ross, demanded the ayes and noes, and the House refused by the following vote : Ayes, 26—noes, 35 :

AYES—Messrs. Amyx, Baechtel, Bradley, Chandler, Coltrin, Dougherty, Eastman, Gillette, Gordon, Gregory, Harrison, Haun, Hill, Holman, Horrell, Johnson, Kurtz, Montgomery, Munday, Ross, Showalter, Smith of Placer, Sorrel, White, Wood of Plumas, and Wood of Yolo—26.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Campbell, Cherry, Coleman, Conness, Councilman, Covarrubias, Crocker, Curtis, Fargo, Flanders, Foster, Green, Harriman, Harris, Hunter, Lalor, Laspeyre, Lippincott, Magruder, Miller, O'Brien, Porter, Powell, Spence, Stearns, Tittel, Walter, Wright, and Mr. Speaker—35.

On the passage of the bill, Messrs. Dougherty, Sorrel, and Magruder, demanded the ayes and noes, and the bill was lost by the following vote : Ayes, 30—noes, 32 :

AYES—Messrs. Adams, Avery, Banks, Briggs, Cherry, Coleman, Conness, Councilman, Covarrubias, Crocker, Curtis, Fargo, Flanders, Foster, Green, Hagans, Harriman, Hunter, Lalor, Laspeyre, Miller, O'Brien, Porter, Powell, Spence, Stearns, Tittel, Walter, Wright, and Mr. Speaker—30.

NOES—Messrs. Amyx, Baechtel, Bradley, Campbell, Chandler, Childs, Coltrin, Dougherty, Eastman, Gillette, Gordon, Gregory, Hanson, Harrison, Haun, Hill, Holman, Horrell, Johnson, Kurtz, Lippincott, Magruder, Montgomery, Munday, Patrick, Ross, Showalter, Smith of Placer, Sorrel, White, Wood of Plumas, and Wood of Yolo—32.

SPECIAL ORDER.

Assembly Bill, No 274, An Act to amend an Act entitled An Act to grant the right to construct and maintain a Dam and Lock across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine—was postponed until April sixteenth, at twelve o'clock. M

Assembly Bill, No 311, An Act providing for the permanent improvement of the Stock Grounds belonging to the State Agricultural Society.

Mr. Smith of Tulare moved to commit the bill to a Special Committee of three, with instructions.

Mr. Councilman moved the previous question.

Carried

Mr. Gregory moved a call of the House.

Carried.

The following members were absent, viz : Messrs. Blair, Coleman, Eastman, Gillette, Johnson, Kurtz, Patrick, Piercy, and Willey.

On motion of Mr. Gregory, further proceedings under the call were dispensed with.

The motion of Mr. Smith of Tulare was lost.

On the passage of the bill, Messrs. Haun, White, and Kungle, demanded the ayes and noes, and the bill passed by the following vote : Ayes, 37—noes, 31 :

AYES—Messrs. Adams, Avery, Banks, Buell, Campbell, Chandler, Childs, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Johnson, Lippincott, Morrison, Piercy, Powell, Smith of Placer, Spence, Stearns, Tilton, Tittel, White, Wood of Yolo, Wright, and Mr. Speaker—37.

NOES—Messrs. Amyx, Baechtel, Blair, Bradley, Briggs, Cherry, Dougherty, Gordon, Gregory, Hanson, Harriman, Haun, Holman, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morgan, Munday, O'Brien, Patrick, Porter, Ross, Showalter, Smith of Tulare, Sorrel, Walter, and Wood of Plumas—31.

Mr. Chandler gave notice of reconsideration.

Assembly Bill, No. 348, An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, passed May third, eighteen hundred and fifty-five, special order of the day—was continued until April thirteenth, at eleven o'clock, A. M.

REPORTS.

Reports were made as follows :

By Mr. Tilton :

MR. SPEAKER :—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 244, An Act to amend An Act to Fund the Debt of the County of Sonoma, and to provide for the payment of the same, approved April twentieth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 155, An Act to appropriate Money to pay for Services rendered under the Act creating the State Land Office, approved April tenth, eighteen hundred and fifty-eight, in the Segregation of certain Swamp Lands of this State ;

Also, Assembly Bill, No. 329, An Act to amend Section Thirty-Six of an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento, and the several Acts amendatory and supplemental thereto, and to incorporate the City and County of Sacramento ;

Also, Assembly Bill, No. 148, An Act to amend An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said Counties for the year eighteen hundred and fifty-nine and the year eighteen hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka, approved April nineteenth, eighteen hundred and fifty-nine.

TILTON,

Chairman.

By Mr. Foster :

MR. SPEAKER :—Your Auditing Committee have examined the copying done on account of the Assembly, and find the same as follows :

Purpose.	Folios.	Per Folio.	Amount.
Copying done for Appendix.....	1,483	10cts	\$148 30
For Printer.....	1,683	10cts.	168 30
For Journal	1,298	10cts.	129 80
Totals.....	4,464	.....	\$446 40

Your committee recommend the adoption of the following resolution :

Resolved, That the Controller of State be, and he is hereby, authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of four hundred and forty-six dollars and forty cents, payable out of the Copying Fund of the Assembly.*

GILLETTE,
FOSTER.

The resolution was adopted.

At forty-five minutes past three o'clock, P. M. on motion of Mr. Gregory, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, April 12th, 1861. }

The House met pursuant to adjournment.

Mr. Showalter in the Chair.

The roll was called.

Quorum present.

Mr. Coleman moved to go into an election for Speaker *pro tem*.

Carried.

Mr. Patrick nominated Mr. Showalter.

Mr. Avery nominated Mr. Fargo.

Messrs. Henderson and White were appointed Tellers.

Mr. Gregory in the Chair.

The House then proceeded to the election with the following result :

NAMES.	Showalter.	Fargo	Smith.....
Adams. ....	.....	1	.....
Amyx	1	.....	.....
Avery.....	.....	1	.....
Baechtel	1	.....	.....
Banks.....	.....	1	.....
Blair .....	.....	1	.....
Bradley	1	.....	.....
Buell.....	1	.....	.....

NAMES.	Shawalter.	Fargo	Smith.....
Campbell		1	
Chandler.....	1		
Cherry	1		
Childs.....	1		
Coleman	1		
Conness		1	
Councilman....		1	
Covarrubias	1		
Curtis.....	1		
Dougherty	1		
Eastman			1
Flanders	1		
Gillette	1		
Gordon.....	1		
Gregory	1		
Hagans.....	1		
Harriman		1	
Harris	1		
Harrison.	1		
Haun	1		
Henderson	1		
Holman	1		
Horrell	1		
Hunter	1		
Johnson	1		
Kungle	1		
Kurtz	1		
Laspeyre... ..	1		
Lippincott	1		
Magruder	1		
Montgomery	1		
Morgan		1	
Morrison	1		
Munday.....	1		
Patrick	1		
Porter			1
Ross	1		
Smith of Tulare.....	1		
Smith of Placer.....			1
Spence		1	
Stearns	1		
Tilton.....		1	
Walter.....			1
White	1		
Willey		1	
Wood of Plumas.....	1		
Wood of Yolo.....	1		
Wright			1

Mr. Tittel voted for Mr. Conness.

Whole number of cast, fifty-eight.

Necessary to a choice, thirty.

Mr. Showalter received thirty-nine votes.

Mr. Fargo received twelve votes.

Mr. Conness received one vote.

Mr. Showalter having received a majority of all the votes cast, was declared duly elected Speaker *pro tem.* for the remainder of the session.

Messrs. Patrick and Gordon were appointed a committee to conduct Mr. Showalter to the Chair.

The oath of office was administered by the Chief Clerk.

Journal of yesterday was read and approved.

Mr. Lippincott was appointed, in place of Mr. White, on the Committee of Free Conference on Assembly Bill, No. 36.

REPORTS.

Reports were made as follows:

By Mr. Dougherty:

MR. SPEAKER:—Your Committee of Ways and Means, to whom was referred Assembly Bill, No. 416, entitled An Act to legalize and provide for the collection of Delinquent Taxes in the Counties of this State—having considered the same, beg leave to report it back, and recommend its passage;

Also, a substitute for Assembly Bill, No. 217, entitled An Act to authorize the Controller of State to make settlement of certain Fees, with the Treasurer of San Bernardino County—and recommend the passage of the substitute;

Also, Assembly Bill, No. 421, An Act to provide for the appointment of a Commissioner to the World's Fair, in London—and recommend its indefinite postponement.

JOHN DOUGHERTY,
Chairman.

By Mr. Campbell:

MR. SPEAKER:—The Judiciary Committee, to whom was referred certain bills, ask leave to return Assembly Bill, No. 194, An Act to allow the Claim of Daniel McClaren—without recommendation;

Also, Assembly Bill, No. 366, An Act authorizing Rachel Bonds, Administratrix of the Estate of George M. Bonds, deceased, to sell the Real Estate of the late George M. Bonds at public, or private, sale—with a recommendation that it pass;

Also, Senate Bill, No. 55, An Act to amend an Act entitled An Act for securing the Lien of Mechanics and others, passed April nineteenth, eighteen hundred and fifty-six—with an amendment, and recommend its passage as amended;

Also, Senate Bill, No. 204, An Act amendatory of an Act entitled An Act to regulate proceedings in Civil Cases—with amendment, and recommend its passage as amended;

Also, Senate Bill, No. 109, An Act to amend an Act entitled An Act for the Relief of purchasers of Lands from the State of California;

Also, Assembly Bill, No. 372, An Act to amend An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto;

Also, Assembly Bill No. 363, An Act to amend An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty one, and other Acts amendatory thereto;

Also, Assembly Bill, No. 221, An Act concerning prosecutions in certain cases;

Also, Assembly Bill, No. 145, An Act to amend the Criminal Practice Act;

Also, Assembly Bill, No. 189, An Act supplementary to an Act entitled An Act to prevent the trespassing of Animals on Private Property, approved March thirty-first, eighteen hundred and fifty-five;

Also, Assembly Bill, No. 303, An Act for the Relief of Samuel A. and Edward F. Peale—with a recommendation that each of them be indefinitely postponed;

Also, Senate Bill, No. 72, 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 twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty—with amendment, and recommend its passage as amended.

CAMPBELL,
Chairman.

By Mr. Coleman :

MR. SPEAKER:—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 293, An Act to provide for the construction of a Gravel Road in the County of San Joaquin;

Also, Assembly Bill, No. 313, An Act to define the Boundaries, and provide for the Organization of Lake County;

Also, Assembly Bill, No. 139, An Act to provide for the collection of Delinquent Taxes in the City of Oakland;

Also, Assembly Bill, No. 54, An Act to provide for the reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress.

COLEMAN,

By Mr. Wood of Yolo :

MR. SPEAKER:—The Yolo Delegation, to whom was referred Assembly Bill, No. 246, An Act to fix the time of holding certain Courts in Yolo County—having considered the same, herewith report it back, and recommend its passage.

WOOD of Yolo.

The rules were suspended, the bill above reported, considered engrossed, read a third time, and passed.

By Mr. Adams :

MR. SPEAKER:—The Sacramento Delegation, to whom was referred Senate Bill, No. 100, An Act to amend an Act entitled An Act amendatory and supplementary to, an Act passed April twenty-fourth, eighteen hundred and fifty-eight, 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, approved April nineteenth, eighteen hundred and fifty-nine—have had the same under consideration, and report the same back, and recommend its passage.

ADAMS,
POWELL.

Also,

Mr. SPEAKER :—The undersigned, members of the Sacramento Delegation, to whom was referred Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento County, remaining in the General Fund, to the Contingent Fund—have had the same under consideration, and report the same back with an amendment, and recommend its passage as amended.

A. ADAMS,
C. CROCKER.

By Mr. Powell :

Mr. SPEAKER :—The undersigned, one of the Sacramento Delegation, to whom was referred Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento County, remaining in the General Fund, to the Contingent Fund—cannot concur with the majority report in regard to their proposed amendment, for reasons which he believes will be made apparent when the bill shall come before the House for their consideration.

POWELL.

By Mr. Campbell :

Mr. SPEAKER :—The San Francisco Delegation, to whom was referred Senate Bill, No. 96, entitled An Act to amend an Act entitled An Act to grant to certain parties the right of laying a Railroad Track along certain Streets in the City and County of San Francisco, approved March thirteenth, eighteen hundred and fifty-eight—report the same back with amendments, and recommend its passage as amended.

CAMPBELL,
For the Delegation.

By Mr. Smith of Tulare.

Mr. SPEAKER :—The Select Committee on Appropriations beg leave to report the following in addition to amounts previously reported, viz :

Date.	Claimants.	Amount.
April 4	Salary of State Librarian.....	\$729 00
April 4	Contingent Fund of Assembly	5,000 00
April 4	Orphan Asylum.....	13,000 00
April 5	Claim of I. & S. Wormser.....	3,747 85
April 5	Pay of Presidential Electors	176 00
April 8	Marine Company, amount not ascertained.....	.....
April 8	Claim of I. & S. Wormser.....	190 40
April 8	Claim of I. N. Quinn	1,480 00
April 8	Claim of W. Greenhood	241 00
	Amount of appropriations made prior to April 4.....	52,347 50
	Total appropriations to April 8.....	\$76,911 75

SMITH, of Tulare,
Chairman.

By Mr. Flanders :

Mr. SPEAKER :—I am instructed to report back Assembly Bill, No. 7,

An Act authorizing the Board of Supervisors of the City and County of San Francisco to pay the Claim of George H. Hossefross, and recommend it do not pass.

FLANDERS,
For a majority of Delegation.

By Mr. Tilton :

MR. SPEAKER:—The undersigned members of the San Francisco Delegation to whom was referred Assembly Bill, No 7, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the Claim of George H. Hossefross, beg leave to make the following report :

This claim is for expenses incurred in the employment of extra clerical force in the office of claimant while acting as Superintendent of Public Streets and Highways for two years, prior to November, eighteen hundred and sixty. It is also, the first bill presented to the delegation for their consideration at the present session, involving the payment of money out of the treasury of the city and county, not provided for by law. The delegation being opposed to the authorization of any claim against the city and county which had not been previously recommended by the Supervisors, passed the following resolution :

Resolved, That this delegation will not authorize the payment of any claim against the city and county of San Francisco, unless the same has been previously recommended by the Board of Supervisors, and in *no case* will we *require* the payment of any claim.

A copy of this resolution was sent to the Board of Supervisors, which, by resolution, unanimously indorsed our action. The claimant in this bill was also informed of the course taken with his bill, and advised to act accordingly. He, therefore, petitioned the said Board of Supervisors to examine into the claim, and if they found the same to be just that they would recommend its payment. Accordingly, a committee of said Board was appointed which made a proper examination, and reported that they found the sum of two thousand six hundred and twenty-five dollars due, and recommended its payment, which report was unanimously adopted by said Board.

A certified copy of the report, and the action of the Board, were sent to the delegation by the Clerk thereof, which was considered by some of the delegation insufficient for their favorable action on this bill. Subsequently, the said Board of Supervisors passed the following resolution :

Resolved, That this Board approve the claim of George H. Hossefross for extra Clerk hire in the office of Superintendent of Streets and Highways for the amount of two thousand six hundred and twenty-five dollars, the same to be in full for all demands of said Hossefross against the city and county incurred in said office ; and that our delegation in the Legislature be requested to procure the passage of an act authorizing the payment of the same.

The above resolution was passed by a vote of eight to one in the Board, and forwarded to the delegation by its Clerk, certified to as being a correct copy of the proceedings of said Board.

The undersigned, in view of the above facts, are of the opinion that the claim is an equitable one, and that the same has been sufficiently indorsed by the proper authorities, who have examined into the same, and requested us to grant them power to pay it, and desiring that no injus-

tice should be done in the premises, can do no less than recommend the passage of the bill, with an amendment.

TILTON,
CHERRY,
CAMPBELL,
CLARK.

Mr. Conness moved to reconsider the vote by which the House on yesterday passed Assembly Bill, No. 311, An Act providing for the Permanent Improvement of the Stock Grounds of the Agricultural Society.

Mr. Flanders moved a call of the House.

Lost.

On reconsidering, Messrs Flanders, Chandler, and Ross, demanded the ayes and noes, and the House refused by the following vote : Ayes, 27—noes, 33 :

AYES—Messrs. Amyx, Baechtel, Bradley, Chandler, Cherry, Dougherty, Eastman, Flanders, Gillette, Gordon, Gregory, Hanson, Harriman, Haun, Holman, Laspeyre, Magruder, Munday, O'Brien, Patrick, Porter, Ross, Showalter, Smith of Tulare, Sorrel, Walter, and Wood of Plumas—27.

NOES—Messrs. Adams, Banks, Buell, Campbell, Childs, Coleman, Conness, Councilman, Covarrubias, Crocker, Curtis, Fargo, Foster, Green, Hagans, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Johnson, Lippincott, Morrison, Piercy, Powell, Smith of Placer, Spence, Tilton, Tittel, White, Wood of Yolo, and Wright—33.

Mr. Tilton presented a minority report from the Committee on State Reform School, which was ordered printed.

Mr. SPEAKER :—The undersigned of your Joint Select Committee, appointed to examine into the matters connected with the State Reform School, having performed the duties assigned him as one of said committee, and being unable to concur in the views expressed by the majority, upon some material matters embraced in their report, begs leave to submit the following minority report.

The majority of the committee having in their report referred to the action of previous legislative bodies tending to the establishment of a State Reform School, the selection of the present site, by a commission, under the act of eighteen hundred and fifty-nine, the election of a Board of Trustees, under the act of eighteen hundred and sixty, the manner of their organization, together with the statistics relating to the salaries of Trustees and other officers, as also the required size of buildings, in accordance with the plans adopted, the amount appropriated by the act of eighteen hundred and sixty, the amount allowed to the present Contractor for the erection of the walls of the main building and one wing, the amount already expended, etc. which being matters of fact, renders it unnecessary to embody the same in this report; and as a difference of opinion only exists with the undersigned and a majority of the committee, as to location, management of Trustees, amount of appropriation required to complete the buildings, as per plans and specifications, and the propriety of accepting some one of the propositions tendered the State, with a view to a change of location—those will form the subject matter of this report.

LOCATION.

The undersigned is of the opinion that the location is not such an one

as might, and should, have been procured. It seems to have been selected solely because it was offered to the State free of charge, without any reference whatever to any natural advantages, which it should possess, over others, and without taking into consideration its remoteness from the center of population of the State, and without regard to the expense of transportation of delinquents sent to the school, three-fourths, or more, of which will be sent from San Francisco and vicinity, and places further south. The undersigned believes that if proper care had been exercised in its selection, with due reference to the best interests of the State, a location might have been obtained that would have subserved the public convenience, and where the school would have become an ornament to the State, neither of which results can ever be hoped for with the present location, because of its isolated position; and the present, as well as future generations, will regret that the present site was selected.

TRUSTEES.

The Board of Trustees elected at the last session of the Legislature, entered upon the discharge of their duties in the month of May, eighteen hundred and sixty, which duties are clearly defined in the act under which they were elected. By reference to section two, of said act, it will be seen that the Trustees were authorized and empowered to erect, or cause to be erected, a building suitable for the accommodation of not less than eighty boys, and for all necessary offices for Teachers and Assistants. Section fifteen of said act, reads as follows: "The sum of thirty thousand dollars is hereby appropriated out of any money that is not otherwise appropriated, to be expended in the erection of a building for a State Reform School, and all necessary expenses attending the same, and the Controller is hereby authorized to draw his warrants in such sums as may be required of him by the Board of Trustees, for the erection and expense of the same; *provided*, that in the aggregate they do not exceed thirty thousand dollars." In entering upon the discharge of their duties, we are informed by the Trustees, in their report made to the Governor, in December last, "the first thing of importance we were called upon to consider, was the adoption of a plan and specification." In accepting the plan which they did, the undersigned is clearly of the opinion that they exceeded the powers given them in section two, above referred to, and to show conclusively that such is the case, the undersigned has only to quote their own language, as found in their report "We adopted a plan that will, when finished, accommodate some two hundred boys, and also have all the rooms necessary for Teachers, officers, and visitors; also workshops for the boys, and all other rooms required about such a building." The undersigned, believing that the spirit and letter of the law has been violated by the Trustees, cannot withhold his opinion that they are deserving the severest censure.

The effects of such a course of action, the undersigned believes, is detrimental to the best interests of the State, endangering also the future success of what should be a useful and highly meritorious institution, by causing distrust in the minds of its friends as to its future management, and requiring an expenditure of money nearly, or quite, three times the amount originally intended by the act of eighteen hundred and sixty.

The undersigned believes that the Trustees have been too lenient with the Contractor, in allowing him so much time beyond the term designated in the contract for the completion of the building, without sufficient reasons therefor. The only reason which has been given for the delay in the progress of the work, is, that the treasury was without funds, and the

Contractor could not draw his money, as provided for in the contract. The undersigned has made inquiries of parties possessed of the necessary information, and has been assured that no such reason has existed up to the present time; that all demands have been promptly paid upon presentation at the treasury, unless one exception can be made in reference to a small amount which was paid after a delay of less than one week. By the terms of the contract, the main building and one wing should have been completed on, or before, the first day of February last, instead of which, the work has progressed only to the top of the second story windows, and it will require at least thirty days longer to complete the main building, the wing provided for in the contract not having been commenced.

Notwithstanding the backwardness of the work, the undersigned cheerfully bears testimony to the good quality of the materials used in the construction, and the workmanlike manner in which those materials have been placed in the building.

PROPOSALS FOR CHANGE OF LOCATION.

The propositions made by the Board of Managers of the Industrial School, at San Francisco, to your committee, relative to the transfer of that property to the State, having been fully noticed in the majority report, they will not be repeated here. A proposition has also been made by the Trustees of the city of Benicia, through one of the Trustees of the State Reform School, which was not referred to in the majority report, offering to the State, free of charge, the buildings and grounds, at that place, known as the old Capitol building and grounds, for the purpose of an Industrial Model, or Normal School. The building is represented as having been built in eighteen hundred and fifty-three, at a cost to the city, of some sixty thousand dollars. It is of brick, in size fifty by one hundred feet, and two stories high, substantially built, and in a good state of preservation. The lot on which the building stands is one hundred and twenty-five by one hundred and fifty feet, inclosed with a strong, substantial, board fence, eight feet in height. The undersigned is informed that a sufficient quantity of good land adjoining can be purchased at a low price. An appropriation of say five thousand dollars, would probably make all the necessary alterations and repairs, and an appropriation of two thousand dollars, purchase all the land required. Having in this connection, with what has been presented by the majority of your committee, referred to all the offers made to the State, it remains for the Legislature to determine whether they will, with all the facts before them, proceed to make the appropriation asked for by the Trustees, viz.: thirty thousand dollars, with a certain prospect that our successors will be called upon to make still further appropriations, of say twenty thousand dollars more, before the buildings at Marysville are completed, or whether it will accept one of the propositions emanating from San Francisco, or Benicia.

The undersigned believes that the acceptance of the proposition which has been made by the Trustees of Benicia, with an appropriation of five, or even ten thousand, dollars, for alterations and repairs, and purchase of additional lands, if they cannot be obtained without purchase, even to the entire loss of what has been expended at Marysville, would ultimately result, not only to the benefit of the State, but to the future prosperity of the Reform School. The advantages possessed by Benicia, over Marysville, as a central location, needs no extended argument to prove; that it has such advantages, no one will presume to deny. And that a Reform

School at Benicia would be likely to prosper better, and satisfy, to a greater extent, the wants of our people, no one can reasonably doubt.

Many advantages might be enumerated in favor of Benicia, which would render this report more extended than is desirable, and will not here be alluded to. The undersigned will not presume to discuss the propriety of accepting either of the propositions presented by the Board of Managers of the Industrial School, at San Francisco, as a careful examination of them, as presented by the majority of your committee, will lead every member to a conclusion as to the course which should be pursued by the State through her representatives. In conclusion, the undersigned would recommend the early consideration by the Legislature, of the majority and minority reports, and to adopt such a course as will best subserve the future interests of the State.

S. S. TILTON,

Chairman of Assembly Committee.

By Mr. Haun :

MR. SPEAKER:—Your Special Committee to whom was referred Assembly Bill, No. 393, beg leave to report the same back with a substitute, and recommend the passage of the substitute.

L. S. HAUN,

Chairman.

By Mr. Harriman :

MR. SPEAKER:—The Placer Delegation, to whom was referred Assembly Bill, No. 316—have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

HARRIMAN,

For the Delegation.

By Mr. Childs :

MR. SPEAKER:—The Committee on Roads and Highways have considered Senate Bill, No. 208, An Act to amend An Act for opening and repairing Roads in the Counties of Sutter and Santa Cruz, and report the same back, and recommend that the bill pass without amendment.

CHILDS,

Chairman.

Senate Bill, No. 239, An Act to amend an Act passed April thirtieth, eighteen hundred and fifty-one, entitled An Act to regulate Rodcos—was read third time and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER, }
April 12th, 1861. }

MR. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 132, An Act to provide for the construction of a Macadamized Road within the limits of the City and County of San Francisco, by a constitutional majority, notwithstanding the veto of the Governor.

D. J. WILLIAMSON,

Assistant Secretary.

On the question—Shall the bill above reported pass, notwithstanding the objections of the Governor, the roll was called with the following result: Ayes, 53—noes, 9 :

AYES—Messrs. Adams, Amyx, Avery, Blair, Bradley, Briggs, Buell,

Cherry, Childs, Coleman, Conness, Councilman, Crocker, Curtis, Dougherty, Eastman, Fargo, Flanders, Foster, Green, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, Morgan, Piercy, Powell, Ross, Scott, Showalter, Smith of Placer, Sorrel, Spence, Tilton, White, Willey, Wood of Plumas, Wood of Yolo, and Wright—53.

NOES—Messrs. Banks, Campbell, Chandler, Miller, Munday, O'Brien, Patrick, Tittel, and Walter—9.

So the bill was passed notwithstanding the veto of the Governor.

Mr Campbell moved to reconsider the vote by which the House, on yesterday, refused to pass Senate Bill, No. 173, An Act appropriating Moneys for the benefit of the Home for the Care of the Inebriate, in the City and County of San Francisco.

Mr. Chandler moved a call of the House.

Lost.

On reconsidering, Messrs. Amyx, Magruder, and Buell, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 36—noes, 25:

AYES—Messrs. Adams, Avery, Banks, Briggs, Buell, Campbell, Cherry, Conness, Councilman, Covarrubias, Crocker, Curtis, Fargo, Flanders, Foster, Green, Hagans, Harriman, Henderson, Hunter, Lalor, Laspeyre, Miller, Morgan, Morrison, O'Brien, Porter, Powell, Ross, Spence, Stearns, Tilton, Tittel, Walter, Willey, and Wright—36.

NOES—Messrs. Amyx, Bradley, Chandler, Childs, Dougherty, Eastman, Gillette, Gregory, Hanson, Harrison, Haun, Hill, Holman, Horrell, Kungle, Magruder, Montgomery, Munday, Patrick, Piercy, Showalter, Smith of Placer, Sorrel, White, and Wood of Plumas—25.

On the passage of the bill, Messrs. Ross, Magruder, and Haun, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 36—noes, 27:

AYES—Messrs. Adams, Avery, Banks, Briggs, Buell, Campbell, Cherry, Conness, Councilman, Covarrubias, Crocker, Curtis, Fargo, Flanders, Foster, Green, Hagans, Harriman, Henderson, Hunter, Lalor, Laspeyre, Miller, Morgan, Morrison, O'Brien, Piercy, Porter, Powell, Spence, Stearns, Tilton, Tittel, Walter, Willey, and Wright—36.

NOES—Messrs. Amyx, Baechtel, Bradley, Chandler, Childs, Dougherty, Eastman, Gillette, Gregory, Hanson, Harrison, Haun, Hill, Holman, Horrell, Kungle, Kurtz, Magruder, Montgomery, Munday, Patrick, Ross, Showalter, Smith of Placer, Sorrel, White, and Wood of Yolo—27.

Assembly Bill, No. 384, An Act relating to the Sureties on the Official Bond of Thomas J. Miner, late County Treasurer of Plumas County, special order—was taken up, rules suspended, considered engrossed, read a third time, and passed.

Mr. Dougherty, from the Committee on Ways and Means, introduced a bill for An Act to provide Revenue for the support of the Government of this State.

Read first and second times, and made special order for April fifteenth, at twelve, m and four hundred and eighty copies ordered printed.

Substitute for Assembly Bills, Nos. 66 and 281, Relative to Roads and Highways, also special order for this day—was considered in Committee of the Whole, reported with amendments, and recommended.

IN ASSEMBLY.

Amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Mr. Childs made the following report:

MR. SPEAKER:—The Calaveras Delegation, to whom was referred Assembly Bill, No. 297, An Act to Fund the Indebtedness of Calaveras County, and to provide means for the payment of the same—beg leave to report, that the delegation have agreed to amendments to the bill, and recommend that it pass as amended.

CHILDS.

The rules were suspended, and the amendments to the bill above reported, adopted, bill considered engrossed, read a third time, title amended, and passed.

Senate Bill, No. 96, An Act to amend an Act entitled An Act to grant certain parties the right of laying a Railroad Track along certain Streets within the City and County of San Francisco, approved March thirteenth, eighteen hundred and fifty-eight—amendments adopted, read a third time, title amended, and passed

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gordon, for An Act to prevent the catching of Trout at certain seasons of the year.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Briggs, 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

By Mr. Campbell, for An Act to authorize the Guardian of Francis William Pety to sell and convey certain Real Estate;

Also, for An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, for An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty one, passed May seventh, eighteen hundred and fifty-five.

Read first and second times, and referred to the Judiciary Committee;

Also, for An Act to amend an Act entitled An Act supplementary to an Act entitled An Act granting the Right of Way over certain Lands in this State, in the counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight, approved March first, eighteen hundred and sixty.

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

By Mr. Cherry, for An Act supplemental to An Act to establish a Standard of Weights and Measures, passed April fourth, eighteen hundred and sixty-one.

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

By Mr. Haun, for An Act to change the name of Lake Bigler, to that of Tula Tula.

Read first and second times, and referred to the Committee on Change of Names.

By Mr. Blair, for An Act to authorize the Board of Supervisors of the County of Monterey to make Appropriations, payable out of the Current Expense Fund of said County, for purposes therein named.

Read first and second times, and placed on file.

By Mr. Fargo, for An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay certain Claims.

Read first and second times, and referred to the San Francisco Delegation

By Mr. Curtis, for An Act giving the consent of the Legislature to the distribution of the surplus Capital Stock of a Corporation

Read first and second times, and referred to the Committee on Corporations.

By Mr. Morrison, for An Act to amend An Act for the government and protection of Indians.

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

By Mr. Green, for An Act appropriating Money to pay John B. Brady.

Read first and second times, and referred to the Committee on Claims
Assembly Bill, No. 371, An Act in relation to Swamp Lands—special order for this day, was postponed until April thirteenth, at two o'clock, P. M.

Assembly Bill, No. 248, An Act in relation to the Cloverdale Wagon Road—was made special order for April fifteenth, at twelve, M.

GENERAL FILE.

Assembly Bill, No. 304, An Act to authorize the construction of a Turnpike Road through the Cajon Pass, in San Bernardino County—amendments adopted, rules suspended, considered engrossed. read a third time, and passed

Assembly Bill, No. 396, An Act to authorize the construction of a Railroad over certain Lands in the State of California—amendments adopted, further amended, rules suspended, considered engrossed, read a third time, title amended, and passed.

Assembly Bill, No. 139, An Act to provide for the collection of Delinquent Taxes in the City of Oakland—was read a third time, and passed.

Assembly Bill, No. 393, An Act to Incorporate District Agricultural Societies, and appropriate Money for their support—was considered in Committee of the Whole, and reported with amendment, without recommendation.

Mr. Sorrel moved to indefinitely postpone the bill.

Mr. Conness moved the previous question.

Carried.

On the indefinite postponement, Messrs. Haun, Ross, and Gordon, demanded the ayes and noes, and the House refused by the following vote :
Ayes, 25—noes, 30 :

AYES—Messrs. Banks, Blair, Buell, Cherry, Childs, Coleman, Dougherty, Eastman, Gordon, Harriman, Harrison, Hill, Holman, Horrell, Johnson, Kungle, Miller, Morgan, Munday, Showalter, Sorrel, Walden, Walter, Wood of Plumas, and Wright—25.

NOES—Messrs. Avery, Baechtel, Bradley, Briggs, Campbell, Conness, Councilman, Covarrubias, Crocker, Curtis, Fargo, Flanders, Foster, Green, Gregory, Hagens, Hanson, Haun, Henderson, Hunter, Lalor, O'Brien, Piercy, Porter, Powell, Ross, Spence, Stearns, Tittel, and White—30.

Mr. Sorrel moved a call of the House.

Lost.

Mr. Sorrell moved to adjourn.

Lost

On ordering the bill engrossed, Messrs. Bradley, Haun, and Kungle, demanded the ayes and noes, and the House refused by the following vote: Ayes, 24—noes, 30:

AYES—Messrs. Adams, Baechtel, Bradley, Briggs, Campbell, Conness, Crocker, Curtis, Flanders, Foster, Green, Hagans, Hanson, Haun, Henderson, Morrison, O'Brien, Porter, Powell, Ross, Spence, Stearns, Tittel, and Willey—24.

NOES—Messrs. Banks, Blair, Buell, Cherry, Childs, Coleman, Councilman, Covarrubias, Dougherty, Eastman, Fargo, Gillette, Gordon, Harriman, Harrison, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Miller, Morgan, Munday, Showalter, Sorrel, Walter, White, Wood of Plumas, and Wright—30.

Mr. Fargo gave notice of reconsideration.

At half past three o'clock, P. M. on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, April 13th, 1861. }

House met pursuant to adjournment.

Speaker *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Baechtel and Coltrin had two days' leave of absence.

Mr. Spence had four days' leave of absence.

Mr. Conness moved to reconsider the vote by which the House on yesterday refused to engross Assembly Bill, No. 393, An Act to incorporate District Agricultural Societies, and appropriating Money for their support.

On reconsidering, Messrs. Sorrel, Ross, and Munday, demanded the ayes and noes, and the House agreed by the following vote: Ayes, 38—noes, 22:

AYES—Messrs. Adams, Avery, Bradley, Briggs, Campbell, Clark, Conness, Crocker, Curtis, Fargo, Foster, Green, Hagans, Hanson, Harris, Haun, Henderson, Hunter, Kungle, Kurtz, Lator, Laspeyre, Lippincott, Magruder, Montgomery, Morgan, Morrison, O'Brien, Patrick, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Stearns, Tittel, Willey, and Wood of Plumas—38.

NOES—Messrs. Amyx, Banks, Buell, Childs, Coleman, Councilman, Covarrubias, Dougherty, Gillette, Gordon, Harrison, Hill, Holman, Horrell, Johnson, Miller, Munday, Showalter, Sorrel, Walter, White, and Wright—22.

Mr. Laspeyre moved the previous question.

Carried.

The rules were suspended, the bill considered engrossed, and read a third time.

On its passage, Messrs. Sorrel, Bradley, and Ross, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 37—noes, 22;

AYES—Messrs. Adams, Avery Bradley, Briggs, Campbell, Cherry, Clark, Conness, Crocker, Curtis, Fargo, Flanders, Foster, Green, Hagans, Hanson, Haun, Henderson, Hunter, Lalor, Laspeyre, Lippincott, Magruder, Montgomery, Morgan, Morrison, O'Brien, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Stearns, Tittel, Walter, Willey, and Wood of Plumas—37.

NOES—Messrs. Amyx, Banks, Buell, Childs, Councilman, Dougherty, Eastman, Gillette, Gordon, Harriman, Harrison, Hill, Holman, Horrell, Johnson, Kurtz, Munday, Patrick, Showalter, Sorrel, White, and Wright—22.

REPORTS.

Reports were made as follows:

By Mr. Campbell:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly Bill, No. 429, An Act to authorize the Guardian of Francis William Paty to sell and convey Real Estate—having considered the same, report it back, and recommend its passage.

CAMPBELL,
Chairman.

The rules were suspended, and the bill above reported considered engrossed, read third time and passed.

By Mr. Curtis:

MR. SPEAKER:—The Committee on Corporations, to whom was referred Assembly Bill, No. —, An Act giving the consent of the Legislature to the Distribution of the Surplus Capital Stock of a Corporation—have had the same under consideration, and report the same back and recommend its passage.

CURTIS,
Chairman.

The rules were suspended, and the bill above reported considered engrossed, read third time and passed.

By Mr. Lippincott:

MR. SPEAKER:—The majority of the Committee on Claims, to whom was referred Senate Bill, No. 268, An Act to appropriate Money to pay the Claim of E. J. Saunders and Others—report the same back and recommend its passage.

LIPPINCOTT,
GILLETTE,
HUNTER.

Also:

MR. SPEAKER:—Your Committee on Claims, to whom was referred Senate Bill, No. 59, An Act to audit and allow certain Claims—have had the same under consideration, and beg leave to report it back without recommendation.

LIPPINCOTT,
Chairman *pro tem*.

Mr. Laspeyre reported Senate Bills, Nos 40, 285, and 286, and Assembly Bill, No. 401.

By Mr. Fargo:

MR. SPEAKER:—The Committee on Internal Improvements, to whom was referred Joint Resolution, No. 52, Asking Congress to cede to this State certain Public Lands for Railroad Purposes—beg leave to report the same back to the House, and recommend that it lay on the table

Also, beg leave to report back Assembly Bill, No 418, An Act to enable the Kirk Pass Coal Company to construct a Railroad, etc. and recommend that the same be referred to the Committee on Corporations.

FARGO,
Chairman.

By Mr. Lalor:

MR. SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 283, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain Judgment;

Also, Assembly Bill, No. 51, An Act to prevent the Amalgamation of the different Races of Men in this State;

Also, Assembly Bill, No 31, An Act to authorize County Judges, other than the County Judge of Yuba County, to hold terms of the County Court, Court of Sessions, and Probate Court, in Yuba County;

Also, Assembly Bill, No. 299, An Act supplementary to, and amendatory of, several Acts entitled An Act to establish an Asylum for the Insane of the State of California, approved May seventeenth, eighteen hundred and fifty-three, amended May first, eighteen hundred and fifty-four, amended April fifteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 259, An Act in relation to the Public Pound, in the City and County of San Francisco;

Also, Assembly Bill, No 307, An Act to amend an Act entitled An Act to authorize the President of the Board of Supervisors, the Auditor, and the Treasurer, of the City and County of San Francisco, to provide for the actual and prospective Deficiency in the Corporation Debt Fund of said City and County for the Fiscal Years eighteen hundred and fifty-nine and eighteen hundred and sixty, approved April sixth, eighteen hundred and sixty.

E. LALOR,
Chairman.

By Mr. Magruder:

MR. SPEAKER:—The Solano, Yolo, Yuba, and Sutter, delegations, to whom was referred Assembly Bill, No. 425, An Act to amend an Act entitled An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the Laws of this State, certain Rights and Privileges, approved April twenty-fourth, eighteen hundred and fifty-eight—having had the same under consideration, report it back, and recommend its passage.

MAGRUDER,
For the Delegation.

The rules were suspended. the bill above reported, considered engrossed, read a third time, and passed.

Mr Crocker verbally reported and recommended the passage of Assembly Bill, No. 417, An Act concerning certain Street Assessments in the City of Sacramento.

Placed on top of file.

Mr. Fargo verbally reported and recommended the passage of Assembly Bill, No. 340—with amendments.

Assembly Bill, No. 344, An Act to provide for the better support of Common Schools in Contra Costa County—rules suspended, considered engrossed, read a third time, and passed.

Mr. Lalor offered the following resolution :

Resolved, That the Engrossing Clerk be authorized to employ an Assistant, at eight dollars per day, to be paid out of the Contingent Fund of the Assembly, said appointment to date from April eleventh, eighteen hundred and sixty-one.

Mr. Briggs moved to strike out "eight," and insert "five."

Upon which, Messrs. Haun, Crocker, and Adams, demanded the ayes and noes, and the motion was lost by the following vote : Ayes, 24—noes, 32 :

AYES—Messrs. Adams, Avery, Bradley, Briggs, Buell, Covarrubias, Crocker, Flanders, Gordon, Hagans, Harriman, Harrison, Holman, Kungle, Miller, Morgan, Ross, Smith of Tulare, Smith of Placer, Stearns, Walter, Willey, Wood of Plumas, and Wood of Yolo—24.

NOES—Messrs. Banks, Campbell, Cherry, Childs, Clarke, Coleman, Conness, Curtis, Dougherty, Eastman, Fargo, Foster, Green, Hanson, Harris, Haun, Henderson, Hill, Horrell, Hunter, Johnson, Kurtz, Lalor, Magrucker, Montgomery, Munday, O'Brien, Powell, Showalter, Tittel, White, and Wright—32.

Mr. Conness moved to strike out "eight," and insert "six."

Carried, and the resolution as amended adopted.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Crocker : Concurrent Resolution; granting S. H. Brooks thirty days' leave of absence.

Adopted.

By Mr. Lippincott :

Resolved, That the Committee on Claims be, and are hereby, authorized to appoint a Clerk, at a compensation of six dollars per day, to date from the twenty-sixth day of February, eighteen hundred and sixty-one.

Adopted.

By Mr. Haun :

Resolved, That the Judiciary be requested to report Constitutional Amendments on Tuesday next.

Adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
April 11th, 1861. }

MR. SPEAKER :—The Senate, on yesterday, passed Senate Bill, No. 93, An Act to amend an Act entitled An Act defining the Rights of Husband and Wife, passed April seventeenth, eighteen hundred and fifty ;

Also, Senate Bill, No. 284, An Act to audit and allow the Claim of William S. Botts ;

Also, Senate Bill, No. 293, An Act fixing the time of holding Court in Mono County ;

Also, Senate Bill, No. 258, An Act fixing the Salaries of State Officers and Clerks ;

Also, Senate Bill, No. 298, An Act to authorize Giles Bewel to remove certain Remains.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER, }
April 12th, 1860. }

Mr. SPEAKER :—The Senate, this day, passed Senate Bill, No. 247, An Act relative to laying down Gas-Pipes in San Francisco ;

Also, Assembly Bill, No. 293, An Act to provide for a Gravel Road in the County of San Joaquin ;

Also, passed Assembly Bill, No. 388, Relative to a Road in San Luis Obispo County—with amendments ;

Also, Assembly Bill, No. 273, Relative to the ratification of certain Orders of the County of Tulare ;

Also, on yesterday, passed Senate substitute for Assembly Bill, No. 320, An Act to amend An Act concerning Roads and Highways in the County of Placer, approved April thirtieth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 264, An Act to amend An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April twenty-fourth, eighteen hundred and fifty-eight ;

Also, substitute for Assembly Bill, No. 179, An Act fixing the Salary of the County Judge of San Bernardino County ;

Also, Assembly Bill, No. 356, An Act amendatory of An Act to make certain Offices in Tuolumne County Salaried Offices, approved February twenty-second, eighteen hundred and sixty-one ;

Also, Assembly 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 thirtieth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 92, An Act to confer further powers upon the Board of Education of the City and County of San Francisco, and other purposes therein mentioned ;

Also, Assembly Bill, No. 239, An Act to provide for the appointment of Commissioners in Equity ;

Also, Assembly Bill, No. 376, An Act to provide for the better maintenance of the Indigent Sick of Siskiyou County ;

Also, Assembly Bill, No. 229, An Act for the relief of James McCauley, County Assessor of Yolo County ;

Also, passed, with amendments, Assembly Bill, No. 106, An Act concerning the County Judge of Klamath ;

Also, Assembly Bill, No. 225, An Act concerning Roads and Highways in the County of Butte ;

Also, Assembly Bill, No. 164, An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes ;

Also, have receded from its amendments to Assembly Bill, No. 261, An

Act to amend an Act entitled An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four;

Also, passed Senate Bill, No. 310, An Act to repeal an Act entitled An Act to amend an Act entitled An Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine, approved April fourteenth, eighteen hundred and sixty—with certain amendments to said Act of Incorporation;

Also, Senate Bill, No. 276, An Act to relocate the County Seat of Sonoma County by the qualified Voters of said County;

Also, Senate Bill, No. 291, An Act to fix the terms of the District Court in the County of Mono;

Also, Senate Bill, No. 23, 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 twenty-ninth, eighteen hundred and sixty-one, and other Acts amendatory thereto;

Also, Senate Bill, No. 251, An Act to authorize Maria O'Conner, Administratrix of the Estate of Michael T. O'Connor, deceased, to sell and convey Real Estate;

Also, Senate Bill, No. 275, An Act for the preservation and protection of Trout;

Also, Senate Bill, No. 296, An Act to appropriate Money to pay the Claim of Greenbood & Newbauer;

Also, on yesterday, adopted Concurrent Resolution, No. 40, Relative to granting leave of absence to the County Judge of Santa Barbara County;

Also, passed Senate Bill, No. 278, Relative to the County Officers of Sonoma County.

D. J. WILLIAMSON,

Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Bill, No. 247, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 275, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 291, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 293, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 310, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 298, above reported—was read first and second times, and referred to the Placer Delegation.

Senate Bill, No. 284, above reported—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 23, above reported—was read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 93, above reported—was read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 251, above reported—was read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 258, above reported—was read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No. 276, above reported—was read first and second times, and referred to the Sonoma Delegation.

Senate substitute for Assembly Bill, No. 320, above reported—was read first and second times, and referred to the Placer Delegation.

Senate Bill, No. 296, above reported—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 278, above reported—was read first and second times, and referred to the Sonoma Delegation.

The House concurred in Senate amendments to Assembly Bill No. 106, above reported.

The House concurred in Senate Concurrent Resolution, No. 40, above reported.

Senate amendment to Assembly Bill, No. 164, above reported—was referred to the Sonoma Delegation.

Mr. Gillette introduced a bill for An Act to authorize Silas A. Storm and J. J. Pappy to construct and maintain a Wharf in the City and County of San Francisco.

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

SPECIAL ORDERS.

Assembly Bill, No. 348, An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, passed May third, eighteen hundred and fifty-five—special order of the day, was taken up, considered, and made special order for Monday, at two o'clock, P. M.

Assembly Bill, No. 371, An Act in relation to Swamp Lands—was made special order for April fifteenth, at one o'clock, P. M.

At half past two o'clock, P. M. on motion of Mr. Laspeyre, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 15th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

REPORTS.

Reports were made as follows :

By Mr. Stearns :

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred Assembly Bill, No. 433, An Act to prevent the catching of Trout at certain seasons of the year—report the same back, and recommend its indefinite postponement, as a Senate bill containing the same provisions as this has passed this House.

Your committee have also considered Assembly Bill, No. 339, An Act to encourage the cultivation of Cotton in this State—and herewith report the same back, and recommend its indefinite postponement.

STEARNS.

By Mr. Coleman :

Mr. SPEAKER:—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 116, An Act in relation to the Militia of the State.

COLEMAN.

The bill above reported, was made special order for April sixteenth, at twelve and a half o'clock, P. M.

By Mr. Piercy :

Mr. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 267, An Act concerning Roads and Highways in the County of Klamath ;

Also, Assembly Bill, No. 180, An Act to extend the term of Office, and define the duties and powers in certain cases, and establish the Salaries of the Board of Supervisors of San Bernardino County ;

Also, Assembly Bill, No. 178, An Act to authorize the County Auditors of the Counties of San Luis Obispo and Tulare to issue certain Bonds, and to provide for the construction of a Road herein named ;

Also, Assembly Bill, No. 68, An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May third, eighteen hundred and fifty-two ;

Also, Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax, and to provide for building a Bridge in said County ;

Also, Assembly Bill, No. 411, An Act to establish and define the Boundary Line of the City of Sonora.

PIERCY,

Of the Committee.

Mr. Fargo, from the Committee on Apportionment, made a report which was ordered printed ;

Mr. SPEAKER:—Your Special Committee, to whom was referred the abstract of census returns received from the office of the Secretary of State, together with the official returns from the Census Department at Washington City, with instructions to report a bill apportioning the representation of the Congressional, Senatorial and Assembly Districts, of this State, beg leave to report that they have had the same under consideration, and submit the following as the result of their labors :

The abstracts received by your committee from the Secretary of State and the Department at Washington, are substantially alike, only differing in giving the aggregate of the population of the State, some two hundred, but do not contain a statement as to the relative number of white and colored population. Inasmuch as the constitution of this State expressly declares that the apportionment shall be made upon the number of white inhabitants, your committee did not feel justified in proceeding to prepare a bill upon a statement of the total population, including negroes, Mongolians, and Indians. Your committee, therefore, called upon the Secretary of State, and desired the privilege of examining the duplicates there filed by the Marshal, as Census Agent, which was courteously accorded us, and we employed Clerks to examine the same, and instructed them to prepare a statement of the relative number of whites and colored population, in the respective counties, as reported by the Census Agent. Below, we present a tabular statement showing the entire population of the various counties, as well as the white and colored inhabitants, separately.

It is proper to remark, in this connection, that there is good reason to

believe that the enumeration of the people of our State has been very imperfectly taken by those to whom this duty was intrusted. Indeed, there is scarcely a county from which complaints are not made of neglect of duty on the part of Assistant Marshals. There is good reason to believe, that with a complete enumeration of the people of California, our State would have been accredited with at least an additional one hundred thousand, and would, thereby, have been entitled to an additional member of Congress to what she will now receive.

It appears that in the nine most southerly counties there was no distinction made by the Deputy Marshal between the races, and, of course, your committee were unable to segregate the white from other races.

Your committee have deemed it fair and proper to make an estimate of the colored population in said nine counties, based upon the average as returned from the counties where the races are segregated, and have marked those so estimated with an asterisk.

STATEMENT OF POPULATION.

Counties.	White.	Colored.	Total.
Alameda	8,581	346	8,927
Amador	8,392	2,541	10,933
Butte	9,718	2,389	12,107
Calaveras	12,579	3,723	16,302
Contra Costa	5,186	142	5,328
Colusa	2,157	117	2,274
Del Norte	1,374	618	1,992
El Dorado	14,605	5,837	20,562
Fresno	4,025	580	4,605
Humboldt	2,502	192	2,694
*Klamath	1,315	588	1,803
*Los Angeles	9,919	1,417	11,336
Marin	3,042	292	3,334
Mariposa	4,215	2,028	6,243
Mendocino	2,881	1,086	3,967
Merced	1,114	27	1,141
*Monterey	4,147	592	4,739
Napa	5,454	61	5,515
Nevada	14,236	2,211	16,447
Placer	11,104	2,166	13,270
Plumas	3,730	633	4,363
Sacramento	22,761	1,384	24,145
*San Bernardino	4,860	694	5,554
*San Diego	3,785	541	4,326
San Francisco	52,955	3,850	56,805
San Joaquin	9,171	263	9,434
*San Luis Obispo	1,560	222	1,782
San Mateo	3,138	76	3,214
*Santa Barbara	3,100	443	3,543
Santa Clara	11,683	229	11,912
*Santa Cruz	4,327	618	4,945
Shasta	3,922	438	4,360
Sierra	9,574	1,815	11,389
Siskiyou	7,056	573	7,629

Counties.	White.	Colored.	Total.
Solano	7,132	38	7,170
Sonoma	11,672	195	11,867
Stanislaus	2,022	203	2,245
Sutter	3,358	42	3,390
Tehama	3,288	756	4,044
*Tulare	4,059	579	4,638
Trinity	3,318	1,807	5,125
Tuolumne	14,277	1,952	16,229
Yolo	4,679	37	4,716
Yuba	11,557	2,114	13,671
	333,530	46,485	380,015

From this table it will be seen that the total population of the State is returned at three hundred and eighty thousand and fifteen, of whom, three hundred and thirty-three thousand five hundred and thirty, are given as white, and forty-six thousand four hundred and eighty-five, as of other races; embracing Indians, Mongolians, and negroes.

Your committee recommend, that the number of Senators and Members of Assembly be fixed at the maximum fixed and allowed by the constitution. The proposition to materially reduce the number of both Houses was before your committee, and strenuously advocated by those favoring such policy, but after a full discussion of the matter, your committee believed the extended area of our State, her diversified interests, and the varied pursuits of her people, as well as her growing importance, in population and the various branches of industry, justified the adoption of the full constitutional limit for Representatives in the two Houses. While we admit that a less number would materially reduce the public expense, still, in a growing State like this, where new counties are being continually formed, and old ones divided, each of which being desirous of having a Representative, there will naturally be a continual demand for a distribution of Senators and Members, if they may be obtained under the constitution. In this way a greater expense is liable to be incurred upon the State, by time consumed in considering these applications, than would accrue from apportioning the constitutional number at this time.

Upon this basis it will be seen that a population of eight thousand three hundred and forty will be entitled to a Senator, and one-half that number to a member of Assembly. We also submit a tabular statement showing the counties composing the various districts proposed by your committee, together with their white population and their representation in each House:

STATEMENT.

District.	Counties.	Population.	Senate.	Assein'y
1st....	San Diego	3,785	1	2
	San Bernardino.....	4,860		
		8,645		
2d....	Los Angeles.....	9,919	1	2
3d....	Santa Barbara.....	3,100	1	1
	San Luis Obispo.....	1,560		
		4,660		
4th...	Frezno.....	4,025	1	2
	Tulare.....	4,059		
		8,084		
5th....	Mariposa	4,215	1	2
	Merced	1,114		
	Stanislaus	2,022		
		7,351		
6th....	Santa Cruz.....	4,327	1	2
	Monterey	4,147		
		8,474		
7th....	Santa Clara.....	11,683	1	3
8th....	San Francisco.....	52,955	6	14
	San Mateo.....	3,138		
		56,093		
9th....	Alameda.....	8,581	1	2
10th...	Contra Costa.....	5,186	1	2
	Marin..	3,042		
		8,228		
11th...	San Joaquin.....	9,171	1	2
12th...	Tuolumne	14,277	2	3
13th...	Calaveras	12,579	2	3
14th..	Amador.....	8,392	1	2
15th...	El Dorado	14,695	2	3
16th...	Sacramento	22,761	3	5
17th...	Solano...	7,132	1	3
	Yolo	4,679		
		11,811		

District.	Counties.	Population.		Senate.	Assem'y
18th...	Napa	5,454			
	Mendocino..	2,881			
			8,335	1	2
19th...	Sonoma		11,672	1	3
20th..	Placer.....		11,104	1	3
21st...	Nevada		14,236	2	3
22d	Sierra.....		9,574	1	2
23d.....	Yuba		11,557	1	3
24th....	Sutter	3,358			
	Colusa	2,157			
			5,515	1	1
25th....	Butte		9,718	1	2
26th....	Plumas	3,730			
	Tehama.....	3,288			
			7,018	1	2
27th....	Shasta.....	3,922			
	Trinity	3,318			
			7,240	1	2
28th....	Del Norte..	1,374			
	Klamath	1,315			
	Humboldt	2,502			
			5,191	1	2
29th....	Siskiyou		7,056	1	2
	Totals.....			40	80

The above table will prove a convenience to Members, in the examination of the question, when the bill shall come to be considered, showing at a glance, the population and representation of each county and district.

Your committee beg leave to submit herewith, a bill defining the Senatorial and Assembly districts, and apportioning their representation, and recommend its passage.

Your committee beg leave to state that, in accordance with a resolution adopted by the House, a committee of the Senate has been acting in conjunction with your committee, in the investigation of this matter, and the preparation of this bill, and we have the pleasure to report that it has been so framed as to meet the views of the Senate Committee, and will probably be acceptable to that body.

All of which is respectfully submitted.

F. F. FARGO,
Chairman.

Also, presented a bill for An Act to define the Senatorial and Assembly Districts of this State, and to apportion the Representatives thereof.

Read first and second times, and ordered printed.

Mr. Piercy, from minority of same committee, made a report which was also ordered printed;

Also, offered a bill for An Act to Apportion the Senatorial and Assembly Districts of the State.

Read first and second times, and ordered printed.

Mr. Conness moved to make the above bills the special order for April twenty-third, at twelve, M.

Mr. Campbell moved to amend by inserting Thursday, April eighteenth, at twelve, M.

Mr. Conness moved the previous question.

Sustained

On making the bills the special order for April eighteenth, Messrs. Clark, Campbell, and Crocker, demanded the ayes and noes, and the House refused by the following vote: Ayes, 23—noes, 34:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Campbell, Clarke, Crocker, Fargo, Hagans, Holman, Kurtz, Laspeyre, Lippincott, Morgan, Morrison, O'Brien, Porter, Ross, Smith of Tulare, Stearns, and Tittel—23.

NOES—Messrs. Amyx, Bradley, Childs, Coleman, Conness, Covarrubias, Dougherty, Eastman, Gillette, Green, Gregory, Hanson, Harriman, Harrison, Henderson, Hill, Horrell, Johnson, Kangle, Magruder, Miller, Montgomery, Munday, Piercy, Powell, Showalter, Smith of Placer, Sorrel, Walden, Walter, White, Wood of Plumas, Wood of Yolo, and Wright—34.

And the bills were made the special order for April twenty-third, at twelve and a half o'clock, P. M.

The House concurred in Senate amendments to Assembly Bill, No. 164, An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes;

Also, concurred in Senate amendments to Assembly Bill, No. 388, An Act authorizing the construction of a Wagon Road over the Coast Range of Mountains, in San Luis Obispo County.

A message was received from the Governor transmitting an authentic copy of a Joint Resolution to amend the Constitution of the United States, adopted by Congress, and approved March second, eighteen hundred and sixty-one.

Made special order for April sixteenth, at one, P. M.

Mr. Fargo offered the following Resolution:

Resolved, That W. B. Toll be allowed and paid fifteen dollars from the Contingent Fund of the Assembly, for three days' services as Paper Folder at the commencement of the present session.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER. }
April 15th, 1861. }

MR. SPEAKER:—The Senate, on Saturday, the thirteenth, passed As-

sembly Bill, No. 20, Relative to the County of Sacramento—with an amendment;

Also, Assembly Bill, No. 323, Relative to the Boundaries of Mendocino County;

Also, Senate Bill, No. 325, An Act making appropriation for Deficiencies;

Also, Senate Bill, No. 322, An Act for the protection of Harbors;

Also, Senate Bill, No. 309, An Act to separate certain Offices in Tehama County;

Also, adopted Senate Concurrent Resolution, No. 42, Relative to Warrants issued prior to eighteen hundred and fifty-seven;

Also, adopted a Concurrent Resolution adjourning *sine die* on the first Monday in May.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 325, above reported—was read first and second times and referred to Committee on Ways and Means

Senate Bill, No. 323, above reported—was read first and second times, rules suspended, read third time and passed

Senate Bill, No. 309, above reported—was read first and second times, and referred to the delegations from Tehama and Colusa counties.

The House concurred in Senate Concurrent Resolution, No. 42, above reported

The House concurred in Senate amendments to Assembly Bill, No. 20, above reported

Senate Concurrent Resolution, No. 31, above reported—was taken up.

Mr. White moved to lay the resolution on the table

Upon which, Messrs. Gregory, Covarrubias, and Hanson, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 29—noes, 19:

AYES—Messrs Banks, Blair, Briggs, Buell, Campbell, Childs, Clarke, Coleman, Conness, Crocker, Eastman, Fargo, Green, Hagans, Harrison, Henderson, Hill, Lippincott, Montgomery, O'Brien, Porter, Powell, Ross, Showalter, Smith of Tulare, Stearns, White, Wood of Yolo, and Mr Speaker—29.

NOES—Messrs Adams, Amyx, Avery, Bradley, Covarrubias, Gordon, Gregory, Hanson, Harriman, Holman, Johnson, Laspeyre, Magruder, Smith of Placer, Tittel, Walden, Walter, Wood of Plumas, and Wright—19.

Mr. Fargo offered a concurrent resolution concerning the Overland Mail and Telegraph Route

Referred to the Committee on Federal Relations.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Laspeyre, for An Act to reincorporate the City of Stockton.

Read first and second times, and referred to the San Joaquin Delegation

By Mr. Gregory, for An Act fixing the Salary of the County Judge of the County of Mariposa.

Read first and second times, and referred to the Mariposa Delegation

By Mr. Lippincott, for An Act to exempt the property of Mokelumne Lodge, No. 44, I. O. O. F. from Taxation.

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

Also, for An Act to grant the right to construct a Turnpike Road between the town of Mokelumne Hill, and a point on the road to Stockton, at, or near, the Golden Gate Ranch, in the County of Calaveras.

Read first and second times, and referred to the Calaveras Delegation.

By Mr. Magruder, for An Act to amend An Act concerning the Government of the City of Marysville, approved March tenth, eighteen hundred and sixty.

Read first and second times, and referred to the Yuba Delegation;

Also, for An Act to authorize Franklin Birdsall, Executor of the last will and testament of George W. Birdsall, deceased, to sell the Real Estate of said deceased at private sale.

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

By Mr. Burnell, for An Act in relation to Sutter Creek, in the Town of Ione City and vicinity, and to define the Boundary and Width thereof. Read first and second times, and referred to the Amador Delegation.

By Mr. Ross, for An Act to authorize the Trustees of Petaluma to levy Tax.

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

By Mr. Porter, for An Act concerning Records of Fees, and duties of certain Officers in the County of Contra Costa.

Read first and second times, and referred to Contra Costa Delegation.

By Mr. Sorrell, for An Act to confer further powers on the Board of Supervisors of Siskiyou County.

Read first and second times, and referred to the Siskiyou Delegation.

On motion of Mr. Conness, the Clerk was directed to ask the Senate to return Senate Bill, No. 310—which was returned, and the vote by which the House, on Saturday last passed the bill, reconsidered, and the bill referred to the El Dorado Delegation.

Assembly Bill, No. 355, An Act to appropriate Money to pay Barney Clark, Assignee of J. M. Anderson—was considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 248, An Act to amend an Act entitled An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said counties for the years eighteen hundred and fifty nine, and eighteen hundred and sixty, to be applied to the construction and improvement of a Wagon Road from Cloverdale to Yreka—approved April eighteenth, eighteen hundred and fifty-nine.

Mr. Crocker moved to indefinitely postpone.

Mr. Conness moved the previous question.

Carried.

On the indefinite postponement, Messrs. Sorrell, Ross, and Buell, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 22—noes, 21:

AYES—Messrs. Amyx, Avery, Blair, Briggs, Dougherty, Gillette, Gordon, Gregory, Holman, Horrell, Johnson, Kungle, Magruder, Miller, Morgan, O'Brien, Piercy, Showalter, Smith of Placer, Stearns, White, and Wright—22.

NOES—Messrs. Banks, Buell, Clarke, Coleman, Conness, Curtis, Fargo,

Green, Hagans, Harriman, Henderson, Laspeyre, Montgomery, Porter, Powell, Ross, Sorrel, Tittel, Walden, Walter, and Wood of Plumas—21.

Assembly Bill, No. 371, An Act amendatory of an Act entitled An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty eight, and of the Act amendatory thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Mr. Adams moved to indefinitely postpone the bill.

Upon which Messrs. Wood of Plumas, Laspeyre, and Bradley, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 24—noes, 23:

AYES—Messrs. Adams, Avery, Blair, Briggs, Clarke, Conness, Covarrubias, Crocker, Dougherty, Fargo, Foster, Green, Harris, Henderson, Holman, Kurtz, Miller, Morgan, O'Brien, Patrick, Powell, Ross, Smith of Tulare, and Walter—24

NOES—Messrs. Banks, Bradley, Buell, Campbell, Coleman, Gordon, Hagans, Hanson, Haun, Horrell, Kungie, Laspeyre, Magruder, Montgomery, Morrison, Porter, Showalter, Stearns, Tittel, Walden, Wood of Plumas, and Mr. Speaker—22.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER. }
April 15, 1861. }

MR. SPEAKER:—The Senate, this day, passed Assembly Bill, No. 74, Relative to the disposition of the Five Hundred Thousand Acres of Land for School purposes, with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 74, above reported.

The House concurred in Senate amendments to Assembly Bill, No. 225, An Act concerning Roads and Highways in the County of Butte.

Assembly Bill, No. 348, An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal Acts concerning the same, passed May third, eighteen hundred and fifty-five—was considered and made the special order for April sixteenth, at three o'clock, P. M.

Mr. Holman made the following report:

MR. SPEAKER:—The Solano Delegation to whom was referred Assembly Bill, No. 401, An Act to authorize certain Parties in Solano County to build a Wharf—beg leave to report the same back as amended, and recommend the passage of the same.

HOLMAN.

Assembly Bill, No. 284, An Act to authorize J. C. Cisna to build a Wharf in the Bay of San Luis Obispo, and providing for the same—recommitted to San Luis Obispo Delegation.

At four o'clock, P. M. on motion of Mr. Showalter the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
 Tuesday, April 16th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called.

Quorum present

Journal of yesterday read and approved.

Mr. Clarke had indefinite leave of absence.

REPORTS.

Reports were made as follows :

By Mr. Coleman :

MR. SPEAKER :—Your Committee on Engrossment have examined and found correctly engrossed Assembly Bill, No. 351, An Act to amend 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 third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 396, An Act granting to William Fitzpatrick and his Associates the right to construct a Railroad in Contra Costa County ;

Also, Assembly Bill, No. 331, An Act to amend An Act regulating Marriages, passed April twenty-second, eighteen hundred and fifty ;

Also, Assembly Bill, No. 315, An Act authorizing the Administrators of the Estate of Gilbert A. Grant, deceased, to sell and convey Real Estate at Private Sale ;

Also, Assembly Bill, No. 108, An Act to amend an Act entitled An Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one ;

Also, Assembly Bill, No. 247, 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, approved April nineteenth, eighteen hundred and fifty-six ;

Also, Assembly Bill, No. 226, An Act supplementary to an Act passed April twenty-fourth, eighteen hundred and fifty eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-nine, 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 ;

Also, Assembly Bill, No. 322, An Act supplementary to An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional Tax for County Purposes, approved April thirteenth, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No. 394, An Act to authorize the construction of a Wagon Road in the Cajon Pass, in the County of San Bernardino ;

Also, Assembly Bill, No. 297, An Act to Fund the Indebtedness of Calaveras County, contracted prior to the first day of November, eighteen hundred and fifty-eight, and to provide means for the payment of the same ;

Also, Assembly Bill. No. 337, An Act to amend An Act concerning Jurors, passed May third, eighteen hundred and fifty-two.

COLEMAN.

By Mr. Adams:

MR. SPEAKER:—The Committee on Swamp and Overflowed Lands to whom was referred Assembly Bill, No. 413, An Act amendatory of An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty first, eighteen hundred and fifty-eight—have the same under consideration, and report the same back and recommend its passage.

ADAMS,

Chairman.

By Mr. Magruder:

MR. SPEAKER:—The Yuba Delegation to whom was referred Assembly Bill, No. 452, An Act to amend An Act concerning the Government of the City of Marysville, approved March tenth, eighteen hundred and sixty—have had the same under consideration, report it back and recommend its passage.

MAGRUDER,

For Yuba Delegation

The rules were suspended, the bill above reported considered engrossed, read third time and passed

Mr. Gregory verbally reported and recommended the passage of Assembly Bill, No. 449, An Act fixing the Salary of the County Judge of Mariposa County.

By Mr. Durst:

MR. SPEAKER:—Your Special Committee to whom was referred Senate Bill, No. 309—having had the same under consideration, beg leave to report it back with a substitute, and recommend the passage of the substitute.

DURST.

By Mr. Horrell:

MR. SPEAKER:—The Amador Delegation to whom was referred Assembly Bill, No. 448, An Act in relation to Sutter Creek, in the Town of Lone City and vicinity, and to define the Boundaries and Width thereof—report the bill back, and respectfully recommend its passage.

HORRELL,

For the Delegation.

The rules were suspended, and the bill above reported considered engrossed, read third time and passed.

By Mr. Harriman:

MR. SPEAKER:—The Placer Delegation to whom was referred Senate Substitute for Assembly Bill, No. 320—have had the same under consideration, and report it back and recommend its passage

HARRIMAN,

For the Delegation.

The rules were suspended, and the bill above reported read third time and passed.

By Mr. Piercy:

MR. SPEAKER:—The Committee on Enrollment have examined and

found correctly enrolled Assembly Bill, No. 388, An Act authorizing the Construction of a Wagon Road over the Coast Range of Mountains, in San Luis Obispo County;

Also, Assembly Bill, No. 122, An Act to grant the right to construct and maintain a Ferry across the Salinas River at the City of St. Paul, in the County of Monterey;

Also, Assembly 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 thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 106, An Act concerning the County Judge of Klamath County;

Also, Assembly Bill, No. 177, An Act to authorize Pacificus Ord to sell certain Real Estate of his Infant Children;

Also, Assembly Bill, No. 374, An Act to provide for the collection of Delinquent Taxes in the County of Amador;

Also, Assembly Bill, No. 149, An Act to define the Duties and Liabilities of Pawnbrokers and Pledges;

Also, Assembly Bill, No. 264, An Act to amend An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April twenty-fourth, eighteen hundred and fifty-eight.

PIERCY,

Of the Committee.

Mr. Porter verbally reported and recommended the passage of Assembly Bill, No. 446, An Act concerning Records of Fees of certain Officers in the County of Contra Costa.

Rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Fargo offered a Concurrent Resolution, authorizing Capt. Walter M. Gibson to explore the slightly known islands, New Guinea, etc.

Laid on the table.

Mr. Campbell made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred certain bills, ask leave to report Senate Bill, No. 169, An Act to amend an Act entitled An Act to regulate Fees in Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven—with the recommendation that it do pass;

Also, Senate Bill, No. 90, An Act to amend an Act entitled An Act to regulate the settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto—with amendment, and recommend its passage as amended;

Also, Assembly Bill, No. 383, An Act to amend An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and sixty—with amendments, and recommend its passage as amended.

All of which is respectfully submitted.

CAMPBELL,

Chairman.

The rules were suspended, amendments to Senate Bill, No. 90, above reported adopted, bill read a third time, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
 Tuesday, April 16th, 1861. }

Mr SPEAKER :—The Senate, on yesterday, passed Senate Bill, No 318, An Act to amend An Act to create the office of State Printer ;

Also, Senate Bill, No 216, An Act to authorize certain parties to build a Road from the ex-Mission of San Fernando de Santa Clara, in Los Angeles County ;

Also, Senate Bill, No. 235, An Act to appropriate Money to pay the Claim of Wells, Fargo & Co. ;

Also, Senate Bill, No. 300, An Act to change the name of Gustave Madison ;

Also, Senate Bill, No. 227, An Act concerning Telegraphic Messages ;

Also, Senate Bill, No. 320, An Act for the relief of Truman Wilcox ;

Also, Senate Bill, No. 312, An Act to organize the Board of Supervisors in Tehama County ;

Also, Senate Bill, No. 131, An Act relating to District Court Reporters ;

Also, Senate Bill, No. 196, An Act to amend An Act relative to the Outstanding War Bonds ;

Also, Assembly Bill, No. 370, An Act relative to the Revenue Law—with amendments.

D. J. WILLIAMSON,
 Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No 131, above reported—was read first and second times, and referred to the Judiciary Committee.

Senate Bill, No 227, above reported—was read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 196, above reported—was read first and second times, and referred to the Committee on Military Affairs

Senate Bill, No. 216, above reported—was read first and second times, and referred to the Los Angeles Delegation,

Senate Bill, No. 320, above reported—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 235, above reported—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 300, above reported—was read first and second times, and referred to the Committee on Names.

Senate Bill, No. 312, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 318, above reported—was read first and second times, and referred to Committee on Printing.

The House concurred in Senate amendment to Assembly Bill, No. 370, above reported.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Conness, for An Act to authorize R. M. Williams to remove certain Human Remains.

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

By Mr. Childs, for An Act to amend An Act concerning the Officers of Calaveras County, and the collection of Poll Taxes, License Taxes, and Foreign Miners' Taxes in said County, passed February twenty-sixth, eighteen hundred and fifty-nine.

Read first and second times, and referred to the Calaveras Delegation.

By Mr. Adams, for An Act amendatory of, and to extend the provisions of, an Act entitled An Act to amend An Act to exempt the Homestead and other Property from forced sale in certain cases passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Briggs, for An Act concerning Fees in certain Counties.

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

By Mr. Porter, for An Act to require and enable the County of Alameda to refund a portion of the Interest recovered of Contra Costa County on the Debt of T. G. Gilman, contracted prior to March twenty-third, eighteen hundred and fifty-three.

Read first and second times, and referred to the delegations from Alameda and Contra Costa.

Mr. Sorrel verbally reported and recommended the passage of Assembly Bill, No. 445, An Act to confer further powers upon the Board of Supervisors of Siskiyou County.

Rules suspended, considered engrossed, read a third time, title amended, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
April 16th, 1861. }

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No. 330, An Act in relation to Personal Mortgages

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 330, above reported—was read first and second times, rules suspended, read a third time, and passed.

GENERAL FILE.

Assembly Bill, No. 401, An Act to authorize David D. Reeve, John B. Lemon, and James M. Lemon, to build a Wharf at Suisun City, in Solano County ;

Also, Assembly Bill, No. 423, An Act supplementary to 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, passed April twenty-first, eighteen hundred and fifty-six ;

Also, Assembly Bill, No. 342, An Act to authorize the Administratrix of Julius Lyons, deceased, to sell the Property belonging to said Estate either at public, or private, sale—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 33, An Act to authorize William Piper to construct a Wharf at the foot of Third Street, in the City and County of San Francisco ;

Also, Senate Bill, No. 175, An Act to authorize the Guardian of the Minor Heirs of E. A. Farwell, deceased, to sell their Real Estate at public, or private, sale—were indefinitely postponed.

Senate Bill, No. 147, An Act to amend An Act to create a Sinking Fund to pay the Outstanding Indebtedness of Contra Costa County, approved April third, eighteen hundred and fifty-eight ;

Also, Senate Bill, No. 156, An Act to grant certain Wharf Privileges to Paul Shirley and T. B. Storer and their Assigns;

Also, Senate Bill, No. 189, An Act authorizing the Board of Trustees of the Oroville Cemetery to give to purchasers of Lots therein, proper Certificates of Purchase, and to manage said Cemetery—was read a third time, and passed.

Senate Bill, No. 73, An Act to provide for the sale of the Marsh and Tide Lands of this State—amendments adopted, read a third time, and passed.

The House adopted Assembly Concurrent Resolution, No. 42, Relative to the donation of certain Lands for the use of Indians in Los Angeles County.

Assembly Bill, No. 254, An Act amendatory of An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States—amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 104, An Act to amend section forty-seven of An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three;

Also, Assembly Bill, No. 105, An Act to extend the provisions of An Act to extend the terms of Office of the Board of Supervisors of certain Counties of this State, and to fix the compensation of the Board of Supervisors of Mendocino County—were ordered engrossed.

Assembly Bill, No. 319, An Act to authorize the Board of Supervisors of Santa Clara County to pay certain School Warrants out of the General Fund—rules suspended, considered engrossed, read a third time, and passed.

The House refused to order to engrossment, Assembly Bill, No. 288, An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the Grades of certain Streets in said City and County;

Also, Assembly Bill, No. 341, An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the Grade of Harrison Street, in said City and County;

Also, Assembly Bill, No. 109, An Act to provide for the issuing of Licenses to Hotel and Tavern Brokers in the City of San Francisco;

Also, Assembly Bill, No. 53, An Act to repeal An Act to prohibit the collection of accounts for Liquors sold at retail—the rules were suspended, bill considered engrossed, and read a third time.

On the passage of the bill, Messrs. Tilton, Gordon, and Ross, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 40—noes, 21:

AYES—Messrs. Amyx, Blair, Buell, Campbell, Childs, Conness, Councilman, Dougherty, Eastman, Foster, Gordon, Green, Gregory, Hanson, Harris, Harrison, Henderson, Horrell, Hunter, Johnson, Kurtz, Lalor, Lippincott, Magruder, Miller, Montgomery, Munday, O'Brien, Patrick, Piercy, Powell, Smith of Placer, Sorrel, Stearns, Tittel, White, Willey, Wood of Plumas, Wood of Yolo, and Wright—40.

NOES—Messrs. Adams, Avery, Banks, Bradley, Briggs, Cherry, Crocker, Fargo, Flanders, Harriman, Haun, Hill, Holman, Kungle, Morgan, Porter, Ross, Showalter, Smith of Tulare, Tilton, and Mr. Speaker—21.

Mr. Walter had indefinite leave of absence.

Assembly Bill, No. 274, An Act to amend an Act entitled An Act to

grant the right to construct and maintain a Dam and Lock across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine—the special order of the day, was taken up

On concurring in the Senate amendment, Messrs. Conness, Hunter, and Smith of Tulare, demanded the ayes and noes, and the House concurred by the following vote: Ayes, 35—noes, 18:

AYES—Messrs. Adams, Avery, Banks, Briggs, Campbell, Cherry, Childs, Conness, Covarrubias, Dougherty, Durst, Fargo, Ford, Foster, Green, Hagans, Hanson, Harriman, Henderson, Hill, Hunter, Kurtz, Lippincott, Morgan, O'Brien, Porter, Powell, Scott, Stearns, Tilton, Tittel, Walden, White, Willey, and Mr. Speaker—35.

NOES—Messrs. Amyx, Bradley, Gillette, Gordon, Gregory, Harrison, Holman, Horrell, Lalor, Laspeyre, Magruder, Montgomery, Munday, Patrick, Showalter, Smith of Tulare, Sorrel, and Wood of Plumas—18

Mr. Scott gave notice of reconsideration, which the Speaker *pro tem.* ruled as in order.

Mr. Conness appealed from the decision of the Chair

On the question, Shall the decision of the Chair stand as the judgment of the House, Messrs. White, Laspeyre, and Smith of Tulare, demanded the ayes and noes, and the Chair was sustained by the following vote: Ayes, 27—noes, 24:

AYES—Messrs. Amyx, Bradley, Buell, Gillette, Gordon, Gregory, Harris, Harrison, Haun, Hill, Holman, Horrell, Johnson, Kungle, Lalor, Laspeyre, Magruder, Montgomery, Munday, Patrick, Ross, Scott, Smith of Tulare, Smith of Placer, Sorrel, Wood of Plumas, and Wood of Yolo—27.

NOES—Messrs. Adams, Avery, Banks, Briggs, Campbell, Childs, Conness, Crocker, Durst, Fargo, Ford, Foster, Green, Harriman, Henderson, Hunter, Lippincott, Morgan, O'Brien, Powell, Stearns, Tilton, White, and Willey—24.

Mr. Amyx made the following report:

MR. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 239, An Act to provide for the appointment of Commissioners in Equity;

Also, Assembly, Bill, No. 293, An Act to provide for the construction of a Gravel Road in the County of San Joaquin;

Also, Assembly Bill, No. 261, An Act to amend an Act entitled An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four;

Also, Assembly Bill, No. 229, An Act for the Relief of James McCauley, County Assessor of Yolo County;

Also, Assembly Bill, No. 356, An Act amendatory of An Act to make certain Offices in Tuolumne County salaried Offices, approved February twenty second, eighteen hundred and sixty-one;

Also, Substitute for Assembly Bill, No. 179, An Act fixing the Salary of the County Judge of San Bernardino County.

F. AMYX,

Enrolling Committee.

Assembly Bill, No. 116, An Act in relation to the Militia of the State, special order of the day—was taken up, and read a third time.

On its passage, the ayes and noes being demanded, the bill was passed by the following vote: Ayes, 31—noes, 13:

AYES—Messrs. Avery, Banks, Bradley, Buell, Campbell, Conness, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Green, Harris, Henderson, Horrell, Hunter, Lator, Miller, Morgan, O'Brien, Porter, Powell, Ross, Smith of Tulare, Stearns, Tilton, Tittel, Walden, Wright, and Mr. Speaker—31.

NOES—Messrs. Amyx, Childs, Covarrubias, Crocker, Gillette, Haun, Kingle, Montgomery, Munday, Patrick, Showalter, Willey, and Wood of Plumas—13.

Mr. Horrell gave notice of a reconsideration.

Mr. Conness introduced a bill for An Act to amend Section One of an Act entitled An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the Acts amendatory thereto.

Read first and second times, and made special order for April eighteenth, at half past eleven o'clock, A. M.

SPECIAL ORDER.

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—was considered in Committee of the Whole, and continued until to-morrow, at one, P. M.

The communication from the Governor in relation to the amendments, to the Constitution—was continued until to-morrow, at one, P. M.

Assembly Bill, No. 348, An Act in relation to Common Schools, also special order of the day—was taken up and considered.

At twenty minutes past four o'clock, P. M. on motion of Mr. Powell the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 17th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Scott presented a petition to postpone action for fourteen days on Assembly Bill, No. —.

Mr. Conness moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill, No. 116, An Act in relation to the Militia of the State.

Mr. Coleman moved to indefinitely postpone the motion to reconsider. Carried.

REPORTS.

Reports were made as follows:

By Mr. Flanders:

Mr. SPEAKER:—I am instructed by the San Francisco Delegation to report back Senate Bill, No. 154, An Act in relation to the Water Front adjacent to Block, No. 9, in the City and County of San Francisco—with an amendment, and recommend the passage of the bill as amended.

FLANDERS,

For the Delegation.

The rules were suspended, amendments to bill above reported adopted, read a third time, and passed.

By Mr. Cherry:

MR. SPEAKER:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 430, An Act supplemental to An Act to establish a Standard of Weights and Measures, passed April fourth, eighteen hundred and sixty-one—having had the same under consideration, a majority of the delegation report the same back, and recommend its passage as amended.

CHERRY,

For the Delegation.

The rules were suspended, amendment to bill above reported adopted, considered engrossed, read a third time, and passed.

By Mr. Adams:

MR. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 455, An Act concerning Homesteads—having had the same under consideration, report the bill back, and recommend its passage.

ADAMS.

POWELL.

The rules were suspended, bill above reported considered engrossed, read a third time, and passed.

By Mr. Campbell:

MR. SPEAKER:—The Judiciary Committee, to whom was referred certain bills, ask leave to return Assembly Bill, No. 102, An Act to authorize the Guardian of John H. M. Townsend, a Minor, to sell the Real Estate of said Minor—and recommend its passage;

Also, Assembly Bill, No. 422, An Act to amend an Act entitled An Act for the relief of Insolvent Debtors and protection of Creditors—and recommend that it be indefinitely postponed;

Also, Assembly Bill, No. 451, An Act to authorize Franklin Birdsall, Executor of the last Will and Testament of George W. Birdsall, deceased, to sell the Real Estate of said deceased at private sale—and recommend its passage;

Also, Senate Bill, No. 167, An Act for the relief of William L. Patterson—and recommend its passage;

Also, Senate Bill, No. 78, An Act to amend an Act entitled An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers—and recommend its passage;

Also, Senate Bill, No. 79, An Act to amend an Act entitled An Act to regulate Elections—and recommend its passage;

Also, Senate Bill, No. 93, An Act to amend an Act entitled An Act for defining the Rights of Husband and Wife—and recommend its passage;

Also, Assembly Bill, No. 389, An Act respecting the Rights and Duties of Landlords and Tenants—with amendment, and recommend its passage as amended;

Also, Senate Bill, No. 215, An Act in relation to Bills of Exchange and other Negotiable Instruments—and recommend its passage;

Also, Senate Bill, No. 205, An Act amendatory of, and supplementary to, An Act concerning Crimes and Punishments—and recommend its passage, with amendment;

Also, Assembly Bill, No. 398, An Act concerning the Estates of Deceased Persons—and recommend that it be indefinitely postponed;

Also, Senate Bill, No. 251, An Act to authorize Maria O'Connor, Administratrix of the Estate of Michael T. O'Connor, deceased, to sell and convey Real Estate—and recommend its passage;

Also, Assembly Bill, No. 434, An Act to amend An Act for the government and protection of Indians—and recommend its passage;

Also, Assembly Bill, No. 275, 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 twenty-ninth, eighteen hundred and fifty-one—with a substitute, and recommend the passage of the substitute.

CAMPBELL,
Chairman.

By Mr. Dougherty :

MR. SPEAKER :—Your Committee of Ways and Means, to whom was referred Senate Bill, No. 325, An Act making an Appropriation for Deficiencies for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one—beg leave to report the same back, and recommend its passage;

Also, Senate Bill, No. 258, An Act fixing the Salaries of State Officers and Clerks—with amendments, and recommend its passage as amended;

Also, affidavit of William B. Hood, who was a Clerk in the office of the Secretary of State in the years eighteen hundred and fifty-six and eighteen hundred and fifty-seven, certifying to an entry made in the Day Book of that office for eighteen hundred and fifty-six, on page one hundred and sixty-two, to wit: "Sealed seven bonds of five hundred dollars each, numbered from one hundred and fifty-three to one hundred and fifty-nine, inclusive."

Your committee ask that the affidavit be placed with Senate Bill, No. 67, as an evidence of the genuineness of the bonds, for which said bill requires the Treasurer of State to issue others therefor.

JOHN DOUGHERTY,
Chairman.

Senate Bill, No. 258, above reported—was made special order for April twentieth, at twelve o'clock, M.

By Mr. Munday :

MR. SPEAKER :—Your Committee on Counties, to whom was referred Senate Bill, No. 126, An Act to define the Boundaries of Sacramento County, and to amend an Act entitled An Act dividing the State into Counties and establishing the Seats of Justice therein, passed April twenty fifth, eighteen hundred and fifty-one—having had the same under consideration, report the same back, and recommend its passage.

Your committee would further state that they have had sufficient testimony before them to warrant them in their conclusions in recommending the passage of this bill, to wit: That the disputed territory named in this bill, and which will be defined by its passage, has been acknowledged to be a part and parcel of Sacramento County, and lands subject to entry on said territory, were surveyed by the Surveyor of said county, and such entries duly recorded in said Surveyor's office and it is further proved, that the citizens of said territory have been voting in said county, and have always considered themselves citizens thereof; and it is further proved, that the inhabitants thereon desire earnestly the passage of the same.

All of which is respectfully submitted.

MUNDAY,
Chairman.

The bill above reported was made special order for April nineteenth, at eleven o'clock, A. M.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 16th, 1861.

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No 220, An Act concerning the Compensation of the Deputy District Attorney in the City and County of Sacramento ;

Also, Assembly Bill, No. 100, An Act authorizing and empowering Juana M. Estudillo to sell and convey the Interest in certain Real Estate of her Infant Child ;

Also, Assembly Bill, No. 359, An Act to authorize John Atkinson of Placer County to remove the Remains of Deceased Persons ;

Also, Assembly Bill, No. 291, An Act making the County Clerk of San Bernardino County *ex officio* County Superintendent of Public Instruction ;

Also, Assembly Bill, No. 380, An Act authorizing the holding of Special Terms of the District Court in the Counties of Amador and Calaveras ;

Also, Assembly Bill, No. 146, An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide for paying the Expenses of a Survey of the Harbor of San Francisco ;

Also, Assembly Bill, No. 155, An Act to appropriate Money to pay for Services rendered under the Act creating the State Land Office, approved April tenth, eighteen hundred and fifty-eight, in the Segregation of certain Swamp Lands of this State ;

Also, Assembly Bill, No. 244, An Act to amend An Act to Fund the Debt of the County of Sonoma, and to provide for the payment of the same, approved April twentieth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 329, An Act to amend Section Thirty-Six of an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City and County of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento ;

Also, Assembly Bill, No. 148, An Act to amend An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said Counties for the year eighteen hundred and fifty-nine, and for the year eighteen hundred and sixty, to be applied to the Construction and Improvement of a Wagon Road from Cloverdale to Yreka, approved April eighteenth, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No. 267, An Act concerning Roads and Highways in the County of Klamath ;

Also, Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax, and to provide for building a Bridge in said County ;

Also, Assembly Bill, No. 68, An Act to amend an Act entitled An Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May third, eighteen hundred and fifty-two ;

Also, Assembly Bill, No. 411, An Act to define and establish the Boundary Line of the City of Sonora ;

Also, Assembly Bill, No. 178, An Act to authorize the County Auditors

of the Counties of San Luis Obispo and Tulare to issue certain Bonds, and to provide for the construction of a Road herein named ;

Also, Assembly Bill, No. 180, An Act to extend the term of Office, define the duties and powers in certain cases, and establish the Salaries of the Board of Supervisors of San Bernardino County ;

Also, Assembly Bill, No. 388, An Act authorizing the construction of a Wagon Road over the Coast Range of Mountains, in San Luis Obispo County.

JOHN G. DOWNEY,
Governor.

Mr. Fargo offered resolutions to pay Notary Public for Fees in Senatorial Election Investigation ;

Also, Resolution to pay the Clerk of the Committee on Apportionment. Referred to the Committee on Claims.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER, }
April 16th, 1861. }

Mr. SPEAKER :—The Senate this day passed Assembly Bill, No. 304, An Act to authorize the construction of a Wagon Road in the Cajon Pass, in the County of San Bernardino.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER, }
April 17th, 1861. }

Mr. SPEAKER :—The Senate, on yesterday, passed Assembly Bill, No. 245, An act to amend an Act entitled An Act to provide for the Incorporation of Water Companies, approved April twenty-second, eighteen hundred and fifty-seven ;

Also, Assembly Bill, No. 441, An Act giving the consent of the Legislature to the distribution of the surplus Stock of Corporations ;

Also, Assembly Bill, No. 20, Relative to Sacramento County—with amendments ;

Also, Assembly Bill, No. 111, Relative to Roads and Highways ;

Also, a Concurrent Resolution Relative to leave of absence for S. H. Brooks.

D. J. WILLIAMSON,
Assistant Secretary.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Powell, for An Act to condemn certain Streets and Alleys for the use of the California State Agricultural Society.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Johnson, for An Act supplementary to an Act entitled An Act to provide 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 twenty-ninth, eighteen hundred and fifty-seven.

Read first and second times, and referred to the Committee on Ways and Means.

GENERAL FILE.

Assembly Bill, No. 279, An Act to change the name of Henry Nathan to Henry Chester;

Also, Assembly Bill, No. 249, An Act to change the name of Henrich Wilhelm Christian Steghagen, to Henry Hagen—rules suspended, considered Engrossed, read a third time, and passed.

Assembly Bill, No. 13, An Act making Certificates of Purchase, or of location, evidence of Title—was indefinitely postponed.

Senate Bill, No. 67, An Act to authorize the Secretary of State to issue Bonds;

Also, Assembly Bill, No. 315, An Act authorizing the Administrators of Gilbert A. Grant, deceased, to sell and convey Real Estate—was read a third time, and passed.

Assembly Bill, No. 250, An Act supplementary to an Act approved April twenty-seventh, eighteen hundred and sixty, entitled An Act supplementary to an Act entitled 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, approved April twenty-third, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 334, An Act to provide for the payment of the Claim of W. W. Upton, for certain services therein mentioned—were ordered engrossed.

Senate Bill, No. 21, An Act to audit and allow the Claim of Peyton, Duer, Lake, and Rose, or their Assigns—amendments adopted, read a third time, and passed.

Assembly Bill, No. 331, An Act to amend An Act regulating Marriages, passed April twenty-second, eighteen hundred and fifty.

Mr. Campbell moved to indefinitely postpone the bill.

Upon which, Messrs. Ross, Gordon, and Fargo, demanded the ayes and noes, and the bill was indefinitely postponed, as follows: Ayes, 40—noes, 18:

AYES—Messrs. Banks, Blair, Campbell, Chandler, Cherry, Coleman, Conness, Crocker, Dougherty, Eastman, Fargo, Flanders, Ford, Gregory, Haun, Henderson, Hunter, Kungle, Lippincott, Magruder, Montgomery, Morgan, Munday, O'Brien, Piercy, Porter, Powell, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Stearns, Tilton, Walden, White, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—40.

NOES—Messrs. Adams, Avery, Baechtel, Bradley, Briggs, Buell, Coltrin, Councilman, Gordon, Green, Hagans, Harris, Hill, Holman, Horrell, Kurtz, Ross, and Scott—18.

Mr. Conness moved to reconsider the vote by which the House, on yesterday, concurred in Senate amendments to Assembly Bill, No. 274, An Act to amend an Act entitled An Act to grant the right to construct and maintain a Dam and Lock across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine.

On reconsidering the vote, Messrs. Conness, Smith of Tulare, and Showalter, demanded the ayes and noes, and the vote was reconsidered as follows: Ayes, 36—noes, 25:

AYES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Bradley, Buell, Campbell, Coleman, Ford, Gillette, Gordon, Gregory, Hagans, Harrison, Holman, Horrell, Johnson, Kungle, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morgan, Munday, Porter, Ross, Scott, Showalter, Smith of

Tulare, Smith of Placer, Sorrel, Stearns, Tittel, and Wood of Plumas—36.

NOES—Messrs. Adams, Cherry, Coltrin, Conness, Councilman, Covarrubias, Dougherty, Durst, Eastman, Fargo, Flanders, Foster, Green, Henderson, Hill, Hunter, Kurtz, Lippincott, O'Brien, Piercy, Powell, White, Willey, Wright, and Mr. Speaker—25.

Mr. Campbell moved to make the bill the special order for April twenty-fourth, eighteen hundred and sixty-one, at twelve, M.

Upon which, Messrs. Conness, Hunter, and Scott, demanded the yeas and noes, and the House so ordered by the following vote: Ayes, 34—noes, 26:

AYES—Messrs. Amyx, Avery, Baechtel, Banks, Bradley, Buell, Campbell, Coleman, Councilman, Fargo, Ford, Gillette, Gregory, Hagans, Harrison, Holman, Horrell, Johnson, Kungle, Lalor, Laspeyre, Magruder, Miller, Montgomery, Morgan, Munday, Ross, Scott, Showalter, Smith of Placer, Sorrel, Stearns, Wood of Plumas, and Wood of Yolo—34.

NOES—Messrs. Adams, Cherry, Coltrin, Conness, Covarrubias, Dougherty, Durst, Eastman, Flanders, Foster, Green, Harriman, Henderson, Hill, Hunter, Kurtz, Lippincott, O'Brien, Piercy, Powell, Tittel, Walden, White, Willey, Wright, and Mr. Speaker—26.

SPECIAL ORDER.

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State, special order of the day—was considered, and made special order for April eighteenth, at twelve, M.

The communication from the Governor in relation to the amendment to the Constitution, also special order of the day—was continued until April eighteenth, at eleven o'clock, A. M.

Assembly Bill, No. 348, An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, passed May third, eighteen hundred and fifty-five, also special order of the day—was considered.

Mr. Montgomery presented a remonstrance of Citizens of Sutter County.

Mr. Lalor made the following report:

MR. SPEAKER :—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 254, An Act amendatory of An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States.

LALOR,
Chairman.

At four o'clock, P. M. on motion of Mr. Wood of Plumas, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, April 18th, 1861. }

House met pursuant to adjournment.
Speaker *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Childs had indefinite leave of absence, and Mr. Spence for three days.

The Chairman of the Enrolling Committee had leave to correct a clerical error in section ten of Assembly Bill, No. 92.

Mr. Flanders presented a petition Of citizens of San Francisco in relation to Street Grades.

Referred to San Francisco Delegation.

REPORTS.

Reports were made as follows :

By Mr. Walden :

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate Bill, No. 320, An Act for the relief of Truman Wilcox—beg leave to report the same back, and recommend its reference to the El Dorado Delegation ;

Also, Senate Bill, No. 284, An Act to audit and allow the Claim of Wm. S. Botts—and recommend the passage of the bill ;

Also, Senate Bill, No. 201, An Act for the payment of the Claim of Gen. A. M. Winn—and recommend that it be referred to the Judiciary Committee. We believe the services for which the claim is made have been performed faithfully and satisfactorily ; that the claim has merit, but there are legal questions involved belonging more appropriately to the Judiciary Committee.

WALDEN,
Chairman.

By Mr. Magruder :

Mr. SPEAKER:—Your Committee of Ways and Means, to whom was referred Senate Bill, No. 113, An Act to amend An Act relative to the appointment of a State Gager—beg leave to report the same back, with an amendment, and recommend its passage as amended.

JOHN DOUGHERTY,
Chairman.

By Mr. Campbell :

Mr. SPEAKER:—The Judiciary Committee, to whom was referred certain bills, ask leave to return Assembly Bill, No. 301, An Act exempting Lots in Cemeteries, and Pews in Churches, from levy and forced sale—with an amendment, and recommend its passage as amended ;

Also, Assembly Bill, No. 174, An Act to amend an Act entitled An Act to regulate Proceedings in the Courts of Justice of this State—with a substitute, and recommend the passage of the substitute ;

Also, Assembly Bill, No. 387, An Act to provide for the recovery of the possession of Land by summary process—and recommend its passage ;

Also, Assembly Bill, No. 412, An Act to amend An Act concerning Crimes and Punishments—with a recommendation that it be indefinitely postponed.

CAMPBELL,
Chairman.

By Mr. Wood of Plumas :

Mr. SPEAKER:—Your Committee on Military Affairs, to whom was referred Assembly Bill, No. 136, An Act for the relief of John Bell, for

services rendered in the Humboldt and Klamath Indian War—have had the same under consideration, and beg leave to report the same back, with a recommendation that the bill pass.

AMOS WOOD,
Chairman.

The rules were suspended, the bill above reported considered engrossed, and read a third time.

On its passage, Messrs White, Gregory, and Wood of Yolo, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 33—noes, 30 :

AYES—Messrs. Adams, Amyx, Baechtel, Bradley, Buell, Coleman, Covarrubias, Curtis, Durst, Eastman, Foster, Hagans, Hanson, Harris, Horrell, Johnson, Lalor, Magruder, Montgomery, Morrison, Patrick, Piercy, Powell, Ross, Showalter, Sorrel, Stearns, Tittel, Walden, White, Wood of Plumas, Wright, and Mr. Speaker—33.

NOES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Coltrin, Conness, Crocker, Fargo, Flanders, Ford, Gillette, Gordon, Green, Gregory, Harri-man, Harrison, Henderson, Hill, Holman, Hunter, Kungle, Miller, Morgan, Munday, O'Brien, Smith of Tulare, Tilton, Willey, and Wood of Yolo—30.

By Mr. Coleman :

MR. SPEAKER:—Your Committee on Engrossment, have examined, and found correctly engrossed, Assembly Bill, No. 347, An Act to enable and require the Board of Supervisors of the County of Contra Costa to complete the levy of Taxes, for Road purposes in said County for the year eighteen hundred and sixty-one ;

Also, Assembly Bill, No. 246, An Act to amend an Act supplementary to An Act concerning the Courts of Justice of this State and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three ;

Also, Assembly Bill, No. 360, An Act to restore Eliza Martin, late Eliza Hall, to her former authority as Executrix of the last Will and Testament of Edward H. Hall, deceased, with power to sell and convey certain Real and Personal Property at public, or private, sale ;

Also, Assembly Bill, No. 393, An Act appropriating Money for the maintenance and support of District Agricultural and Mechanical Societies ;

Also, Assembly Bill, No. 394, An Act concerning Hogs running at large in the Counties of Contra Costa and Monterey, between the first day of June and the first day of October in each year ;

Also, Assembly Bill, No. 406, An Act to define the Boundary Line between the Counties of Sonoma and Marin.

COLEMAN.

SPECIAL ORDER.

Amendment to the Constitution of the United States—the special order of the day, was taken up.

Mr. Laspeyre moved to postpone its consideration until to-morrow, at one o'clock, P. M.

Upon which, Messrs Haun, Kungle, and Montgomery, demanded the ayes and noes, and the House refused by the following vote: Ayes, 29—noes, 35 :

AYES—Messrs. Avery, Blair, Briggs, Chandler, Covarrubias, Eastman, Fargo, Flanders, Ford, Gillette, Hanson, Harrison, Haun, Kungle, Lalor,

Laspeyre, Magruder, Montgomery, Morrison, O'Brien, Piercy, Powell, Ross, Scott, Tilton, White, Willey, Wood of Plumas, and Wright—29.

NOES—Messrs Adams, Amyx, Baechtel, Banks, Bradley, Buell, Campbell, Coleman, Coltrin, Conness, Crocker, Curtis, Dougherty, Durst, Foster, Green, Gregory, Hagans, Harriman, Harris, Henderson, Hill, Holman, Horrell, Hunter, Morgan, Patrick, Showalter, Smith of Placer, Sorrel, Stearns, Tittel, Walden, Wood of Yolo, and Mr. Speaker—35.

On its ratification, Messrs. Conness, Gregory, and Ross, demanded the ayes and noes, and the amendment was ratified by the following vote: Ayes, 61—noes, 9:

AYES—Messrs. Adams, Avery, Baechtel, Banks, Blair, Briggs, Buell, Campbell, Chandler, Cherry, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Green, Gregory, Hagans, Hanson, Harriman, Harris, Harrison, Henderson, Hill, Hunter, Johnson, Lippincott, Magruder, Miller, Montgomery, Morgan, Munday, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Scott, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Stearns, Tilton, White, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—61.

NOES—Messrs. Amyx, Bradley, Gillette, Holman, Horrell, Kungle, Lalor, and Laspeyre—9.

REPORTS.

Reports were made as follows:

By Mr. Briggs:

MR. SPEAKER:—The Committee on Public Morals, to whom was referred Assembly Bill, No. 346, An Act to amend An Act concerning Divorces, passed March twenty-fifth, eighteen hundred and fifty-one—have had the matter under consideration, and the members of the committee holding different opinions in reference to the necessity and propriety of the amendments asked for, ask leave to report the bill back, with amendments, without recommendation.

BRIGGS,
Chairman.

By Mr. Harris:

MR. SPEAKER:—The Special Committee, consisting of the Butte Delegation, to whom was referred Assembly Bill, No. 414—have had the same under consideration, and report the same back, with a substitute, and recommend the passage of the same.

HARRIS,
Chairman.

Bill above reported read first and second times, rules suspended, considered engrossed, read a third time, and passed.

By Mr. Smith of Tulare:

MR. SPEAKER:—The Committee on Appropriations report the following amounts appropriated since our last report:

Date.	Claimants.	Amount.
April 15	Martin Brannen	\$123 93
April 15	J. R. Hardenbergh	152 20
April 15	Copying for Senate and Assembly	10,000 00
April 15	Sisters of Mercy	2,790 00
April 15	Gregory Yale	1,100 00
April 15	J. T. Peabody	210 00
April 15	G. H. Goddard	240 00
	Total.....	\$14,616 13
	Total as per last report.....	76,911 75
	Total amount of appropriations to April 17..	\$91,527 88

SMITH of Tulare,
Chairman.

By Mr. Flanders :

MR. SPEAKER :—I am instructed by the San Francisco Delegation to report back Senate Bill, No. 40, An Act to provide for the disposition of certain Property of the State of California—with an amendment, and recommend the passage of the bill as amended ;

Also, Senate Bill, No. 286, An Act to amend an Act entitled An Act to provide for the disposition of certain Property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one—with amendments, and recommend the passage of the bill as amended.

FLANDERS,
For the Delegation.

By Mr. Powell :

MR. SPEAKER :—The Sacramento Delegation, to whom was referred Assembly Bill, No. 461, An Act to condemn certain Streets and Alleys for the use of the California State Agricultural Society—having had the same under consideration, beg leave to report the same back, and recommend its passage.

POWELL,
ADAMS,
CURTIS,
CROCKER.

The rules were suspended, the bill above reported considered engrossed, read a third time, and passed.

Assembly Bill, No. 460, An Act to amend Section One of An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the Acts amendatory thereto—special order of the day, was taken up, recommitted to Special Committee of three, Messrs. Smith of Tulare, Henderson, and Patrick.

Mr. Banks moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill, No. 430, An Act supplemental to An Act to establish a Standard of Weights and Measures, passed April fourth, eighteen hundred and sixty-one.

Motion postponed until April nineteenth, at half past ten o'clock, A. M.

Mr. Sorrel introduced a bill for An Act to legalize certain matters connected with the Soda Springs and Pitt River Turnpike Company.

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

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—also special order of the day, was taken up, considered, and further consideration postponed until to-morrow at twelve o'clock, M.

Messrs. Harriman and Gillette resigned as members of Committee on Claims.

Messrs. Conness, Wright, Flanders, Powell, and Kungle, were appointed a Special Committee to investigate certain charges made by John F. McCauley against the Chairman of the Committee on Claims.

Assembly Bill, No. 384, An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, passed May third, eighteen hundred and fifty-five—also special order, was taken up, and further consideration postponed until to-morrow at three o'clock, P. M.

Mr. Curtis made the following report :

MR. SPEAKER:—The Committee on Corporations, to whom was referred Assembly Bill, No. 121, An Act to authorize the Citizens of Colusa County to construct Canals and Ditches for Agricultural purposes;

Also, Assembly Bill, No. 287, An Act supplemental to An Act to provide for the formation of Corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three—have had the same under consideration, and report them back, with a substitute, and recommend the passage of the substitute.

CURTIS,
Chairman.

Senate Bill, No. 325, An Act making an Appropriation for Deficiencies for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one—was considered in Committee of the Whole, read a third time, and passed.

Mr. Patrick introduced a bill for An Act to legalize the Ordinances and all the Official Acts of the Board of Trustees of the City of Sonoma

Read first and second times, and referred to the Committee on Corporations.

Assembly Bill, No. 434, An Act to amend An Act for the government and protection of Indians—rules suspended, considered engrossed, read a third time, and passed

Assembly Bill, No. 332, An Act conferring further powers on the Board of Supervisors of the City and County of Sacramento—rules suspended, considered engrossed, and read a third time

On its passage, Messrs. Adams, Wood of Plumas, and Powell, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 37—noes, 6:

AYES—Messrs. Amyx, Bradley, Campbell, Chandler, Cherry, Conness, Covarrubias, Curtis, Durst, Fargo, Gillette, Hagans, Hanson, Harriman, Harris, Haun, Henderson, Hill, Holman, Horrell, Johnson, Kungle, Ma-gruder, Miller, Montgomery, Morrison, Munday, O'Brien, Patrick, Piercy, Powell, Showalter, Smith of Tulare, Stearns, Wood of Plumas, Wood of Yolo, and Mr. Speaker—37

NOES—Messrs. Adams, Avery, Banks, Buell, Morgan, and Smith of Placer—6.

Assembly Bill, No 217, An Act to authorize the Controller of State to make settlement of certain Fees with the Treasurer of San Bernardino County—substitute adopted, considered engrossed, read a third time, and passed.

Assembly Bill, No 196, An Act concerning Roads and Highways in the County of Sacramento—substitute adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 417, An Act concerning Street Assessments in the City of Sacramento—rules suspended, considered engrossed, read a third time, and passed.

At forty-five minutes past four o'clock, P. M. on motion of Mr. Amyx, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, April 19th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Scott had four days' leave of absence.

Mr. Walden, from the Committee on Claims, verbally reported and recommended the adoption of the following resolution:

Resolved, That the Clerk of the Committee on Apportionment be paid out of the Contingent Fund, for services rendered by him, at the rate of six dollars per day for each day's actual service, to be certified by the Chairman of the committee.

Adopted.

REPORTS.

Reports were made as follows:

By Mr. Coleman:

MR. SPEAKER:—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 104, An Act to amend section forty-seven of An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three;

Also, Assembly Bill, No. 105, An Act to extend the provisions of An Act to extend the terms of Office of the Board of Supervisors of certain Counties of this State, and to fix the compensation of the Board of Supervisors of Mendocino County;

Also, Assembly Bill, No. 401, An Act to authorize Davis D. Reeve, John B. Lemon, and James M. Lemon, to build a Wharf at Suisun City, in Solano County;

Also, Assembly Bill, No. 456, An Act concerning Fees in certain Counties;

Also, Assembly Bill, No. 334, An Act to provide for the payment of the Claim of W. W. Upton for certain services therein mentioned.

COLEMAN.

By Mr. Tilton :

Mr. SPEAKER :—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 323, An Act to amend Section Twelve of An Act to define the Boundaries and provide for the Organization of Mendocino County, approved March eleventh, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No. 164, An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain purposes ;

Also, Assembly Bill, No. 304, An Act to authorize the construction of a Wagon Road in the Cajon Pass, in the County of San Bernardino ;

Also, Assembly Bill, No. 441, An Act giving the consent of the Legislature to the distribution of the surplus Capital Stock of a Corporation ;

Also, Assembly Bill, No. 376, An Act to provide for the better maintenance of the Indigent Sick of Siskiyou County ;

Also, Assembly Bill, No. 74, An Act amendatory of, and supplementary to, an Act entitled An Act to provide for the location and sale of the unsold portion of the Five Hundred Thousand Acres of Land granted to this State for School purposes, and Seventy-Two Sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No. 252, An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the official terms of certain Officers therein mentioned

S. S. TILTON,
Chairman.

By Mr. Munday :

Mr. SPEAKER :—The Placer Delegation, to which was referred Senate Bill, No. 298, An Act to authorize Giles Buel to remove the Remains of Deceased Persons in the Town of Michigan Bluffs, Placer County—have had the same under consideration, report the same back without amendments, and unanimously recommend its passage.

MUNDAY,
Chairman.

The rules were suspended, and the bill above reported, read a third time, and passed.

By Mr. Campbell :

Mr. SPEAKER :—The San Francisco Delegation, to whom was referred Assembly Bill, No. 439, An Act supplementary to An Act granting the Right of Way over certain Lands of this State, in the Counties of San Francisco and San Mateo, approved April twenty-eighth, eighteen hundred and fifty-eight, approved March first, eighteen hundred and sixty ;

Also, Senate Bill, No. 247, An Act authorizing C. L. Higgins, and his Associates and Assigns, to lay down Gas-Pipes in the City and County of San Francisco—having considered said bills, report them back with amendments, and recommend their passage as amended.

CAMPBELL,
For the Delegation.

The rules were suspended, and Assembly Bill, No. 439, taken up, amendments adopted, considered engrossed, read a third time, and passed.

By Mr. Cherry :

MR. SPEAKER:—The San Francisco Delegation, to which was referred Assembly Bill, No 381, An Act for the Relief of John Duane—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

CHERRY,

For a majority of Delegation.

The rules were suspended, the amendments to the bill above reported, adopted, bill considered engrossed, read a third time, and passed.

Assembly Bill, No. 480, An Act supplemental to An Act to establish a Standard of Weights and Measures, passed April fourth, eighteen hundred and sixty-one—special order of the day, was taken up on a motion to reconsider the vote by which the bill passed.

Upon reconsidering, Messrs Tittel, Munday, and Chandler, demanded the ayes and noes, and the House refused by the following vote: Ayes, 11—noes, 49:

AYES—Messrs. Banks, Briggs, Buell, Campbell, Coltrin, Crocker, Hill, Morgan, O'Brien, Stearns, and Tittel—11.

NOES—Messrs. Amyx, Baechtel, Bradley, Chandler, Cherry, Coleman, Conness, Dougherty, Durst, Fargo, Flanders, Ford, Foster, Gillette, Gordon, Green, Gregory, Hanson, Harriman, Harris, Harrison, Haun, Henderson, Horrell, Hunter, Johnson, Kungle, Kurtz, Laspeyre, Lippincott, Magruder, Miller, Morrison, Munday, Patrick, Powell, Ross, Scott, Smith of Tulare, Smith of Placer, Sorrel, Tilton, Walden, White, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—49.

Senate Bill, No. 268, An Act to appropriate Money to pay the Claim of E. J. Sanders and others—was considered in Committee of the Whole, reported and recommended, read a third time, and passed.

Senate Bill, No. 126, An Act more clearly to define the Boundaries of Sacramento County, and to amend the Act entitled An Act to amend an Act entitled An Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April twenty-fifth, eighteen hundred and fifty-one—special order for this day, was taken up.

Mr. Councilman moved the previous question.

Sustained.

The bill was read a third time, and on its passage, Messrs. Laspeyre, Crocker, and Powell, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 43—noes, 13:

AYES—Messrs. Adams, Banks, Blair, Briggs, Campbell, Cherry, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Hagans, Harriman, Harris, Henderson, Hill, Horrell, Hunter, Johnson, Miller, Morgan, O'Brien, Patrick, Powell, Smith of Placer, Stearns, Tilton, Tittel, White, Willey, Wood of Plumas, Wood of Yolo, and Mr. Speaker—43.

NOES—Messrs. Amyx, Baechtel, Bradley, Gillette, Gregory, Haun, Laspeyre, Lippincott, Magruder, Montgomery, Showalter, Sorrel, and Walden—13.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Sorrel, for An Act for the Relief of Iredell M. Hart.
Read first and second times, and referred to the Military Committee.

By Mr. Fargo, for An Act to authorize the construction of a Wagon Road across the Contra Costa Mountains.

Read first and second times, and referred to the Alameda Delegation.

By Mr. Campbell, for An Act to exempt from taxation certain Property of the Trustees of the Society of California Pioneers

Read first and second times, and referred to the Committee on Ways and Means ;

Also, for An Act to amend the Thirty-First Section of the Act defining the time for commencing Civil Actions, passed April twenty-second, eighteen hundred and fifty ;

Also, for An Act to authorize John F. Pope to sell certain Real Estate.

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

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Coleman :

Resolved, That the usual number of the report from the Committee on State Hospitals, on the Insane Asylum, be ordered printed, and that the Clerk be directed to instruct the State Printer to print the same in connection with the Senate report on the Insane Asylum, which is already in the hands of the State Printer.

Adopted.

By Mr. White :

Resolved, By the Assembly, that a committee of three be appointed to examine into the copying done for the Assembly, and report as early as practicable.

Adopted.

By Mr. Kungle :

Resolved, That the Special Committee appointed to investigate certain charges involving the Chairman of the Committee on Claims be, and is hereby, authorized, to employ a Reporter.

Adopted.

Mr. Eastman presented a Claim of P. E. Jeffries.

Referred to the Committee on Claims.

REPORTS.

Reports were made as follows :

By Mr. Curtis :

MR. SPEAKER :—The Committee on Corporations, to whom was referred Assembly Bill, No. 464, An Act to legalize the Ordinances and all Official Acts of the Board of Trustees of the City of Sonora—have had the same under consideration, and report the same back and recommend its passage.

CURTIS,
Chairman.

The rules were suspended, and the bill above reported considered engrossed, read third time and passed.

By Mr. Tilton :

MR. SPEAKER :—The Committee on Enrollment have examined and

found correctly enrolled Assembly Bill, No 92, An Act to confer further Powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned;

Also, Assembly Bill, No 158, An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other Schemes of like character

S. S. TILTON,
Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
April 18th, 1861. }

Mr SPEAKER :—The Senate, on yesterday, passed Senate Bill, No. 80, An Act to provide for the Incorporation of Railroad Companies;

Also, Senate Bill, No 301, An Act to authorize the Board of Supervisors of El Dorado County to purchase a Building for County Purposes;

Also, Senate Bill, No 219, An Act to repeal An Act to declare Feather River Navigable;

Also, Assembly Bill, No. 252. An Act to change the Time for holding Municipal Elections in the City and County of San Francisco, with amendments;

Also, Assembly Bill, No. 456, An Act relative to the Homestead and other Property;

Also, Assembly Bill, No. 31, An Act relative to County Judges.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

• Senate Bill, No. 80, above reported—read first and second times, and referred to Committee on Corporations.

Senate Bill, No 219, above reported—read first and second times, and referred to Committee on Ways and Means.

Senate Bill, No 301, above reported—read first and second times, and referred to the El Dorado Delegation.

SENATE CHAMBER,
April 19th, 1861. }

Mr. SPEAKER :—The Senate, on yesterday, refused to concur in Assembly amendment to Senate Bill, No 73, An Act to provide for the sale of the Marsh and Tide Lands of this State;

Also, adopted report on Assembly Bill, No. 36, An Act relative to Railroads in Sacramento County.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The House refused to recede from Assembly amendments to Senate Bill, No. 73, above reported, and appointed Messrs. Conness, Tilton, and Magruder, a Committee of Free Conference;

Also, refused to adopt the report of the Committee of Free Conference on Assembly Bill, No. 36, above reported.

Mr. Piercy gave notice of reconsideration.

SENATE CHAMBER,
April 19th, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 321, An Act relating to the War Debt of this State;

Also, this day, passed Assembly Bill, No. 381, An Act for the relief of John Duane;

Also, Assembly Bill, No. 254, An Act to facilitate Telegraphic Communication between the Atlantic States and California, with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The House refused to concur in Senate amendments to Assembly Bill, No. 254, above reported.

Senate Bill, No. 321, above reported—read first and second times, and referred to the Committee on Military Affairs.

The Speaker appointed Messrs. Kungle and Flanders on the Committee on Claims, in place of Messrs. Harriman and Gillette, resigned.

Assembly Bill, No. 428, An Act to provide Revenue for the Support of the Government of this State—also special order of the day, was taken up, considered, and postponed until to-morrow, at twelve o'clock, M.

Assembly Bill, No. 348, An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, passed May third, eighteen hundred and fifty-five—also special order of the day, was taken up, considered, and further postponed until Monday, at three o'clock, P. M.

Mr. Showalter, moved that the House adjourn to Monday morning, at ten o'clock, A. M.

Upon which, Messrs. Briggs, Aver, and O'Brien, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 34—noes, 10:

AYES—Messrs. Amyx, Baechtel, Banks, Bradley, Buell, Chandler, Cherry, Coltrin, Conness, Councilman, Covarrubias, Dougherty, Fargo, Flanders, Gordon, Green, Gregory, Harriman, Horrell, Hunter, Kungle, Lator, Laspeyre, Montgomery, Munday, Patrick, Piercy, Porter, Powell, Showalter, Stearns, Tilton, White, and Wood of Yolo—34.

NOES—Messrs. Avery, Briggs, Durst, Johnson, Lippincott, Miller, Morgan, O'Brien, Spence, and Wood of Plumas—10.

And so at four o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 22d, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Friday last read and approved.

Leave of absence was granted as follows—to Messrs Patrick, Adams, and Gillette, for one day each; and to Mr Hanson, indefinite leave.

Mr. Piercy moved to reconsider the vote by which the House, on Friday last, refused to adopt the report of the Committee of Free Conference on the part of the Senate and Assembly, upon the disagreement of the two Houses in amendments adopted by the Senate to Assembly Bill, No. 36.

Motion ruled out of order by the Speaker.

Mr Piercy appealed from the decision of the Chair.

The decision of the Chair was sustained by the House.

REPORTS.

Reports were made as follows :

By Mr Wood of Plumas :

Mr SPEAKER:—The Committee on Military Affairs, to whom was referred Senate Bill, No 196, An Act to amend an Act entitled 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 of this State, approved April twentieth, eighteen hundred and fifty-seven, and An Act amendatory thereof, approved April seventh, eighteen hundred and fifty-nine, approved April twenty-seventh, eighteen hundred and sixty—ask leave to return the same with certain amendments, and recommend its passage as amended.

A WOOD,
Chairman.

By Mr. Henderson :

Mr. SPEAKER:—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 288, An Act to reduce and establish the Salaries of State Officers, and to fix the pay of Members, Officers, and Employés, of the Legislature, and to repeal certain Acts relating thereto;

Also, Assembly Bill, No. 250, An Act supplementary to an Act approved April twenty-seventh, eighteen hundred and sixty, entitled An Act supplementary to an Act entitled 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, approved April twenty-third, eighteen hundred and fifty-eight;

Also, Assembly Bill, No 318, An Act to fix the compensation of the County Judge of San Luis Obispo County, and to repeal, in part, the first section of an Act entitled An Act to fix the Compensation of County Judge and Associate Justices of the Courts of Sessions, passed May seventeenth, eighteen hundred and fifty-three;

Also, Assembly Bill, No. 445, An Act to provide for reindexing the County Records of Siskiyou County;

Also, Assembly Bill, No. 217, An Act to authorize the Controller of State to make settlement of certain Fees with the Treasurer of San Bernardino County;

Also, Assembly Bill, No. 434, An Act to amend an Act entitled An Act for the Protection and Government of Indians, passed April twenty-second, eighteen hundred and fifty.

HENDERSON.

By Mr. Piercy :

Mr. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 381. An Act for the Relief of John Duane.

S. S. TILTON,
Chairman.

By Mr. Conness :

Mr SPEAKER:—Your Special Committee appointed to investigate certain charges preferred against Miner Walden, the Chairman of the Committee on Claims, of the Assembly, beg leave to report that they have examined all the witnesses that it could be ascertained could throw any light upon the subject, and herewith submit the testimony as reported by a Short-Hand Reporter, who had been duly sworn.

There is no testimony which establishes as a fact that the Chairman of the Committee on Claims, Mr. Walden, was guilty of seeking personally, or through any other party, any consideration, or reward, as alleged, for a favorable report on the McCauley, or any other claim; nor is there any testimony which in any manner implicates any other member of the Committee on Claims.

The fact is established by the testimony of McCauley, that an attaché of the Senate, named S. Wittgenstein, did offer to obtain from the Chairman of the Committee on Claims, a favorable report on a claim of the said McCauley, now pending before the Legislature, for a consideration to be paid by McCauley; and that Wittgenstein did, in violent language to McCauley, denounce the Chairman of the committee, as corrupt, etc.

This is corroborated by Wittgenstein's own testimony, while he swears that he had no conversation, or communication, either before, or after, that time, with Walden, on that, or any other like subject; and also, that he knew of no facts on which he could predicate such statements, or accusations.

The testimony taken, being submitted herewith, the committee deem it unnecessary to continue the subject, but respectfully recommend the adoption of the accompanying preamble and resolution :

WHEREAS, One S. Wittgenstein, an attaché of the Senate, having, upon due investigation, been found guilty of criminal and reprehensible conduct in endeavoring to obtain a sum of money from one McCauley, who had a claim pending before the Legislature, representing that he could obtain from the Chairman of the Committee on Claims a favorable report thereon; therefore—

Resolved, That the Senate be respectfully requested to order the said Wittgenstein discharged from the public service.

JOHN CONNESS,
Chairman.

A. FLANDERS,
C. H. KUNGLE,
THOMAS WRIGHT,
JOSEPH POWELL.

Adopted.

Messrs Hunter and Walden were excused from serving on the Committee on Claims.

Mr. Conness offered the following resolution :

Resolved, That the Controller of State is hereby required to draw his warrant in favor of W. M. Crocker for the sum of forty-five dollars, pay-

able out of the Contingent Fund of the Assembly, for reporting for Assembly Committee of Investigation.

Adopted.

Mr. Conness verbally reported, and recommended the passage of Senate Bill, No 320, An Act for the Relief of Truman Wilcox.

Rules suspended, read a third time, and passed.

By Mr. Flanders:

Mr. SPEAKER:—I am instructed by the San Francisco Delegation, to report back Assembly Bill, No 435, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay certain Claims—and recommend the indefinite postponement of the bill.

FLANDERS,

For the Delegation.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 17th, 1861.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly Bill, No. 304, An Act to authorize the construction of a Wagon Road in the Cajon Pass, in the County of San Bernardino;

Also, Assembly Bill, No. 149, An Act to define the duties and liabilities of Pawnbrokers and Pledges;

Also, Assembly Bill, No. 122, An Act to grant the right to construct and maintain a Ferry across the Salinas River, at the City of Saint Paul, in the County of Monterey;

Also, Assembly Bill, No 177, An Act to authorize Pacificus Ord to sell certain Real Estate of his Infant Children;

Also, Assembly Bill, No 179, An Act fixing the Salary of the County Judge of San Bernardino County;

Also, Assembly Bill, No 239, An Act to provide for the appointment of Commissioners in Equity;

Also, Assembly Bill, No 229, An Act for the Relief of James McCauley, County Assessor of Yolo County;

Also, Assembly Bill, No 261, An Act to amend an Act entitled An Act for the protection of Game, passed May thirteenth, eighteen hundred and fifty-four;

Also, Assembly Bill, No. 356, An Act amendatory of An Act to make certain Offices in Tuolumne County Salaried Offices, approved February twenty-second, eighteen hundred and sixty-one;

Also, Assembly Bill, No. 57, An Act to grant to certain persons the Right of Way for a Railroad Track within the corporate limits of the City and County of San Francisco, and to run Horse-Cars thereon;

Also, Assembly Bill, No 56, An Act to provide for a Railroad within the City and County of San Francisco;

Also, Assembly Bill, No 157, An Act to provide for Street Railroads within the City and County of San Francisco

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, April 19th, 1861. }

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No. 128, An Act to amend An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 164, An Act to amend An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April twenty-fourth, eighteen hundred and fifty-eight.

JOHN G. DOWNEY,
 Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, April 22, 1861. }

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No. 374, An Act to provide for the Collection of Delinquent Taxes in the County of Amador;

Also, Assembly Bill, No. 196, An Act to repeal an Act entitled An Act concerning County Judges, passed April fourth, eighteen hundred and fifty-four;

Also, Assembly Bill, No. 441, An Act giving the consent of the Legislature to the distribution of the surplus Capital Stock of a Corporation;

Also, Assembly Bill, No. 376, An Act to provide for the better maintenance of the Indigent Sick of Siskiyou County;

Also, Assembly Bill, No. 164, An Act to authorize the Trustees of Petaluma School District to levy a Tax for School Purposes;

Also, Assembly Bill, No. 323, An Act to amend Section Twelve of An Act to define the Boundaries, and provide for the Organization, of Mendocino County, approved March eleventh, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 74, An Act amendatory of, and supplemental to, an Act entitled An Act to provide for the Location and Sale of the Five Hundred Thousand Acres of Land granted to this State for School Purposes, and the Seventy-Two Sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 252, An Act to change the Time for holding Municipal Elections in the City and County of San Francisco, and to define the Official Terms of certain Officers therein mentioned;

Also, Assembly Bill, No. 331, An Act for the relief of John Duane.

JOHN G. DOWNEY,
 Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER. }
 April 19, 1861. }

Mr. SPEAKER:—The Senate, this day, passed Assembly Bill, No. 6,

An Act relative to a Macadamized Road in the City and County of San Francisco, with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 6, above reported.

SENATE CHAMBER, }
April 22, 1861. }

MR. SPEAKER:—The Senate, on Friday, passed Senate Bill, No. 332, An Act declaring the Consent of the Legislature of the State of California to purchase certain Lands belonging to the United States;

Also, Senate Bill, No. 240, An Act to amend An Act to regulate Proceedings in Civil Cases;

Also, Senate Bill, No. 345, An Act to declare the Time when a certain Law shall take effect;

Also, Assembly Bill, No. 461, An Act relative to certain Streets and Alleys in Sacramento;

Also, Assembly Bill, No. 136, An Act for the relief of John Bell;

Also, Assembly Bill, No. 396, An Act granting certain parties the Right to construct a Railroad in Contra Costa County, with amendments;

Also, Assembly Bill, No. 452, An Act relative to the Government of the City of Marysville;

Also, Senate Bill, No. 305, An Act appropriating Money for the building of a State Reform School;

Also, Assembly Bill, No. 226, An Act amending the Consolidation Act of the City and County of Sacramento.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 332, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 345, above reported—was read first and second times, rules suspended, read third time and passed

Senate Bill, No. 240, above reported—was read first and second times, and referred to the Judiciary Committee.

Senate Bills, No. 305, above reported—read first and second times, and made special order for April twenty-fifth, at one o'clock, P. M.

The House concurred in Senate amendments to Assembly Bill, No. 396, above reported.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Curtis, for An Act amendatory of an Act entitled An Act to provide for the Location of Slaughter-Houses, Corrals, and Cattle-Pens, in the City and County of San Francisco, approved April second, eighteen hundred and fifty-seven.

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

Also, for An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Ross, for An Act to authorize certain Parties therein named to construct a Wharf on Petaluma Creek, in the County of Sonoma.

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

By Mr. Wood of Plumas, for An Act to authorize the re-issue of a certain lost School Land Warrant

Read first and second times, and referred to Committee on Education

By Mr. White, for An Act in relation to the Attorney-General of this State.

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

By Mr. Conness, for An Act to provide for the Enumeration of the Inhabitants of this State.

Read first and second times, and referred to the Committee of the Whole for April twenty-fourth, at one o'clock, P. M.

By Mr. Flanders, for An Act relating to the Board of Fund Commissioners of the City and County of San Francisco

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

By Mr. Morrison, for An Act for the relief of James C. Pennie.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Hunter, for An Act supplementary to an Act entitled An Act to Incorporate the City of Marysville, approved March seventh, eighteen hundred and fifty-nine.

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

By Mr. Cherry, for An Act to give effect to an Act therein named

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

By Mr. Stearns, for An Act to authorize the Board of Supervisors of the County of Los Angeles to make an Appropriation for the purpose of assisting in the Construction and Finishing the Road known as "The Santa Barbara and Los Angeles Road," through the Simi Pass

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

SPECIAL ORDERS.

Senate Bill, No 258, An Act fixing the Salaries of State Officers and Clerks—committee amendments concurred in, further amended, read a third time and passed.

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—considered in Committee of the Whole, and had leave to sit again.

Messrs Banks, Willey, Campbell, Tittel, Tilton, Clark, Ford, and Lapincott, had one day's leave of absence each.

Mr Laspeyre had three days' leave of absence.

At half past three o'clock, P. M. on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 23, 1861. }

The House met pursuant to adjournment.
The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr Fargo presented a remonstrance Of citizens of Alameda County against a division of the School Fund.

REPORTS.

Reports were made as follows :

By Mr. Powell :

MR. SPEAKER :—Your Committee on Public Buildings and Grounds, to whom was referred a resolution instructing them to report what progress had been made in the erection of a State Capitol, would respectfully report, that they have made an examination of the work, that they have consulted with master-builders and mechanics as to the amount of work performed, and the quantity of material on hand, and they have also conversed with the Contractor and his foreman.

From these sources your committee learn that the excavations for the whole foundation are nearly completed; that over one-half, or thirteen yards of the concrete foundation, has been finished, and that there is on hand a quantity of cement, and sufficient quantities of broken granite, cobble stones, and gravel, to complete the remainder.

Of the brick work three hundred thousand have been laid of the million received and on the ground. There is also upon the ground a sufficient quantity of sand for the work of the entire contract.

The Contractor states that he has expended large sums of money in purchasing interests in quarries of granite, lime, and cement rock, so that he may no longer be delayed in procuring the necessary material for the successful completion of his contract.

There are upon the grounds, not yet placed in wall, seven hundred thousand brick. The great demand for brick has exhausted the market, and but few more can be procured until the proper season arrives in which they can be made.

The work thus far completed appears to have been performed in a thorough and substantial manner; and while there does not appear to have been the progress that was anticipated, yet it is in part to be attributed to the inherent difficulties attending the inauguration of so great an enterprise, and in part to the delays consequent upon the inclement weather during the months of December, January, and March.

Your committee have learned that when the present contract shall have been completed, there will remain an unexpended balance of the appropriation of about twenty-five thousand dollars. The Architect and Superintendent has advised that the walls of the Senate and Assembly Chambers, the Supreme Court Room, and Hall, be lined inside as high as the window-sills, with marble facing, to consist of base panel and molded cap; *provided*, the Board of Capitol Commissioners can contract for the same at a fair price.

Your committee would recommend that the Board of Commissioners be authorized to extend the time for the completion of the present contract to the first of January, eighteen hundred and sixty-two, and that they be further authorized to contract for the marble facing for the rooms named, and with this view would recommend the adoption of the accompanying Concurrent Resolution.

J. POWELL,
Chairman.

The Concurrent Resolution, above reported—was made special order for April twenty-fifth, at twelve o'clock. M.

Mr Johnson verbally reported, with amendments, and recommended the passage of Assembly Bill, No. 284, An Act to authorize J. C. Cisna to build a Wharf in the Bay of San Luis Obispo

Rules suspended, amendments adopted, bill considered engrossed, read a third time, title amended, and passed

Mr Fargo verbally reported and recommended the passage of Assembly Bill, No 466, An Act to authorize the construction of a Wagon Road across the Contra Costa Mountains.

The rules were suspended, bill considered engrossed, read a third time, and passed.

By Mr. Curtis:

MR. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill. No. 424, An Act to amend an Act passed April twenty-fourth, eighteen hundred and fifty-five, entitled An Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City of Sacramento—having had the same under consideration, report the same back, and recommend its passage.

CURTIS,
POWELL.

Substitute for Assembly Bills, Nos. 121 and 287, An Act amendatory of, and supplemental to, An Act to provide for the formation of Corporations for certain purposes, and the several Acts amendatory thereof and supplemental thereto—was made special order for April twenty-sixth, at twelve o'clock. M

Assembly Bill, No. 416, An Act to legalize and provide for the collection of Delinquent Taxes in the Counties of this State.

Mr. Smith of Tulare offered the following amendment:

Provided, That in Tulare and Fresno counties the suits for the collection of delinquent taxes provided for in this act, shall be brought in the townships in which the defendants reside, or where the property upon which the taxes are due is situated.

Lost.

Mr. Ross offered the following amendment:

Provided, That the provisions of this act shall not apply to, or be in force in, the county of Sonoma.

Lost.

The following amendment, to be added to section seven, was adopted:

Provided, That nothing herein contained shall be so construed as to repeal any special act heretofore passed for the collection of delinquent taxes, but the District Attorney may elect under which act he shall proceed; and, *provided* further, that the special act passed for the collection of delinquent taxes in the county of Colusa, approved April twenty-first, eighteen hundred and sixty, is by this act repealed; but no proceedings taken, or had, under the said law, relating to Colusa County, shall in any manner be affected or invalidated by the repeal of said law.

Mr Conness moved the previous question.

Sustained

Bill read a third time.

On its passage, Messrs. Ross, Smith of Tulare, and Bradley, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 41—noes, 7:

AYES—Messrs. Avery, Baechtel, Banks, Childs, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Dougherty, Durst, Eastman, Fargo, Foster, Gordon, Green, Gregory, Hagans, Hill, Horrell, Hunter, Johnson, Magruder, Miller, Montgomery, Morgan, O'Brien, Porter, Powell, Showalter, Sorrel, Spence, Stearns, Tittel, Walden, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—41.

NOES—Messrs. Amyx, Bradley, Flanders, Harriman, Piercy, Ross, and Smith of Tulare—7.

Mr. Wood of Plumas made the following report:

MR. SPEAKER:—The Committee on Military Affairs have had under consideration Assembly Bill, No. 495, An Act for the relief of Iredell M. Hart—and return the same, with a substitute, and recommend the passage of the substitute

Your committee would state that the facts as shown to them by the affidavit of Hart, is that three bonds were issued to him under the provisions of the act recited in the substitute offered. The number of said bonds were respectively one hundred and nineteen, three hundred and three, and ———, two of which said bonds were sold by Hart, one only of which bonds can now be found, for the reason that the holder of one of said bonds is not now in California; but the proofs show conclusively that the last bond is either number one hundred and nineteen or three hundred and three; and your committee have endeavored to guard the interest of the State by requiring security from said Hart against the payment of, more than one of said bonds referred to.

All of which is respectfully submitted.

A. WOOD,
Chairman.

The rules were suspended, the substitute above reported adopted, bill considered engrossed, read a third time, and passed.

By Mr. Piercy:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No 425, An Act to amend an Act entitled An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the Laws of this State, certain Rights and Privileges, approved April twenty-fourth, A. D. eighteen hundred and fifty-eight;

Also, Assembly Bill, No 396, An Act granting to William Fitzpatrick and his Associates the right to construct a Railroad in Contra Costa County;

Also, Assembly Bill, No 273, An Act to ratify and approve certain Orders made by the Board of Supervisors of the County of Tulare during the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, granting Land to certain parties, and to make certain Conveyances;

Also, Assembly Bill, No 226, An Act supplementary to an Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, 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;

Also, Assembly Bill, No. 20, An Act to amend an Act approved April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento, and the several Acts amendatory thereto, and to incorporate the City and County of Sacramento;

Also, Assembly Bill, No. 461, An Act to condemn certain Streets and Alleys for the use of the California State Agricultural Society;

Also, Assembly Bill, No. 245, An Act amendatory of an Act to amend An Act to exempt the Homestead and other Property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty-one

PIERCY.

Mr. Piercy offered the following resolution:

Resolved, That the Enrolling Clerk be allowed an Assistant, at eight dollars per day, payable out of the Contingent Fund of the Assembly, to commence from the date of his appointment.

Lost.

Mr. Conness presented the following communication from Thomas Mooney, whose request was granted by the House:

The petition of Thomas Mooney, Editor, and Newspaper Proprietor, of San Francisco, humbly represents to your Honorable House, that petitioner has submitted plans for a State Prison, and for the profitable management of the same, to various members of the Senate, and to the late Governor, (Weller,) in the year eighteen hundred and fifty-nine; and that those plans and proposals for the self-supporting of the criminals were very much approved by those gentlemen; that petitioner now once again approaches your Honorable House with plans and calculations, showing how the prisoners may be made self-supporting, and moreover, a source of revenue to the State, and humbly prays that he may be afforded by your Honorable House an opportunity by a short lecture and the exhibition of diagrams, to explain his ways and means to the Honorable Body on some evening in the ensuing week, from Tuesday to Thursday, (April thirtieth to May second,) the latter day if convenient, and petitioner shall ever pray, etc.

THOMAS MOONEY.

The Speaker announced as the committee to examine into the copying done during the present session, Messrs White, Willey, and Gregory, and as the Standing Committee on Claims, Messrs Coleman and Fargo.

Assembly Bills, Nos. 443 and 444, in relation to the Apportionment of the State was referred to a Special Committee of five, Messrs Conness, Curtis, Magruder, White, and Gregory, with instructions to report as early as possible.

SPECIAL ORDER.

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—special order of the day, was considered, and further consideration postponed until to-morrow at twelve o'clock, M.

Assembly Bill, No. 348, An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, passed May third, eighteen hundred and fifty-

five—also special order of the day, was taken up, and further consideration postponed until to-morrow, at three o'clock, P. M.

Assembly Bill, No 174, An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—was placed on top of file.

At five o'clock, P. M. on motion of Mr. Harris, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 24th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called.

Quorum present.

Journal of yesterday read and approved.

Mr. Chandler had indefinite leave of absence.

REPORTS.

Reports were made as follows :

By Mr. Eastman :

MR. SPEAKER:—The Committee on Public Printing, to whom was referred Senate Bill, No 318, An Act to amend An Act to create the Office of State Printer, and define the duties and compensation thereof—have considered the same, and report it back with amendments, and recommend its passage as amended.

EASTMAN,
Chairman.

By Mr. Dougherty :

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred Assembly Bill, No. 462, An Act supplementary to An Act to provide for the support of the Government of this State, from a Tax to be levied from Foreign and Inland Bills—beg leave to report the same back, and recommend that it do not pass ;

Also, Senate Bill, No 304, An Act to provide Revenue for the support of the Government of this State—having amended the same, recommend its passage as amended.

JOHN DOUGHERTY,
Chairman.

By Mr. Walden :

MR. SPEAKER:—Your Auditing Committee have examined the copying done on account of Assembly, and find the same as follows :

Purpose.	Folios.	Per Folio	Amount.
Copying done for Appendix.....	1,583	10cts.	\$158 30
For Journal	894	10cts.	89 40
Tabular Statements.....	1,837	10cts.	183 70
Reports	805	10cts.	80 50
Resolutions	528	10cts.	52 80
Totals.....	5,647	.....	\$564 70

Your committee recommend the adoption of the following resolution :

Resolved, That the Controller of State be, and is hereby, authorized, to draw his warrant in favor of J. M. Anderson, for the sum of five hundred and sixty-four dollars and seventy cents, payable out of the Copying Fund of the Assembly.

WALDEN,
Committee.

Adopted.

By Mr. Blair :

MR. SPEAKER:—Assembly Bill. No. 357. An Act to create the University of the State of California, and to provide for its Organization. The bill provides for the location of a State University at Lone Valley, created upon a plan so complex, cumbersome, and expensive, as to be wholly impracticable at this time. Your committee do not know of any means, now available, to carry out successfully the plan proposed by the bill, and a failure to do so, if the bill is passed, will only incur unnecessary and useless expense. Instead of this bill, your committee suggests the propriety of providing for the establishment of a first class State Normal School, upon a simple, plain, and economical plan, that may in time, by proper care and judicious management, grow up into a State University equal to any other institution of learning, either in America, or Europe, and be worthy of California and the whole Pacific Coast.

Your committee do not know by what right, or with what propriety, a State institution, as proposed by this bill, can interfere with, or exercise any authority, or supervision, over private schools, or colleges, of any kind. It is doubtless true that under our system of government all societies, denominations, and associations, of persons, have a perfect right to establish schools, colleges, and other institutions of learning, upon such plans, and to be conducted upon such principles as they may deem proper; they are private rights, and as such the State will protect them, but cannot legitimately interfere with the government and arrangement thereof, in any way whatever, either directly, or indirectly. For these, and various other reasons, your committee think the bill should not pass.

BLAIR,
Chairman.

By Mr. Miller :

MR. SPEAKER—The Committee on Mines and Mining Interests, to whom was referred Assembly Bill. No. 152, An Act concerning Mining Companies in this State, also the substitute for said bill reported by a Special Committee and referred to the Committee on Mines and Mining Interests—have had the same under consideration, and beg leave to re-

port them back with sundry amendments to the substitute, and recommend the passage of the substitute as amended

W. C. MILLER,
Chairman.

By Mr. Coleman :

MR. SPEAKER—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No 196, An Act concerning Roads and Highways in the County of Sacramento ;

Also, Assembly Bill, No. 439, An Act to amend an Act entitled An Act supplementary to an Act entitled An Act granting the Right of Way over certain Lands of this State, in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight, approved March first, eighteen hundred and sixty ;

Also, Assembly Bill, No 319, An Act to authorize the Board of Supervisors of Santa Clara County to pay certain School Warrants out of the General Fund.

COLEMAN.

By Mr. Childs :

MR. SPEAKER.—The Calaveras Delegation, to whom was referred Assembly Bill, No 458, An Act to amend an Act entitled An Act concerning the Officers of Calaveras County, and the collection of certain Taxes therein—have considered the same, and propose a substitute for the bill, and recommend the passage of the substitute.

CHILDS,
O'BRIEN.

The rules were suspended, substitute above reported, considered engrossed, read a third time, and passed.

By Mr. Ross :

MR. SPEAKER:—The Sonoma Delegation, to whom was referred Assembly Bill, No 330, An Act to authorize John A. Rudasill to construct a Turnpike Road in the County of Sonoma—beg leave to report the bill back with amendments, and recommend its passage as amended.

ROSS.

Also,

MR. SPEAKER:—The Sonoma Delegation, to whom was referred Senate Bill, No. 276, An Act to relocate the County Seat of Sonoma County, by the qualified voters of said County—beg leave to report the bill back, and recommend its passage as amended.

ROSS.

By Mr. Stearns :

MR. SPEAKER:—The Los Angeles Delegation, to whom was referred Senate Bill, No. 216—report the same back with an amendment, and recommend its passage as amended.

STEARNS.

The rules were suspended, amendments to bill above reported, adopted, read a third time, and passed.

By Mr. Curtis :

MR. SPEAKER:—The Sacramento Delegation, to which was referred Assembly Bill, No 480, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax—have had the same under consideration, and report it back, and recommend its passage.

CURTIS,
POWELL.

Assembly Bill, No. 475, An Act to authorize the reissue of a certain lost School Land Warrant—was reported by the Committee on Education, and referred to the Judiciary Committee.

Mr. Kingle introduced a Concurrent Resolution Relative to a Convention of the States of the Union, for the purpose of revising and changing the Constitution of the United States—which was adopted.

Assembly Bill, No. 219, An Act to appropriate Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy—was considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read a third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 15th, 1861. }

Mr. SPEAKER:—The Senate, on Friday, April twelfth, eighteen hundred and sixty-one, passed Senate Bill, No. 114, An Act to authorize the parties therein named to lay down Gas-Pipes in San Francisco.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 114, above reported—was read first and second times, and referred to the San Francisco Delegation.

SENATE CHAMBER,
April 23d, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 448, An Act in relation to Sutter Creek, in the Town of Ione City and vicinity, and to define the Boundaries and Width thereof;

Also, Assembly Bill, No. 417, An Act to authorize the Trustees of Petaluma to levy a Tax to refund certain Moneys paid by the late Trustees of said District;

Also, Assembly Bill, No. 417, An Act concerning certain Street Assessments in the City of Sacramento;

Also, Assembly Bill, No. 386, An Act authorizing the removal of certain Bodies interred in New Helvetia Cemetery;

Also, Assembly Bill, No. 394, An Act concerning Hogs running at large in the Counties of Contra Costa and Monterey, between the first day of June and the first day of October, in each year;

Also, Assembly Bill, No. 332, An Act conferring further powers on the Board of Supervisors of the City and County of Sacramento;

Also, Assembly Bill, No. 76, An Act to change the name of Sullivan Milton Farrer to Sullivan Milton Farren;

Also, Assembly Bill, No. 322, An Act supplementary to An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional Tax for County purposes, approved April thirteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 336, An Act for the relief of Thomas R. Eldridge;

Also, Assembly Bill, No. 214, An Act to grant the Right to construct a Bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named;

Also, Assembly Bill, No. 223, An Act to separate the office of County Recorder from the office of County Clerk, in the County of Solano;

Also, Assembly Bill, No. 144, An Act prescribing a certain Duty of the Auditor of the City and County of Sacramento;

Also, Assembly Bill, No. 139, An Act to provide for the collection of Delinquent Taxes in the City of Oakland;

Also, Assembly Bill, No. 256, An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time for performing certain Acts;

Also, Assembly Bill, No. 300, An Act to change the name of Juan A. Suñiga to that of Alfred J. Hermosillo—with amendments;

Also, Assembly Bill, No. 260, An Act to incorporate the City of Santa Clara, and to repeal certain Acts—with amendments;

Also, Assembly Bill, No. 138, An Act amendatory of, and supplementary to, An Act entitled An Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four—with amendments;

Also, Assembly Bill, No. 314, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Marks and Brands—with amendments;

Also, concurred in Assembly amendments to Senate Bill, No. 181, An Act in relation to the Entry of Lands in certain cases;

Also, Senate Bill, No. 193, An Act for the relief of A. L. Green, Sheriff of Sonoma County;

Also, Senate Bill, No. 319, An Act to incorporate the City of Marysville;

Also, Senate Bill, No. 350, An Act to amend an Act entitled An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands;

Also, Senate Bill, No. 309, An Act to authorize the County of Santa Clara to issue Bonds for the erection of a Court-House;

Also, Senate Bill, No. 343, An Act to regulate Fees of Office in Calaveras County;

Also, Assembly Bill, No. 297, An Act to fund the Indebtedness of Calaveras County contracted prior to the eighteenth day of March, eighteen hundred and fifty-seven, and a certain Indebtedness of Eight Thousand Dollars, contracted subsequent thereto, and to provide means for the payment of the same;

Also, Assembly Bill, No. 265, An Act to amend an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, 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;

Also, Assembly Bill, No. 103, An Act concerning the Wagon Road Fund of the City and County of Sacramento;

Also, Assembly Bill, No. 347, An Act to enable and require the Board of Supervisors of the County of Contra Costa to complete the levy of Taxes for Road Purposes in said County for the year eighteen hundred and sixty one

D. J. WILLIAMSON,

Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 260;

Also, in Senate amendments to Assembly Bill, No. 138;

Also, in Senate amendments to Assembly Bill, No. 300;

Also, in Senate amendments to Assembly Bill, No. 314;

Also, in Senate amendments to Assembly Bill, No. 347, above reported.

The House refused to concur in Senate amendments to Assembly Bill, No. 332, above reported.

Senate Bill, No. 319, above reported—was read first and second times, and referred to the Yuba Delegation.

Senate Bill, No. 343, above reported—was read first and second times, and referred to the Calaveras Delegation.

Senate Bill, No. 193, above reported—was read first and second times, and referred to the Sonoma Delegation.

Senate Bill, No. 349, above reported—was read first and second times, and referred to the Santa Clara Delegation.

Senate Bill, No. 103, above reported—was read first and second times, and referred to the Sacramento Delegation.

Senate Bill, No. 350, above reported—was read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

SENATE CHAMBER,
April 24th, 1861. }

MR. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 149, An Act making Appropriations for Deficiencies in the Appropriation for the Twelfth Fiscal Year, ending June thirtieth, A. D. eighteen hundred and sixty-one;

Also, Senate Bill, No. 352, An Act to grant Guillermo Carrillo and his Assigns the right to supply the Inhabitants of the Town of Santa Barbara with Fresh Water;

Also, Senate Bill, No. 244, An Act granting the right of way over certain Lands in this State in the Counties of Alameda and San Joaquin;

Also, Senate Bill, No. 337, An Act to provide for the payment of Costs incurred and paid by Placer County on the trial of H. Bates, late State Treasurer;

Also, Senate Bill, No. 307, An Act to amend an Act entitled An Act declaring certain Rivers and Creeks navigable, passed February eighteenth, eighteen hundred and fifty-one, and to amend an Act amendatory thereto, passed May seventeenth, eighteen hundred and fifty-three, passed May fifteenth, eighteen hundred and fifty-four, approved April tenth, eighteen hundred and sixty;

Also, Senate Bill, No. 355, An Act to grant the right of way to construct a Toll-Bridge across Bear River, at a point therein named;

Also, Assembly Bill, No. 249, An Act to change the name of Henrich Wilhelm Christian Steghagen to Henry Hagen;

Also, Assembly Bill, No. 217, An Act to authorize the Controller of State to make a settlement of certain Fees with the Treasurer of San Bernardino County;

Also, Assembly Bill, No. 279, An Act to change the name of Henry Nathan to Henry Chester;

Also, Assembly Bill, No. 253, An Act granting to certain parties the right to construct a Macadamized and Turnpike Road within the City and County of San Francisco—with amendments;

Also, Assembly Bill, No. 201, An Act concerning Roads and Highways in certain Counties in this State;

Also, Assembly Bill, No. 464, An Act to legalize the Ordinances and all Official Acts of the Board of Trustees of the City of Sonora;

Also, Assembly Bill, No. 445, An Act to provide for reindexing the County Records of Siskiyou County;

Also, Assembly Bill, No. 470, An Act to authorize certain parties therein named to construct a Wharf on Petaluma Creek, in the County of Sonoma;

Also, adopted Senate Concurrent Resolution, No. 43, Relative to a Mail-Route from San Francisco to Japan ;

Also, concurred in Assembly amendments to Senate Bill, No. 258, An Act fixing the Salaries of State Officers and Clerks—with the exception of the third amendment to page first, second amendment to page third, and the amendment to section eight on the last page of the bill.

D. J. WILLIAMSON,

Assistant Secretary.

Senate Bill, No. 355, above reported—was read first and second times, and referred to the Placer and Nevada delegations.

Senate Bill, No. 352, above reported—was read first and second times, and referred to the Santa Barbara Delegation.

Senate Bill, No. 337, above reported—was read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No. 149, above reported—was read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No. 307, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 244, above reported—was read first and second times, and referred to the San Joaquin and Alameda delegations.

The House refused to recede from Assembly amendments to Senate Bill, No. 258, above reported, and appointed Messrs. Conness, Fargo, and Wood of Yolo, a Committee of Free Conference ;

Also, concurred in Senate Concurrent Resolution, No. 43, above reported ;

Also, concurred in Senate amendments to Assembly Bill, No. 253, above reported.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Piercy, for An Act authorizing the Board of Supervisors of the County of San Bernardino to audit and allow the Claim of V. J. Herring.

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

By Mr. Baechtel, for An Act to authorize Moses Heath and his Associates to construct Wharfs in the City and County of San Francisco

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

By Mr. Tilton, for An Act amendatory of, and supplementary to, an Act entitled An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the Official Terms of certain Officers therein mentioned, approved April twenty-second, eighteen hundred and sixty-one.

Read first and second times, rules suspended, read a third time, and passed.

By Mr. Powell, for An Act to authorize the issuance of Duplicates for certain lost War Bonds.

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

Mr. Conness introduced a Concurrent Resolution, Relative to the World's Exhibition, to be held in London in the year eighteen hundred and sixty two.

Adopted.

GENERAL FILE.

Assembly Bill, No. 174, 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 twenty-ninth, eighteen hundred and fifty-one—substitute adopted, rules suspended, considered engrossed, read a third time, and passed.

SPECIAL ORDERS.

Assembly Bill, No 274, An Act to amend an Act entitled An Act to grant the right to construct and maintain a Dam and Lock across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine—special order, was taken up, and the amendment of the Senate concurred in.

Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State—also special order, was considered in Committee of the Whole, reported with amendments, and recommended, amendments concurred in, and made special order for April twenty-fifth, at eleven o'clock, A. M.

Assembly Bill, No 473, An Act to provide for the enumeration of the Inhabitants of this State—also special order, was postponed until April twenty-fifth, at two o'clock, P. M.

Assembly Bill, No 348, An Act to amend an Act entitled An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, passed May third, eighteen hundred and fifty-five—also special order, was taken up and considered

On the engrossment of the bill, Mr. Blair moved the previous question.

Upon which, Messrs. O'Brien, Lalor, and Tittel, demanded the ayes and noes, and the House refused by the following vote: Ayes, 19—noes, 35:

AYES—Messrs. Blair, Briggs, Cherry, Coltrin, Crocker, Flanders, Foster, Harriman, Hill, Hunter, Morgan, Piercy, Smith of Tulare, Smith of Placer, Stearns, Tittel, Willey, Wright, and Mr. Speaker—19.

NOES—Messrs. Amyx, Baechtel, Banks, Bradley, Buell, Campbell, Childs, Clarke, Covarrubias, Curtis, Dougherty, Eastman, Fargo, Gordon, Green, Harris, Haun, Holman, Kungle, Kurtz, Lalor, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Patrick, Porter, Ross, Scott, Spence, Walden, Wood of Plumas, and Wood of Yolo—35.

Mr. O'Brien moved to adjourn.

Lost

Mr. Wood of Pinmas, moved the previous question.

Upon which, Messrs. O'Brien, Dougherty, and Wood of Yolo, demanded the ayes and noes, and the previous question was sustained by the following vote: Ayes, 30—noes, 26:

AYES—Messrs. Avery, Blair, Briggs, Campbell, Cherry, Coltrin, Conness, Crocker, Durst, Fargo, Flanders, Foster, Hagans, Harriman, Harris, Hill, Hunter, Kurtz, Morgan, Piercy, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, Tittel, Willey, Wood of Plumas, Wright, and Mr. Speaker—30.

NOES—Messrs. Amyx, Banks, Bradley, Buell, Childs, Clarke, Covarrubias, Curtis, Dougherty, Eastman, Gordon, Green, Haun, Holman, Kungle, Lalor, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Patrick, Porter, Scott, and Wood of Yolo—26.

Mr. O'Brien moved a call of the House.

Sustained.

Absent—Messrs. Adams, Baechtel, Coleman, Councilman, Gillette,

Gregory, Hanson, Harrison, Henderson, Johnson, Laspeyre, Lippincott, Powell, Scott, Showalter, Sorrel, Tilton, White, and Willey.

Mr O'Brien moved to adjourn.

Upon which, Messrs. Willey, Wood of Plumas, and Lalor, demanded the ayes and noes, and the House refused by the following vote: Ayes, 13—noes, 43:

AYES—Messrs. Bradley, Buell, Childs, Covarrubias, Dougherty, Horrell, Kungle, Lalor, Montgomery, Morrison, O'Brien, Scott, and Sorrel—13.

NOES—Messrs. Amyx, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coltrin, Conness, Councilman, Crocker, Curtis, Durst, Eastman, Fargo, Flanders, Foster, Gordon, Green, Hagans, Harriman, Haun, Hill, Holman, Hunter, Magruder, Miller, Morgan, Munday, Piercy, Porter, Smith of Tulare, Smith of Placer, Spence, Stearns, Tittel, Walden, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—43.

Mr. Conness moved to dispense with further proceedings under the call.

Sustained.

Mr. Sorrel moved to adjourn.

The Speaker ruled the motion in order.

Mr. Conness appealed from the decision of the Chair.

Upon the question, Shall the decision of the Chair stand as the judgment of the House, the ayes and noes were called with the following result: Ayes, 7—noes, 39:

AYES—Messrs. Bradley, Buell, Kungle, Lalor, Morrison, O'Brien, and Scott—7.

NOES—Messrs. Amyx, Avery, Baechtel, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Curtis, Durst, Eastman, Fargo, Foster, Gordon, Green, Harriman, Harris, Henderson, Hill, Holman, Hunter, Kurtz, Morgan, Piercy, Porter, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, Willey, and Wright—39.

So the House refused to sustain the Chair.

On the engrossment of the bill, Messrs. Briggs, Wood of Plumas, and Crocker, demanded the ayes and noes, and the House refused by the following vote: Ayes, 12—noes, 52:

AYES—Messrs. Amyx, Bradley, Childs, Covarrubias, Dougherty, Lalor, Montgomery, Morrison, Munday, O'Brien, Showalter, and Sorrel—12

NOES—Messrs. Avery, Banks, Blair, Briggs, Buell, Campbell, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Crocker, Curtis, Durst, Eastman, Fargo, Flanders, Foster, Gordon, Green, Gregory, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Holman, Hunter, Kurtz, Magruder, Miller, Morgan, Patrick, Piercy, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilton, Tittel, Walden, White, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—52.

Mr. Flanders gave notice of reconsideration.

At six o'clock, p. m. on motion of Mr. Crocker, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, April 25th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The Committee on Military Affairs had leave of absence.

REPORTS.

Reports were made as follows:

By Mr. Campbell:

MR. SPEAKER:—The Judiciary Committee, to whom was referred certain bills, ask leave to return Assembly Bill, No. 268, An Act to authorize the formation of Corporations, to provide the members thereof with Homesteads, or lots of Land suitable for Homesteads—considered, and its passage recommended;

Also, Senate Bill, No. 207, An Act for the permanent location of the County Seat of Stanislaus County—with amendments, and recommend its passage as amended;

Also, Assembly Bill, No. 409, An Act to legalize certain Grants and Sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City of Santa Barbara, of Lands belonging to the said Pueblo and City;

Also, Assembly Bill, No. 410, An Act to Incorporate the City of Santa Barbara—with a recommendation that they be referred to the Santa Barbara Delegation;

Also, Assembly Bill, No. 463, An Act to legalize certain matters connected with the Soda Springs and Pitt River Turnpike Company—and recommend its passage;

Also, Assembly Bill, No. 467, An Act to authorize John F. Pope to sell certain Real Estate—and recommend its passage.

All of which is respectfully submitted.

CAMPBELL,
Chairman.

The rules were suspended, amendments to Senate Bill, No. 207, above reported—was adopted, bill read a third time, and passed

Assembly Bill, No 463, above reported—was considered engrossed, read a third time, and passed.

By Mr. Coleman:

MR. SPEAKER:—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 284, An Act to authorize J. C. Cisna to build a Wharf in the Bay of San Luis Obispo, and to construct a Road leading thereto:

Also, Assembly Bill, No. 465, An Act for the Relief of Iredell M. Hart;

Also, Assembly Bill, No. 416, An Act to legalize and provide for the collection of Delinquent Taxes in the Counties of this State

COLEMAN.

By Mr. Powell :

MR. SPEAKER :—The Sacramento Delegation, to whom was referred Senate Bill, No. 103, An Act concerning the Wagon Road Fund of the City and County of Sacramento—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

POWELL,
ADAMS.

By Mr. Flanders :

MR. SPEAKER :—I am instructed to report back, from the San Francisco Delegation, Assembly Bill, No. 420, An Act authorizing the Board of Supervisors of the City and County of San Francisco to modify and change the present adopted grade of certain Street Crossings, in said city—and recommend the indefinite postponement of the bill ;

Also, Assembly Bill, No. 471, An Act amendatory of an Act entitled An Act to provide for the location of Slaughter-Houses, Corrals, and Cattle-Pens, in the City and County of San Francisco, approved April second, eighteen hundred and fifty-nine—and recommend the indefinite postponement of the bill ;

Also, Assembly Bill, No. 385, An Act to authorize the Commissioners of the Funded Debt of the City and County of San Francisco, to issue certain Bonds of the City and County of San Francisco, to Noah C. Efford—and recommend the passage of the bill.

FLANDERS,
For the Delegation.

By Mr. Fargo :

MR. SPEAKER :—The San Joaquin and Alameda Delegations, to whom was referred Senate Bill, No. 244—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

L. R. BRADLEY,
F. F. FARGO.

The rules were suspended, the amendments to the bill above reported, adopted, read a third time, and passed.

Mr. Lippincott verbally reported, and recommended the passage of Assembly Bill, No. 453, An Act to grant the right to construct a Turnpike Road between the Town of Mokelumne Hill, and a point on the Road to Stockton, at, or near, the Golden Gate Ranch, in the County of Calaveras.

Rules suspended, considered engrossed, read a third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 24th, 1861.

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No. 425, An Act to amend An Act to amend an Act entitled An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges, approved April twenty-fourth, eighteen hundred and fifty-eight ;

Also, Assembly Bill, No. 158, An Act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character ;

Also, Assembly Bill, No. 461, An Act to condemn certain Streets and Alleys for the use of the California State Agricultural Society ;

Also, Assembly Bill, No. 226, An Act supplementary to An Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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 ;

Also, Assembly Bill, No. 20, An Act to amend an Act approved April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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 ;

Also, Assembly Bill, No. 245, An Act to amend an Act entitled An Act to provide for the Incorporation of Water Companies ;

Also, Assembly Bill, No. 445, An Act amendatory of, and to extend the provisions of, An Act entitled An Act to exempt the Homestead, and other property, from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, approved April twenty-eighth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 273, An Act to ratify and approve certain Orders made by the Board of Supervisors of the County of Tulare, during the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, granting Land to certain parties, and to make certain conveyances.

JOHN G. DOWNEY,
Governor.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Lippincott :

Resolved, That all resolutions passed at this session of the Legislature, by the Assembly, for the payment of the Clerks to Committees of the Assembly, shall be considered as payable from the Contingent Fund when it is not otherwise specifically provided.

Adopted.

By Mr. Ross :

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed, to furnish to each of the members of the Assembly the sum of five dollars in Postage Stamps, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Conness :

Concurrent Resolution Relative to destroying Coupons of War Bonds received by the War Bond Commissioners.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
April 24th, 1861. }

Mr. SPEAKER :—The Senate, this day, passed Senate Bill, No. 356, An

Act to provide for the construction of a Railroad in the County of Contra Costa ;

Also, Assembly Bill, No 481, An Act to amend an Act entitled An Act concerning the Indigent Sick in the County of Placer

D. J. WILLIAMSON,
Assistant Secretary.

A communication was received from the Secretary of State transmitting the Certificate of the Superintendent of the Department of the Interior, of the population of this State.

Referred to the Special Committee on Apportionment.

Mr. Amyx gave notice that he would, on to-morrow, move to amend the Standing Rules of the Assembly, in order to make the General File the special order of the day from twelve, M to two o'clock, P. M. every day during the session, until the same shall be disposed of.

Mr. Ross made the following report :

Mr SPEAKER :—The Sonoma Delegation, to whom was referred Senate Bill, No. 193, An Act for the Relief of E. S. Green, late Sheriff of Sonoma County—beg leave to report the same back, and recommend its passage.
ROSS.

Mr. Smith of Tulare verbally reported, without recommendation, Assembly Bill, No. 460. An Act to amend Section One of An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the Acts amendatory thereto

Mr. Conness moved to make the bill the special order for April twenty-sixth, at eleven o'clock, A. M.

Upon which, Messrs. Conness, Fargo, and Dougherty, demanded the ayes and noes, and the House—so ordered by the following vote : Ayes, 47—noes, 16 :

AYES—Messrs Adams, Amyx, Avery, Banks, Blair, Briggs, Buell, Campbell, Cherry, Clarke, Coleman, Coltrin, Conness, Councilman, Crocker, Curtis, Dougherty, Eastman, Fargo, Flanders, Ford, Foster, Green, Hagans, Harriman, Harrison, Henderson, Hill, Hunter, Johnson, Lippincott, Magruder, Morgan, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilton, Walden, White, Willey, Wood of Yolo, Wright, and Mr. Speaker—47.

NOES—Messrs Baechtel, Childs, Gillette, Gordon, Gregory, Haun, Holman, Horrell, Kungle, Kurtz, Montgomery, Munday, O'Brien, Patrick, Showalter, and Sorrel—16.

Mr Tilton made the following report :

Mr SPEAKER :—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No 6, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco ;

Also, Assembly Bill, No. 265, An Act to amend an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, to incorporate the City of Sacramento, and the several Acts amendatory thereto, and to incorporate the City and County of Sacramento ;

Also, Assembly Bill, No. 136, An Act for the relief of John Bell, for Services rendered in the Humboldt and Klamath Indian War ;

Also, Assembly Bill, No 76, An Act to change the name of Sullivan Milton Farrer to Sullivan Milton Farren ;

Also, Assembly Bill, No. 386, An Act authorizing the removal of certain Bodies interred in the New Helvetia Cemetery;

Also, An Act conferring further powers on the Board of Supervisors of the City and County of Sacramento.

TILTON,
Chairman.

Mr. Childs introduced a bill for An Act to authorize the parties therein named to build and construct a Turnpike Road, and to construct a Bridge across the South Fork of the Mokelumne River.

Read first and second times, and referred to the Calaveras Delegation.

SPECIAL ORDERS.

Assembly Bill, No. 423, An Act to provide Revenue for the support of the Government of this State—special order of the day, was considered in Committee of the Whole, reported, with amendments, and amendments concurred in.

Mr. Durst moved to strike out "Tehama," from the twenty-fifth section.

Carried.

Mr. Conness moved to suspend the rules, to consider the bill engrossed and placed upon its passage

Mr. Gregory moved the previous question.

Sustained.

On suspending the rules, the ayes and noes were called, with the following result: Ayes, 47—noes, 10:

AYES—Messrs Avery, Baechtel, Banks, Blair, Briggs, Buell, Cherry, Clarke, Coltrin, Conness, Councilman, Covarrubias, Crocker, Dougherty, Durst, Eastman, Fargo, Flanders, Foster, Gordon, Green, Gregory, Hagaus, Harris, Haun, Henderson, Hill, Hunter, Johnson, Lippincott, Magruder, Miller, Munday, O'Brien, Piercy, Porter, Powell, Showalter, Smith of Tulare, Sorrel, Spence, Stearns, Tilton, Tittel, White, Willey, and Wood of Plumas—47.

NOES—Messrs. Amyx, Bradley, Gillette, Holman, Horrell, Kungle, Patrick, Ross, Scott, and Smith of Placer—10.

So the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Piercy gave notice of reconsideration.

Mr. Conness offered the following resolution:

Resolved, That the Committee of Ways and Means are hereby directed to have Assembly Bill, No. 428, engrossed, and to employ for that purpose such Clerks as may be necessary, and that said committee are empowered to make such verbal alterations and amendments as will make the bill uniform in its provisions, and the relation of the sections to each other; and they are also authorized to have the bill printed as soon as it is engrossed, for the use of the Senate.

Adopted.

REPORTS.

Reports were made as follows:

By Mr. Wood of Plumas:

MR. SPEAKER:—Your Committee on Military Affairs, to whom was referred Senate Bill, No. 321, An Act relating to the War Debt of this State

—have had the same under consideration, and concur in the belief that a commission to prove the claim, as specified in the Act of Congress making the appropriation, is necessary.

From an examination of the act of Congress making an appropriation to pay the said war debt of this State, it will be seen that before any of the appropriation can be obtained and made available and useful to the State, it is necessary that each shall be proven up before the proper officer named in the act of Congress, or the proper person to receive such proofs and to pass upon said claims. Hence, your committee have determined that it is essential that some person, or persons, should be authorized by law to collate, classify, and present, the proofs of the several claims which the State of California has, or may have, to said appropriation so made by the act of Congress referred to.

Respectfully submitted.

A. WOOD,
Chairman.

By Mr. Lippincott :

MR SPEAKER:—The Committee on Claims, to whom was referred Senate Bill, No. 255, An Act to appropriate Money to pay the Claim of Wells, Fargo & Co. ;

Also, Senate Bill, No. 296, An Act to pay the Claim of Greenhood & Newbauer;

Also, Senate Bill, No. 234, An Act to pay certain Claims, and to make Appropriations for the same—and beg leave to report the same back, and recommend the passage of the bills ;

Also, the Claim of Francis A. Bonnard, without amendment, and recommend that it be rejected.

LIPPINCOTT,
Chairman.

Senate Bill, No. 305, An Act appropriating Money for the completion of the building for the State Reform School, and for other purposes connected therewith—was considered in Committee of the Whole, reported; and recommended.

Mr. Flanders offered the following amendment :

Amend section two, by striking out all after the word "sum," in the second line, to and including the word "school," in the fourth line, and insert "not to exceed three hundred dollars per month for the time actually devoted to the affairs of the State Reform School, and in no event shall be paid said J. C. Pelton a sum not exceeding three thousand six hundred dollars."

Mr. Tilton offered the following substitute :

Sec. 2. The sum of one thousand dollars is hereby appropriated out of any moneys not otherwise appropriated, for the payment of J. C. Pelton, as compensation in full for his services during the past year in connection with the State Reform School, including such books as were brought to the State for the use of said school, no part of which sum shall be for services as Trustee of said School.

Mr. Harris moved to adjourn.

Lost.

The substitute of Mr. Tilton, and the amendment of Mr. Flanders, were lost.

Mr. Conness moved to strike out the second section.

Carried.

Bill read a third time, title amended, and passed.

Assembly Bill, No. 473, An Act to provide for the Enumeration of the Inhabitants of this State—special order of the day, was postponed until April twenty-seventh, at one o'clock, p. m.

Assembly Concurrent Resolution, No. 56, Relative to State Capitol Building—was taken up.

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

Upon which, Messrs. Ross, Fargo, and Montgomery, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 20—noes, 31:

AYES—Messrs. Amyx, Briggs, Campbell, Cherry, Childs, Fargo, Flinders, Gordon, Gregory, Harriman, Harrison, Holman, Montgomery, Piercy, Ross, Scott, Stearns, Tilton, Tittel, and Willey—20.

NOES—Messrs. Banks, Blair, Buell, Clarke, Coltrin, Conness, Duist, Eastman, Foster, Gillette, Green, Hagans, Harris, Haun, Henderson, Hill, Horrell, Hunter, Kungle, Magruder, O'Brien, Porter, Powell, Showalter, Smith of Placer, Sorrel, Spence, White, Wood of Yolo, Wright, and Mr. Speaker—31.

Mr. Conness moved to strike out the second resolution.

Carried, and the resolution as amended adopted.

Mr. Ross introduced a bill for An Act for the better protection of the Water Front of San Francisco.

Read first and second times, and referred to the Committee on Commerce and Navigation.

At six o'clock, p. m. on motion of Mr. Wood of Yolo, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, April 26th, 1861. }

House met pursuant to adjournment.

Speaker *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Magruder had three days' leave of absence, and Mr. Hagans for one day.

Mr. Campbell offered the following resolution:

Resolved, That a committee of five members be appointed by the Speaker to inquire into the circumstances attending the assault alleged to have been committed on the person of the Hon. James A. Banks, a member of this House, by the Hon. D. Haun, also a member thereof, in the Assembly Chamber yesterday, after the adjournment, and that the said committee be instructed to report a statement of the facts, together with their opinion thereon, to the House, and have power to send for persons and papers.

Adopted.

The Speaker appointed Messrs. Childs, Gregory, Amyx, Willey, and Harrison, the committee.

On motion of Mr. Magruder, the vote by which the title to Senate Bill, No. 305, was amended on yesterday, was reconsidered, and title amended.

REPORTS.

Reports were made as follows :

By Mr. Tilton :

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 470, An Act to authorize certain parties therein named to construct a Wharf on Petaluma Creek, in the County of Sonoma ;

Also, Assembly Bill, No. 253, An Act granting to certain parties the right to construct a Macadamized and Turnpike Road within the City and County of San Francisco.

TILTON,
Chairman.

By Mr. Magruder :

MR. SPEAKER:—The Yuba Delegation, to whom was referred Senate Bill, No. 319, An Act to amend An Act to incorporate the City of Marysville—having had the same under consideration, report it back, and recommend its passage, without amendment.

MAGRUDER,
On behalf Yuba Delegation.

The rules were suspended, and Senate Bill, No. 319, above reported—was read a third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 25th, 1861. }

To the Honorable the Assembly of California :

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 92, An Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned.

JOHN G. DOWNEY,
Governor.

Mr. Lippincott offered the following resolution :

Resolved, That the Committee on Claims, to whom was referred the claim of John F. McCauley against the State be empowered to send for persons and papers in the investigation of the same.

Adopted.

The motion offered by Mr. Amyx, so to amend the Standing Rules of the Assembly as to make the General File the special order of the day from two to four o'clock every day during the session until the same shall be disposed of, on and after to-morrow, was carried.

Mr. Powell gave notice of the introduction of a bill for An Act to establish a Branch Prison at, or near, the Town of Folsom.

Assembly Bill, No. 460, An Act to amend Section One of An Act to regulate Elections, passed March twenty-third, eighteen hundred and

fifty, and the Acts amendatory thereto—special order of the day, was taken up, and amended.

Mr. Conness offered a substitute for the bill.

Upon which. Messrs. Smith of Tulare, Buell, and Spence, demanded the ayes and noes, and it was adopted by the following vote: Ayes, 37—noes, 22 :

AYES—Messrs. Adams, Baechtel, Childs, Coleman, Coltrin, Conness, Covarrubias, Curtis, Dougherty, Eastman, Foster, Gillette, Green, Gregory, Harris, Harrison, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kurtz, Lippincott, Magruder, Montgomery, Morrison, Munday, Patrick, Powell, Ross, Showalter, Smith of Placer, Sorrell, White, Wood of Plumas, and Wood of Yolo—37.

NOES—Messrs. Amyx, Banks, Blair, Briggs, Buell, Campbell, Clarke, Crocker, Durst, Fargo, Ford, Harriman, O'Brien, Piercy, Porter, Smith of Tulare, Spence, Stearns, Tilton, Tittel, Walden, and Willey—22.

On the engrossment of the bill, Messrs Gregory, Showalter, and Ross, demanded the ayes and noes, and the House refused by the following vote: Ayes, 28—noes, 32 :

AYES—Messrs. Adams, Coleman, Coltrin, Conness, Covarrubias, Crocker, Curtis, Dougherty, Durst, Eastman, Foster, Green, Harris, Harrison, Henderson, Hill, Hunter, Johnson, Lippincott, O'Brien, Smith of Tulare, Smith of Placer, Stearns, Walden, White, Wood of Plumas, Wright, and Mr. Speaker—28.

NOES—Messrs Amyx, Baechtel, Banks, Blair, Briggs, Buell, Campbell, Cherry, Childs, Clarke, Fargo, Ford, Gillette, Gregory, Harriman, Holman, Horrell, Kurtz, Lalor, Magruder, Montgomery, Patrick, Porter, Powell, Ross, Scott, Showalter, Sorrel, Tilton, Tittel, Willey, and Wood of Yolo—32.

Mr. Conness made the following report:

MR. SPEAKER:—The Committee of Free Conference, appointed to confer upon the points of disagreement between the two Houses, on Assembly amendments to Senate Bill, No 258, An Act fixing the Salaries of State Officers and Clerks—after full conference, make the following report. They recommend—

First—That section two of the bill be stricken out.

Second—That in the proviso to section three, as adopted by the Assembly, after the words, "herein named," the following words be inserted: "and which have heretofore been applied to their own use"—and that when so amended, both houses adopt the amendment.

Third—That the Senate concur in the amendments made by the Assembly to section section six.

Fourth—That in section eight, in lines three and four, strike out the words, "the Quartermaster and Adjutant-General, and"—so that it will read, "except the Clerk of Superintendent of Public Instruction."

Fifth—That the sections be renumbered.

A. ST. CLAIR DENVER,

R. C. CLARK,

J. McM. SHAFTER,

Committee on part of the Senate.

WOOD of Yolo,

F. F. FARGO,

JOHN CONNESS,

Committee on part of the Assembly.

Adopted.

Senate Bill. No. 321, An Act in relation to the War Debt of this State—also special order, was taken up, considered in Committee of the Whole, and reported back to the House.

The following resolution was offered by Mr. Conness:

Resolved, That the bill be referred to a Special Committee of three, with instructions to report a substitute providing for a *pro rata* distribution of the four hundred thousand dollars among all holders of Indian War Bonds, including the claim of the State of California; and upon the acceptance of the same, by the said bondholders and the State of California, the payment of all said claims, in said *pro rata* proportion, shall be made, and not otherwise.

Upon the adoption of the resolution, Messrs. Conness, Wood of Yolo, and Gregory, demanded the ayes and noes, and it was adopted by the following vote: Ayes, 41—noes, 17:

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Briggs, Campbell, Cherry, Childs, Coltrin, Conness, Dougherty, Durst, Eastman, Fargo, Foster, Gordon, Green, Gregory, Harriman, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Montgomery, Morrison, Munday, Patrick, Porter, Powell, Scott, Smith of Placer, Sorrel, Spence, Stearns, Tilton, Tittel, Wood of Yolo, and Wright—41.

NOES—Messrs. Blair, Buell, Coleman, Curtis, Gillette, Harris, Harrison, Kurtz, Lador, Lippincott, Magruder, Pierce, Ross, Showalter, Walden, White, and Wood of Plumas—17.

Messrs. Conness, Sorrel, and Wood of Plumas, were appointed a committee under the resolution.

Substitute for Assembly Bills, Nos. 121 and 187—also special order, was taken up, considered in Committee of the Whole, and reported.

Mr. Smith of Tulare, moved to exclude Tulare and Fresno from the operation of the bill.

Carried.

Mr. Burnell moved the previous question.

Sustained.

On the engrossment of the bill, the ayes and noes were demanded with the following result: Ayes, 6—noes, 36:

AYES—Messrs. Banks, Curtis, Durst, Powell, Stearns, and White—6.

NOES—Messrs. Amyx, Avery, Baechtel, Briggs, Buell, Childs, Coltrin, Conness, Councilman, Covarrubias, Dougherty, Eastman, Foster, Gordon, Green, Gregory, Harriman, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Kurtz, Munday, O'Brien, Patrick, Ross, Showalter, Smith of Tulare, Smith of Placer, Tilton, Tittel, Walden, Wood of Plumas, and Mr. Speaker—36.

Mr. Harris gave notice of reconsideration.

Assembly Bill, No. 424, An Act to amend an Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City of Sacramento—was taken up.

Mr. Conness offered the following amendment:

"This Act shall take effect from and after the next election of Chief Engineer and Assistant Engineer."

Lost.

Mr. O'Brien moved the previous question.

Carried

On ordering the bill engrossed, Messrs Crocker, Tittel, and Harris, demanded the ayes and noes, and the House so ordered by the following vote: Ayes, 23—noes, 18:

AYES—Messrs. Amyx, Briggs, Childs, Coltrin, Covarrubias, Curtis, Durst, Green, Harris, Harrison, Horrell, Hunter, Johnson, Lalor, Munday, O'Brien, Powell, Ross, Smith of Tulare, Stearns, Walden, White, and Wood of Plumas—23.

NOES—Messrs. Avery, Banks, Buell, Campbell, Conness, Councilman, Crocker, Fargo, Harriman, Holman, Patrick, Showalter, Smith of Placer, Sorrel, Tilton, Tittel, Wright, and Mr. Speaker—18.

Mr. Montgomery moved to discharge the committee appointed this morning to investigate the Haun and Banks embroglio.

Mr. Fargo moved to postpone the motion until to-morrow, at half past ten o'clock, A. M.

On discharging the committee, Messrs. Tittel, Tilton, and Fargo, demanded the ayes and noes, with the following result: Ayes, 24—noes, 22:

AYES—Messrs. Amyx, Baechtel, Coltrin, Covarrubias, Gillette, Gordon, Green, Gregory, Harris, Harrison, Holman, Horrell, Hunter, Johnson, Lalor, Laspeyre, Magruder, Montgomery, Munday, Patrick, Ross, Showalter, Sorrel, and Walden—24.

NOES—Messrs. Adams, Avery, Briggs, Buell, Campbell, Conness, Councilman, Dougherty, Durst, Fargo, Harriman, Kurtz, Miller, Porter, Smith of Tulare, Spence, Stearns, Tilton, Tittel, White, Wood of Plumas, and Mr. Speaker—22.

At five o'clock, on motion of Mr. Gregory, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, April 27, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Leave of absence was granted as follows:

To Mr. Scott, indefinite leave.

To Mr. Montgomery, three days.

To Messrs. Bradley, Flanders, and Willey, two days each.

To the Assistant Sergeant-at-Arms, two days.

REPORTS.

Reports were made as follows:

By Mr. Campbell:

MR. SPEAKER:—The Judiciary Committee to whom was referred certain bills, having considered the same, and return Senate Bill, No 227, An Act concerning Telegraphic Messages, and to secure secrecy and fidelity in the transmission thereof—with an amendment, and recommend its passage as amended;

Also, Senate Bill, No. 220, An Act to amend an Act entitled An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three—and recommend its passage;

Also, Assembly Bill, No. 438, An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of this State, passed April twenty-ninth, eighteen hundred and fifty-one—and recommend its passage.

All of which is respectfully submitted,

CAMPBELL,
Chairman.

By Mr. Coleman:

MR. SPEAKER:—Your Committee on Engrossment have examined and found correctly engrossed Assembly Bill, No 463, An Act to legalize certain matters connected with the Soda Springs and Pitt River Turnpike Company;

Also, Assembly Bill, No 424, An Act to amend an Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate the City of Sacramento.

COLEMAN.

By Mr. Tilton:

MR. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No 452, An Act to amend An Act concerning the Government of the City of Marysville, approved March tenth, eighteen hundred and sixty;

Also, Assembly Bill, No. 322, An Act supplementary to An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional Tax for County Purposes, approved April thirteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 417, An Act concerning certain Street Assessments in the City of Sacramento;

Also, Assembly Bill, No. 336, An Act for the Relief of Thomas R. Eldridge;

Also, Assembly Concurrent Resolution, No. 55, Granting Leave of Absence to the State Controller.

S. S. TILTON,
Chairman.

By Mr. Blair:

MR. SPEAKER:—The Monterey Delegation herewith reports adversely to the passage of Senate Bill, No 142, which is a supplemental act, etc. to increase the number of Supervisors of said county.

BLAIR.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Magruder:

Resolved, That E. W. Casey, Oliver P. Allen, and Charles H. Daly, each be allowed the sum of twenty dollars for services rendered in copying Assembly Bill, No. 428—"Revenue Bill"—to be paid out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Showalter:

Concurrent Resolution granting leave of absence to Hon. E. Burke, District Judge of Thirteenth District.

Mr. Smith of Tulare moved to lay the resolution on the table.

Lost.

On the adoption of the resolution, Messrs. Smith of Tulare, Ross, and Laspeyre, demand the ayes and noes, and the resolution was adopted by the following vote: Ayes, 38—noes, 23:

AYES—Messrs. Amyx, Blair, Buell, Childs, Coleman, Coltrin, Councilman, Covarrubias, Curtis, Dougherty, Durst, Foster, Gillette, Gregory, Hagans, Harris, Harrison, Haun, Holman, Horrell, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Magruder, O'Brien, Patrick, Powell, Scott, Showalter, Sorrel, Tittel, Walden, Wood of Plumas, Wood of Yolo, and Mr. Speaker—38.

NOES—Messrs. Avery, Baechtel, Banks, Briggs, Campbell, Cherry, Clarke, Conness, Crocker, Eastman, Fargo, Ford, Harriman, Henderson, Hill, Hunter, Munday, Ross, Smith of Tulare, Spence, Stearns, White, and Wright—23.

Mr. Patrick moved to take from the table Senate Concurrent Resolution, No. 31, Relative to adjourning *sine die*.

Carried.

The resolution was amended by striking out "first" and inserting "second" Monday of May, (the thirteenth,) and striking out "m." and inserting "noon," and by striking out "twenty-fifth of the present month," and inserting "first day of May, except by leave of two-thirds of either House."

On concurring in the resolution as amended, Messrs. Fargo, Patrick, and Kungle, and the resolution was adopted by the following vote: Ayes, 47—noes, 19:

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Blair, Coleman, Coltrin, Conness, Councilman, Covarrubias, Crocker, Dougherty, Durst, Eastman, Ford, Foster, Gordon, Green, Gregory, Hagans, Harriman, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Lalor, Laspeyre, Magruder, Morrison, Munday, Patrick, Scott, Showalter, Smith of Placer, Sorrel, Spence, Walden, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—47.

NOES—Messrs. Banks, Briggs, Buell, Campbell, Cherry, Childs, Clarke, Fargo, Gillette, Kurtz, O'Brien, Porter, Powell, Ross, Smith of Tulare, Stearns, Tilton, Tittel, and White—19.

On motion of Mr. Conness, the House took from the file Senate Bill, No. 318, An Act to amend an Act entitled An Act to create the office of State Printer, and define the Duties and Compensation thereof, and to provide for the time and manner of Election, approved May first, eighteen hundred and fifty-four, and the several Acts amendatory thereof and supplementary thereto.

Committee amendments adopted, bill read a third time and passed.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr Fargo :

Resolved, That the Senate be requested to return to the Assembly Senate Bill, No. 244.

Adopted.

By Mr. Tilton :

Resolved, That the Enrolling Clerk be allowed an additional Assistant, at a per diem of eight dollars from the date of his appointment, payable out of the Contingent Fund of the Assembly.

Adopted.

Mr Powell moved to reconsider the vote by which the House, on yesterday, refused to order engrossed Assembly Bill, No. 450, An Act to amend Section One of An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the Acts amendatory thereto.

Mr Crocker moved the previous question.

Sustained.

Mr Laspeyre moved a call of the House.

Lost

On reconsidering, Messrs. Fargo, Crocker, and Powell, demanded the ayes and noes, and the vote was reconsidered as follows : Ayes, 39—noes, 22 :

AYES—Messrs. Adams, Banks, Briggs, Buell, Campbell, Cherry, Coleman, Coltrin, Conness, Councilman, Crocker, Curtis, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Green, Harriman, Henderson, Hill, Hunter, Lippincott, Morrison, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilton, Tittel, Walden, White, Wood of Plumas, Wright, and Mr Speaker—39.

NOES—Messrs. Amyx, Baechtel, Blair, Childs, Gillette, Gordon, Gregory, Haun, Holman, Horrell, Johnson, Kungle, Kartz, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—22.

On ordering the bill engrossed, Messrs. Gillette, Haun, and Kungle, demanded the ayes and noes, and the House so ordered by the following vote : Ayes, 36—noes, 22 :

AYES—Messrs. Adams, Banks, Briggs, Buell, Campbell, Cherry, Coleman, Coltrin, Conness, Councilman, Crocker, Curtis, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Green, Henderson, Hill, Hunter, Lippincott, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Stearns, Tilton, Tittel, Walden, White, Wood of Plumas, Wright, and Mr Speaker—36.

NOES—Messrs. Amyx, Baechtel, Blair, Childs, Gillette, Gordon, Gregory, Harriman, Haun, Holman, Horrell, Johnson, Kungle, Lalor, Laspeyre, Magruder, Patrick, Ross, Scott, Showalter, Sorrel, and Wood of Yolo—22.

Mr. White moved to make the bill the special order for Tuesday, April thirtieth, at half past ten o'clock, A. M.

Mr. Showalter raised a point of order, which the Speaker declared not well taken.

Mr. Showalter appealed.

The Chair was sustained.

The bill was made the special order for Tuesday, April thirtieth, at half past ten o'clock, A. M.

Mr. Durst moved to reconsider the vote by which the House, on yesterday, refused to engross substitute for Assembly Bills, Nos. 121 and 287.

Lost

Senate Bill, No. 304, An Act to provide Revenue for the support of the Government of the State—amendments adopted, read a third time, and passed

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
April 23d, 1861. }

MR. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 354, An Act to grant to certain parties the right to lay a Railroad Track in the Streets of the City and County of Sacramento

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 354, above reported—was read first and second times, and referred to the Sacramento Delegation.

SENATE CHAMBER,
April 25th, 1861 }

MR. SPEAKER:—The Senate, this day, passed Assembly Bill, No. 116, An Act in relation to the Militia of this State;

Also, Senate Bill, No. 359, An Act to grant the right of way to the City and County of Sacramento for the purpose of Drainage in the City of Sacramento;

Also, Senate Bill, No. 225, An Act for the relief of Lewis Teal, late Tax Collector in and for the City of San Francisco

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 359, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 225, above reported—was read first and second times, and referred to the San Francisco Delegation.

SENATE CHAMBER,
April 26th, 1861. }

MR. SPEAKER:—The Senate, this day, passed Assembly Bill, No. 199, An Act to fix the Location of Brady Street, in the City and County of San Francisco;

Also, Assembly Bill, No. 319, An Act to authorize the Board of Supervisors of Santa Clara County to pay certain School Warrants out of the General Fund;

Also, Assembly Bill, No. 360, An Act to restore Eliza Martin, late Eliza Hall, to her former authority as Executrix of the last Will and Testament of Edward H. Hall, deceased, and to authorize her, as such Executrix, to sell and convey Real and Personal Property;

Also, Assembly Bill, No. 429, An Act to authorize the Guardian of Francis William Paty to sell and convey certain Real Estate;

Also, Assembly Bill, No. 439, An Act to amend an Act entitled An Act

supplementary to an Act entitled An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight, approved March first, eighteen hundred and sixty;

Also, Assembly Bill, No. 485, An Act amendatory of, and supplementary to, An Act to change the time for holding Municipal Elections in the City and County of San Francisco, and to define the Official Terms of certain Officers therein mentioned, approved April twenty-second, eighteen hundred and sixty-one;

Also, Assembly Bill, No. 476, An Act to authorize the Board of Supervisors of the County of Los Angeles to make an Appropriation for the purpose of assisting in the construction and finishing the Road known as the Santa Barbara and Los Angeles Road through the Simi Pass;

Also, Senate Bill, No. 273, An Act to amend an Act entitled An Act concerning Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty;

Also, have appointed a Committee of Free Conference on Bill, No. 258, An Act fixing the Salaries of State Officers—consisting of Messrs. Denver, Clark, and Shafter and ask a similar committee on part of the House;

Also, have passed Assembly Bill, No. 426, An Act to fix the time of holding certain Courts in Yolo County;

Also, Assembly Bill, No. 311, An Act providing for the permanent Improvement of the Stock Grounds belonging to the State Agricultural Society.

D. J. WILLIAMSON,

Assistant Secretary.

Senate Bill, No. 273, above reported—was read first and second times, and referred to the Committee on Roads and Highways.

SENATE CHAMBER, }
April 26th, 1861. }

MR SPEAKER:—The Senate, this day, passed Senate Bill, No. 313, An Act fixing the Salaries of the Judges of the Third and Thirteenth Judicial Districts;

Also, Senate Bill, No. 363, An Act supplemental to An Act concerning Lawful Fences in the County of Contra Costa, approved March fifth, eighteen hundred and fifty-eight.

D. J. WILLIAMSON,

Assistant Secretary.

Senate Bill, No. 313, above reported—was read first and second times, and referred to the delegations from the Third and Thirteenth Judicial Districts.

Senate Bill, No. 363, above reported—was read first and second times, rules suspended, read a third time, and passed.

SENATE CHAMBER, }
April 27th, 1861. }

MR SPEAKER:—The Senate, on the twenty-third instant, received from the Assembly the following resolution:

WHEREAS, One S. Wittgenstein, an Attaché of the Senate, having upon due investigation, been found guilty of criminal and reprehensible conduct in endeavoring to obtain a sum of money from one McCauley, who had a claim pending before the Legislature, representing that he could obtain from the Chairman of the Committee on Claims a favorable report thereon; therefore,

Resolved, That the Senate be respectfully requested to order the said Wittgenstein discharged from the public service.

And, with the desire of doing justice in the premises, have appointed a committee to examine the charges mentioned in the resolution, consisting of Messrs Eagan, Thornton, and Shafter.

The Assembly will perceive at once that an investigation of the character proposed will necessarily involve its privileges and the character of its members, and that as the charges come from the Assembly, it is eminently proper that body should conduct the prosecution.

I am therefore instructed by the Senate to inform you, that they invite the Assembly to appear before said Senate Committee, by such Agents as they may be pleased to appoint, and make proof of the charges contained in said resolution.

Yours, very respectfully,

PABLO DE LA GUERRA,
President of the Senate.

Hon. R. BURNELL, Speaker of the Assembly.

The above communication was this day directed by the Senate to be sent to the Assembly.

C. W. TOZER,
Secretary of the Senate.

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

Upon which, Messrs Conness, Haun, and Avery, demanded the ayes and noes, and the House refused by the following vote: Ayes, 5—noes, 38:

AYEE—Messrs. Amyx, Holman, Showalter, White, and Willey—5.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Cherry, Childs, Clarke, Conness, Councilman, Curtis, Dougherty, Durst, Fargo, Ford, Foster, Green, Haun, Henderson, Hill, Horrell, Kungle, Kurtz, Magruder, Morrison, O'Brien, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—38.

Mr. Patrick moved that the evidence taken by the House Committee be transmitted to the Senate.

Mr. Conness moved that the communication be returned to the Senate.

Mr. Smith of Tulare moved the previous question.

Sustained.

Mr. Patrick's motion was lost.

On the adoption of the motion of Mr. Conness, the ayes and noes were called, with the following result: Ayes, 32—noes, 12:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Cherry, Clarke, Conness, Councilman, Curtis, Dougherty, Eastman, Ford, Foster, Gordon, Green, Gregory, Harriman, Haun, Henderson, Hill, Kungle, Porter, Powell, Ross, Smith of Tulare, Spence, Tittel, Wood of Plumas, Wright, and Mr. Speaker—32.

NOES—Messrs. Amyx, Harris, Holman, Laspeyre, Munday, O'Brien, Patrick, Piercy, Scott, Showalter, Smith of Placer, and White—12.

Senate Bill, No. 356, An Act to provide for the construction of a Railroad in the County of Contra Costa—was read first and second times, and referred to the Committee on Corporations.

Mr. Briggs made the following report:

MR. SPEAKER:—The Santa Clara Delegation, to whom was referred Senate Bill, No. 319, An Act to authorize the County of Santa Clara to issue Bonds for the erection of a Court-House—have had the matter under consideration, and now report the bill back, and recommend its passage without amendment.

BRIGGS,
MORGAN.

The rules were suspended, bill above reported, read a third time, and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cherry, for An Act to authorize a settlement with the Auctioneers of this State, and a discharge of the demands and claims of the State against them.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Gillette, for An Act to enable certain persons to establish a Ferry between Gill's Landing, in Contra Costa County, and Point San Quentin, in Marin County

Read first and second times, and referred to the delegations from Contra Costa and Marin.

By Mr. Fargo, for An Act for the Relief of Alameda County.

Read first and second times, and referred to the Alameda Delegation.

By Mr. Harris, for An Act for the Relief of Charles E. Curtis

Read first and second times, and referred to the Committee on Military Affairs

By Mr. Powell, for An Act for conferring further powers on the Board of Supervisors of the City and County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Stearns, for An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe Fifty Thousand Dollars to the Capital Stock of a Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto;

Also, for An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe One Hundred Thousand Dollars for the construction of a Railroad in said County, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times, and referred to the Los Angeles Delegation

By Mr. Curtis, for An Act to audit the Claim of P. Della Torre.

Read first and second times, and referred to the Committee on Claims.

GENERAL FILE.

Assembly Bill, No. 104, An Act to amend Section Forty-Seven of An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three;

Also, Assembly Bill, No. 105, An Act to extend the provisions of An Act to extend the terms of Office of the Board of Supervisors of certain Counties of this State, and to fix the compensation of the Board of Supervisors of Mendocino County;

Also, Assembly Bill, No. 246, An Act to amend an Act supplementary

to An Act concerning the Courts of Justice of this State, and Judicial Officers, passed May nineteenth eighteen hundred and fifty-three;

Also, Assembly Bill, No. 334. An Act to provide for the payment of the Claim of W. W. Upton for certain services therein mentioned—were read a third time, and passed.

Assembly Bill, No. 424, An Act amendatory of the Sacramento Consolidation Act relative to Fire Companies—was made special order for April thirtieth, at twelve, M

Assembly Bill, No. 46. An Act to provide compensation for certain Legal Services—was taken up

Mr Showalter moved a call of the House.

Sustained.

Absent—Messrs. Avery, Bacchitel, Campbell, Councilman, Crocker, Gillette, Harriman, Harris, Harrison, Henderson, Holman, Johnson, Kurtz, Laspeyre, Lippincott, Morrison, Smith of Tulare, Tilton, Tittel, and Wright

On motion of Mr. White, further proceedings under the call were dispensed with.

Mr. Lalor moved to adjourn.

Lost.

Bill considered in Committee of the Whole, and reported.

On motion of Mr. Wood of Plumas, the bill was indefinitely postponed.

Assembly Bill, No. 473. An Act to provide for the enumeration of the Inhabitants of this State—was postponed until April thirtieth, at one o'clock, P. M

Assembly Bill, No. 37, An Act for the Relief of William H. Brown—was recommitted to the Committee on Claims.

Mr. Conness offered the following resolution :

Resolved, That the State Controller is hereby directed, before issuing warrants for the payment of the per diem of members, to ascertain from the Sergeant-at-Arms the number of times that every member has been arrested by him during the session, for absence, and that he is hereby directed to deduct the fees allowed to the Sergeant-at-Arms, for such arrests, from the per diem of such members.

Adopted.

Mr. Ross gave notice that he would introduce a bill for An Act to define the Boundary Line between the Counties of Sonoma and Napa;

Also, for An Act to Incorporate the Town of Healdsburg, in Sonoma County

Assembly Bill, No. 340, An Act to authorize the Board of Supervisors of Alameda County to compromise and settle with the sureties of Charles C. Breyfogle, late Treasurer of said County—was recommitted to the Committee of Ways and Means.

Assembly Bill, No. 361, An Act to authorize the City of Sonoma to compromise controversies relative to City Property, and to sell Lands;

Also, Assembly Bill, No. 350. An Act to exempt the City and County of San Francisco from giving Undertakings in certain cases—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 326, An Act to regulate and license Intelligence Offices in the City and County of San Francisco;

Also, Assembly Bill, No. 338, An Act to authorize Martin T. Smith to construct and maintain a Wharf at Fishing Rock, in Mendocino County;

Also, Assembly Bill, No. 345, An Act for the purchase and preserva-

tion of Public Newspapers—amendments concurred in, rules suspended, considered engrossed, read a third time and passed.

Mr. Covarrubias made the following report :

Mr SPEAKER :—The Santa Barbara Delegation, to whom was referred Senate Bill, No 352, An Act to grant Guillermo Carrillo, and his Assigns, the right to supply the inhabitants of the town of Santa Barbara with Fresh Water—having considered the same, herewith report it back, and recommend its passage.

COVARRUBIAS,
Of Santa Barbara Delegation.

The rules were suspended, and Senate Bill, No. 352, above reported—was read a third time, and passed.

Assembly Bill, No. 208, An Act to authorize Isaac Williams, Guardian of Jonathan P. Williams and Isaac B Williams, to sell and convey a portion of their Real Estate at private sale—substitute adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 172, An Act to abolish the Office of Coroner in the County of Tuolumne ;

Also, Assembly Bill, No. 305, An Act to prevent the unlawful Publication of testimony, or facts, of Crime ;

Also, Assembly Bill, No 349, An Act for the Relief of Jeremiah Callighan—were indefinitely postponed.

Assembly Bill, No. 29, An Act amendatory of An Act supplementary to An Act for securing Liens to Mechanics and others, approved March eighteenth, eighteen hundred and fifty-seven—substitute adopted, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No. 191, An Act to appropriate Money to pay the Claim of L B Richardson—was considered in Committee of the Whole, amended, and read a third time.

On its final passage, Messrs. Patrick, Haun, and Kurtz, demanded the ayes and noes, and the bill passed by the following vote : Ayes, 44—noes, 9 :

AYES—Messrs Adams, Avery, Banks, Briggs, Buell, Cherry, Childs, Clarke, Coleman, Coltrin, Conness, Councilman, Covarrubias, Curtis, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Green, Gregory, Hariman, Harrison, Henderson, Hill, Horrell, Hunter, Johnson, O'Brien, Porter, Powell, Ross, Showalter, Smith of Placer, Sorrel, Stearns, Tilton, Tittel, Walden, White, Wood of Plumas, Wood of Yolo, and Mr Speaker—44.

NOES—Messrs Gillette, Haun, Kungle, Kurtz, Lalor, Lippincott, Magruder, Munday, and Patrick—9

At half past two o'clock, P. M. on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 29th, 1861. }

The House met pursuant to adjournment.
The Speaker in the Chair.

The roll was called.

Quorum present.

Journal of Saturday read and approved.

Leave of absence was given as follows:

Mr. Morrison, for three days.

Mr. Campbell, for one day.

Mr. Piercy, for two days.

Mr. Crocker, indefinite leave of absence.

REPORTS.

Reports were made as follows:

By Mr. Wood of Plumas:

MR. SPEAKER:—Your Committee on Military Affairs, to whom was referred Assembly Bill, No. 107, An Act to amend An Act concerning the Militia, approved April twenty-fifth, eighteen hundred and fifty-five—having had the same under consideration, beg leave to report the same back, and recommend that it be indefinitely postponed.

A. WOOD,

Chairman.

Adopted.

By Mr. Dougherty:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred Senate Bill, No. 149, entitled An Act making Appropriations for Deficiencies for the Twelfth Fiscal Year—beg leave to report the same back, and recommend its passage.

JOHN DOUGHERTY,

Chairman.

By Mr. Covarrubias:

MR. SPEAKER:—The Santa Barbara Delegation, to whom was referred Assembly Bill, No. 409, An Act to legalize certain Grants and Sales made by Ayuntamiento, of the Pueblo, and by the Mayor and Common Council of the City of Santa Barbara, of Lands belonging to the said Pueblo and City—report the same back, and respectfully recommend its passage, without amendment.

J. M. COVARRUBIAS,

Of the Delegation.

The rules were suspended, the bill above reported considered engrossed, read a third time, and passed.

On motion of Mr. Fargo, Assembly Concurrent Resolution, No. 54, appointing Captain Walter M. Gibson, Commissioner, etc. was taken from the table, amended, and lost.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Blair, for An Act to establish a State Normal and Model School, and to promote the cause of Education in this State

Read first and second times, and referred to the Committee on Education.

By Mr. Ross, for An Act to define the Boundary Line between the Counties of Sonoma and Napa.

Read first and second times, and referred to the Sonoma and Napa delegations.

By Mr. Harriman, for An Act to authorize William G. Monroe, his Heirs, and Assigns, to construct a Wharf at the foot of Lombard Street, in the City and County of San Francisco.

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

GENERAL FILE.

Assembly Bill, No. 51, An Act to prevent the Amalgamation of different Races of Men in this State.

On the passage of the bill, Messrs. Avery, Blair, and White, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 33—noes, 18:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Cherry, Childs, Clarke, Conness, Covarrubias, Dougherty, Fargo, Ford, Gillette, Gordon, Green, Hagans, Harriman, Hill, Horrell, Hunter, Miller, Munday, O'Brien, Patrick, Porter, Ross, Smith of Tulare, Smith of Placer, Spence, Tilton, and Wrod of Plumas—33.

NOES—Messrs. Amyx, Baechtcl, Coltrin, Councilman, Eastman, Gregory, Haun, Henderson, Kungle, Laspeyre, Lippincott, Showalter, Sorrel, Stearns, Tittel, Walden, White, and Wright—18.

Assembly Bill, No. 250, An Act supplementary to an Act approved April twenty-seventh, eighteen hundred and sixty-one, entitled An Act supplementary to an Act entitled An Act to confer further powers upon the Board of Supervisors, Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned, approved April twenty-third, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 318, An Act to fix the Compensation of the County Judge of San Luis Obispo County—were read a third time, and passed.

Assembly Bill, No. 376, An Act for the relief of Thomas R. Eldridge, Assignee of Miguel Smith—was recommitted to Committee on Claims.

Mr. Showalter reported and recommended the passage of Senate Bill, No. 313, An Act fixing the Salaries of the Judges of the Third and Thirtieth Judicial Districts

Read a third time, and passed.

Assembly Bill, No. 328, An Act to amend an Act entitled An Act to provide for the better encouragement of the culture of the Vine and the Olive, approved April eleventh, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 375, An Act to amend An Act to regulate Fees in Office, passed April tenth, eighteen hundred and fifty-five;

Also, Assembly Bill, No. 373, An Act to establish the Boundary Line between the Counties of Monterey and San Luis Obispo—rules suspended, considered engrossed, read a third time, and passed.

Mr. Cherry introduced a bill for An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay John H. Shepard Four Hundred and Fifty Dollars for collecting Delinquent School Tax in eighteen hundred and fifty-seven

Read first and second times, and referred to the San Francisco Delegation

Substitute for Assembly Bill, No. 202, An Act to amend an Act entitled An Act to restrict the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin, and the several Acts amendatory thereof—amendments adopted.

Mr. Curtis moved to except Sacramento County.

Mr. Councilman moved the previous question.

Sustained

On the adoption of the amendment, Messrs Wood of Plumas, Curtis, and Adams, demanded the ayes and noes, and the amendment was lost by the following vote : Ayes, 14—noes, 30 :

NOES—Messrs. Adams, Buell, Coleman, Curtis, Haun, Johnson, Kurtz, Magruder, Porter, Powell, Spence, Tilton, Wood of Plumas, and Mr. Speaker—14.

NOES—Messrs. Avery, Baechtel, Blair, Clarke, Coltrin, Conness, Councilman, Covarrubias, Fargo, Ford, Gillette, Gordon, Green, Gregory, Harriman, Henderson, Hunter, Kungle, Laspeyre, O'Brien, Ross, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Stearns, Walden, White, Wood of Yolo, and Wright—30.

On ordering the bill engrossed, Messrs Haun, Kungle, and Burnell, demanded the ayes and noes, and the House so ordered by the following vote : Ayes, 35—noes, 14 :

AYES—Messrs. Avery, Baechtel, Banks, Blair, Childs, Clarke, Coltrin, Conness, Councilman, Covarrubias, Dougherty, Fargo, Ford, Gillette, Gordon, Green, Gregory, Harriman, Henderson, Hill, Hunter, Johnson, Laspeyre, O'Brien, Ross, Showalter, Smith of Tulare, Sorrel, Spence, Stearns, Walden, White, Wood of Plumas, Wood of Yolo, and Wright—35

NOES—Messrs. Adams, Buell, Coleman, Curtis, Durst, Haun, Horrell, Kungle, Kurtz, Magruder, Porter, Powell, Smith of Placer, and Wright—14

Bill made special order for May first, at twelve, m.

Mr. Tilton made the following report :

MR. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 256, An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts ;

Also, Assembly Bill, No. 311, An Act providing for the permanent improvement of the Stock Grounds belonging to the State Agricultural Society ;

Also, Assembly Bill, No. 447, An Act to authorize the Trustees of Petaluma to levy a Tax to refund certain Moneys paid the late Trustees of said District ;

Also, Assembly Bill, No. 448, An Act in relation to Sutter Creek, in the Town of Lone City and vicinity, and to define the boundaries and width thereof ;

Also, Assembly Bill, No. 249, An Act to change the name of Henrich Wilhelm Christian Steghagen to Henry Hagan ;

Also, Assembly Bill, No. 300, An Act to change the name of Juan A. Sunega to Alfred J. Hermosilla ;

Also, Assembly Bill, No. 31, An Act to authorize County Judges, other than the County Judge of Yuba County, to hold terms of Court in Yuba County ;

Also, Assembly Bill, No. 304, An Act concerning Hogs running at large in the Counties of Contra Costa and Monterey, between the first day of June and the first day of October, in each year ;

Also, Assembly Bill, No. 370, An Act to amend an Act entitled An Act

to provide Revenue for the support of the Government of this State, approved, April thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 464, An Act to legalize the Ordinances of the Board of Trustees of the City of Sonora;

Also, Assembly Bill, No. 279, An Act to change the name of Henry Nathan to Henry Chester;

Also, Assembly Bill, No. 445, An Act to provide for reindexing the County Records of Siskiyou County.

TILTON,
Chairman.

Assembly Bill, No. 25, An Act to amend an Act entitled An Act defining the time for commencing Civil Actions;

Also, Senate Bill, No. 35, An Act concerning Conveyances;

Also, Assembly Bill, No. 257, An Act for licensing and regulating Tow Boats in the Harbor of San Francisco;

Also, Assembly Bill, No. 272, 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 the Courts of Justice of this State, passed May eighteenth, eighteen hundred and fifty-three;

Also, Assembly Bill, No. 365, An Act to amend An Act to authorize the location of the Town Site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine—were indefinitely postponed.

Assembly Bill, No. 324, An Act concerning Roads and Highways in the County of Mendocino—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 362, An Act amendatory of An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five;

Also, Senate Bill, No. 45, An Act to pay certain Warrants of the City and County of Sacramento, herein mentioned—amendments adopted, read a third time, and passed.

Assembly Bill, No. 289, An Act defining the mode of serving Civil Process in the County of San Bernardino—ordered engrossed.

Senate Bill, No. 158, An Act to authorize Henry B. Platt and James Gallagher to construct a Wharf at the foot of Third Street, in the City and County of San Francisco—was read a third time.

On the passage of the bill, Messrs. Banks, Cherry, and Porter, demanded the ayes and noes, and it passed by the following vote: Ayes, 34—noes, 12:

AYES—Messrs. Baechtel, Blair, Buell, Childs, Coleman, Coltrin, Covarrubias, Dougherty, Durst, Eastman, Fargo, Gillette, Green, Gregory, Hagens, Henderson, Hill, Horrell, Hunter, Johnson, Knugle, Kurtz, Lippincott, Munday, O'Brien, Patrick, Powell, Ross, Smith of Tulare, Walden, White, Wood of Plumas, Wright, and Mr. Speaker—34

NOES—Messrs. Adams, Avery, Banks, Cherry, Ford, Harriman, Harrison, Miller, Porter, Stearns, Tilton, and Tittel—12.

Mr. Fargo gave notice of reconsideration.

Senate Bill, No. 94, An Act to amend An Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, eighteen hundred and fifty—amendments adopted, read a third time, and passed.

Assembly Bill, No. 241, An Act to authorize Michael O'Brien to construct a Wharf at the foot of Green Street, in the City and County of San Francisco—was indefinitely postponed.

Assembly Bill, No. 399, An Act to provide for the construction of a Road in the County of San Bernardino;

Also, Assembly Bill, No. 117, An Act for the Relief of Horace Killham—were laid on the table.

At half past one o'clock, P. M. on motion of Mr. Kungle, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 30th, 1861. }

House met pursuant to adjournment.

Speaker *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Amyx and Patrick had indefinite leave of absence.

REPORTS.

Reports were made as follows:

By Mr. Coleman:

MR. SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 460, An Act to amend Section One of an Act entitled An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the Acts amendatory thereto;

Also, Assembly Bill, No. 208, An Act to authorize the Guardian of Jonathan Williams and Isaac B. Williams, Minor Heirs of James Williams, deceased, to sell Real Estate of said Minors.

COLEMAN.

By Mr. Childs:

MR. SPEAKER:—The Committee on Roads and Highways have considered Senate Bill, No. 273, An Act to amend An Act concerning Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty-five—and recommend the passage of the bill.

CHILDS,
Chairman.

By Mr. Powell:

MR. SPEAKER:—The undersigned, members of the Sacramento Delegation, to whom was referred Assembly Bill, No. 492, An Act conferring further powers on the Board of Supervisors of the said City and County of Sacramento—have had the same under consideration, and beg leave to report the same, with the following amendment to the title, and recommend its passage:

Amend title by striking out the word "further," and insert the word "additional."

POWELL,
CURTIS.

By Mr Adams :

MR. SPEAKER:—The undersigned, members of the Sacramento Delegation, to whom was referred Assembly Bill, No. 492, An Act to confer additional powers on the Board of Supervisors of the City and County of Sacramento—respectfully report, that the persons who are to be benefited by the passage of this bill entered into a contract with the county of Sacramento to discharge the duties of their several positions for one hundred dollars per month, and by the operations of this bill they are not only to receive one hundred and twenty-five dollars per month in the future, but are to receive, in addition to their salary of one hundred dollars per month a gratuity of three hundred dollars a piece for services rendered during the year commencing on the third of May, eighteen hundred and sixty.

This extra allowance for past services, amounting to over two thousand dollars, together with the extra allowance to other employes of the county, against the earnest remonstrance of the tax-payers, is an unreasonable and burdensome demand against our already depleted treasury, which is unjust in the extreme, particularly at a time when repudiation is the only remedy left to the people of the city and county of Sacramento.

While the undersigned are free to admit that the persons whose salaries have been, and are now, sought to be increased, have, as a general thing, discharged the duties of their several positions acceptably, yet the increase allowed, and that which this bill allows, is, should it pass, as much an act of bad faith on the part of the Legislature, against the tax-payers of Sacramento County as it would be to decrease their salaries during their term of office.

For these and other reasons, we recommend that the bill be indefinitely postponed.

ADAMS,
CROCKER.

By Mr. Ross :

MR. SPEAKER:—A part of the delegation from Sonoma and Mendocino, to whom was referred Assembly Bill, No. 18, granting the right to construct a Turnpike Road by certain Persons—beg leave to report the bill back, with amendments, accompanied by petition, without recommendation.

ROSS,
Of Sonoma.

By Mr. Baechtel :

MR. SPEAKER:—A part of the Sonoma and Mendocino Delegation, to whom Assembly Bill, No. 18, was referred, report the same back, and recommend that it be indefinitely postponed.

BAECHTEL.

By Mr. Ross :

MR. SPEAKER:—The Sonoma and Napa Delegation, to whom was referred Assembly Bill, No. 499, An Act to define the Boundary Line between the Counties of Sonoma and Napa—beg leave to report the same back, and recommend its passage.

ROSS.

By Mr. Harriman :

MR. SPEAKER:—The Nevada and Placer Delegation, to whom was referred Senate Bill, No. 355, authorizing certain Persons to construct a

Toll-Bridge over Bear River—having had the same under consideration, report it back, and recommend that it do not pass.

HARRIMAN,
AVERY,
MILLER,
SPENCE,
MUNDAY,
EASTMAN,
COUNCILMAN.

Mr. Conness verbally reported, with amendments, Senate Bill, No 321, An Act relating to the War Debt of this State.

Bill made special order for May first, at half past eleven o'clock, A. M.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, April 29th, 1861.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No 396, An Act granting to William Fitzpatrick and his Associates the right to construct a Railroad in Contra Costa County;

Also, Assembly Bill, No 293, An Act to provide for the construction of a Gravel Road in the County of San Joaquin;

Also, Assembly Bill, No 470, An Act to authorize certain parties therein named to construct a Wharf on Petaluma Creek, in the County of Sonoma;

Also, Assembly Bill, No. 253, An Act granting to certain parties the right to construct a Macadamized and Turnpike Road within the City and County of San Francisco;

Also, Assembly Bill, No 76, An Act to change the name of Sullivan Milton Farrer to Sullivan Milton Farren;

Also, Assembly Bill, No 136, An Act for the relief of John Bell, for Services rendered in the Humboldt and Klamath Indian War;

Also, Assembly Bill, No 386, An Act authorizing the removal of certain Bodies interred in New Helvetia Cemetery;

Also, Assembly Bill, No 265, An Act to amend an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, 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;

Also, Assembly Bill, No. 6, An Act granting to certain parties the right to construct a Macadamized Road within the City and County of San Francisco;

Also, Assembly Bill, No. 322, An Act supplementary to An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional Tax for County Purposes, approved April thirteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 417, An Act concerning Street Assessments in the City of Sacramento;

Also, Assembly Bill, No. 336, An Act for the relief of Thomas R. Eldridge;

Also, Assembly Bill, No 452, An Act to amend An Act concerning the Government of the City of Marysville, approved March tenth, eighteen hundred and sixty.

JOHN G. DOWNEY,
Governor.

Mr Stearns verbally reported and recommended the passage of Assembly Bills, Nos 495 and 496.

Rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No 292, An Act to prohibit the Skinning of Dead Cattle in certain cases—was taken from the table, rules suspended, considered engrossed, read a third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 29th, 1861. }

Mr. SPEAKER:—The Senate, this day, passed Senate Bill, No 367, An Act to authorize the Board of Supervisors of Tuolumne County to transfer certain Funds;

Also, Senate Bill, No 185, An Act to provide for the Engraving and Printing of State Controller's Warrants;

Also, Senate Bill, No. 362, An Act amendatory of, and supplementary to, An Act relating to the payment of Stewards of the San Francisco Fire Department;

Also, Assembly Bill, No 458, An Act to amend an Act entitled An Act concerning Officers in Calaveras County;

Also, Assembly Bill, No. 170, An Act relative to Warrants drawn on the General Fund in the Counties of Mendocino and Tulare, with amendments;

Also, on Saturday, passed Senate Bill, No. 60, An Act to provide payment for the Troops called out by the Governor in the year eighteen hundred and fifty six;

Also, adopted Assembly Concurrent Resolution, No. 59, Relative to War Bonds;

Also, return to the Assembly Senate Bill, No. 244, An Act granting the Right of Way over certain Lands in the Counties of Alameda and San Joaquin, the same having been requested by message

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 60, above reported—was read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No 185, above reported—was read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No 362, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No 367, above reported—was read first and second times, rules suspended, read a third time, and passed.

The House reconsidered the vote by which Senate Bill, No. 244, above reported, was passed.

Bill amended, read a third time, and passed.

SENATE CHAMBER,
April 30th, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 384, An Act relating to the Sureties on the Official Bond of Thomas J. Minor, late County Treasurer of Plumas County;

Also, Assembly Substitute for Bills, No 66 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads, with amendments;

Also, Assembly Bill, No. 408 An Act to authorize the Administrator of the Estate of Joseph K. Irving, deceased, to sell the Real Estate of said deceased at Public, or Private, Sale;

Also, indefinitely postponed Assembly Bill, No. 9, An Act to provide for payment of the Fees of Jurors in the Counties of Sonoma, Tulare, Marin, Mendocino, Napa, Alameda, and Solano;

Also, Senate Bill, No. 371, An Act supplemental to an Act entitled An Act granting to William Fitzpatrick and his Associates, the right to construct a Railroad in Contra Costa County;

Also, Senate Bill, No. 356, An Act for the relief of the Sureties upon the Recognizance of Mike Fredl, of the County of Sierra

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE

Senate Bill, No. 336, above reported—was read first and second times, and referred to Committee on Ways and Means.

Senate Bill, No. 371, above reported—was read first and second times, rules suspended, read a third time, and passed.

The House concurred in Senate amendments to Assembly Bill, No. 171, above reported.

The House refused to concur in Senate amendments to substitute for Assembly Bills, Nos. 66 and 281, above reported.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Conness, for An Act amendatory of, and supplemental to, an Act entitled An Act for the erection of a Building for a State Reform School, and for the regulation of the same, approved April eighteenth, eighteen hundred and sixty.

Read first and second times, and made special order for May first, at half past one o'clock, p. m.

By Mr. Powell, for An Act to liquidate an Equitable Claim against the City and County of Sacramento

Read first and second times, and referred to the Sacramento Delegation.

Also, for An Act to provide for the erection of a State Prison at or near the Town of Folsom

Read first and second times, and referred to the State Prison Committee;

Also, for An Act concerning the Office of Coroner of the City and County of Sacramento.

Read first and second times, and referred to the Sacramento Delegation.

By Mr. Curtis, for An Act to provide for the establishment of a Branch State Prison.

Read first and second times, and referred to the State Prison Committee.

Also, for An Act amendatory of, and supplementary to, an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April twenty-fourth, eighteen hundred and fifty eight.

Read first and second times, and referred to Sacramento Delegation.

By Mr. Adams, for An Act concerning certain Trade-Marks.

Read first and second times, and referred to Sacramento Delegation.

By Mr. Blair, for An Act to authorize the Guardian of George Horton and Marshall Horton to sell certain of their Real Estate at private sale.

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

By Mr. Stearns, for An Act supplementary to An Act to prevent the trespassing of Animals upon Private Property, approved March thirty-first, eighteen hundred and fifty-five.

Read first and second times, and referred to the Los Angeles Delegation.

GENERAL FILE.

Assembly Bill, No. 102, An Act to authorize the Guardian of John H. M. Townsend, a minor, to sell the Real Estate of said minor.

Also, Assembly Bill, No. 449, An Act fixing the Salary of the County Judge of Mariposa County—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 379, An Act to legalize the acts of the Surveyor of the County of Siskiyou in defining the Southern Boundary Line of said County—amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 118, An Act amendatory of an Act entitled An Act amendatory of, and supplementary to, An Act to establish, support, and regulate, Common Schools, and to amend the fourth clause of Section Sixteen of Acts concerning the same, approved April twenty-eighth, eighteen hundred and sixty;

Also, Assembly Bill, No. 280, An Act to repeal an Act entitled An Act to aid in the erection of the Washington Monument, in the District of Columbia, Approved March tenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 358, An Act supplemental to An Act to provide Revenue for the support of the Government of the State, approved April thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 419, An Act conferring further powers upon the Board of Supervisors of Alameda County;

Also, Senate Bill, No. 176, An Act extending Stewart Street, in San Francisco—were indefinitely postponed.

Senate Bill, No. 146, An Act amendatory of, and supplementary to, an Act entitled 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, eighteen hundred and fifty-six;

Also, Senate Bill, No. 179, An Act to authorize the parties therein named to construct and maintain a Ferry and Wharfs—were read a third time, and passed.

Assembly Bill, No. 59, 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—substitute adopted, rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 355, An Act for the Relief of Thomas B. Ludlam—was recommitted to the Committee on Ways and Means, with special instructions.

SPECIAL ORDER.

Assembly Bill, No. 460, An Act to amend Section One of an Act en-

titled An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the Acts amendatory thereto—was taken up.

Mr. Conness moved to recommit the bill to a Special Committee of three, with special instructions to strike out "second Monday of June," and insert "fourth Monday of May."

Upon which, Messrs. Kungle, Hagans, and Haun, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 16—noes, 40:

AYES—Messrs. Avery, Banks, Childs, Durst, Foster, Gregory, Harri-man, Harrison, Haun, Holman, Horrell, Morgan, O'Brien, Smith of Tulare, Smith of Placer, and Spence—16.

NOES—Messrs. Adams, Blair, Bradley, Briggs, Buell, Cherry, Coleman, Coltrin, Conness, Councilman, Curtis, Dougherty, Eastman, Fargo, Flanders, Ford, Gillette, Gordon, Green, Hagans, Henderson, Hill, Hunter, Kungle, Kurtz, Magruder, Miller, Munday, Porter, Powell, Showalter, Sorrel, Stearns, Tittel, Walden, White, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—40.

The bill was read a third time.

Mr. Conness moved the previous question.

Sustained.

On the passage of the bill, Messrs. Showalter, Cherry, and Gordon, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 39—noes, 17:

AYES—Messrs. Adams, Avery, Banks, Briggs, Buell, Campbell, Cherry, Clarke, Coleman, Coltrin, Conness, Dougherty, Durst, Eastman, Flanders, Foster, Green, Hagans, Harri-man, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, Munday, O'Brien, Porter, Powell, Showalter, Smith of Tulare, Smith of Placer, Spence, Stearns, Tittel, Walden, White, Wright, and Mr. Speaker—39

NOES—Messrs. Blair, Bradley, Childs, Gillette, Gordon, Harris, Harrison, Haun, Holman, Horrell, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Sorrel, and Wood of Yolo—17.

Mr. Showalter gave notice of reconsideration.

Mr. Lalor made the following report:

MR. SPEAKER:—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 29, An Act supplementary to an Act entitled An Act for securing Liens to Mechanics and others, approved April nineteenth, eighteen hundred and fifty-six;

Also, Assembly Bill, No. 326, An Act to regulate and license Intelligence Offices in the City and County of San Francisco.

LALOR.

Assembly Bill, No. 424, An Act to amend An Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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—was read a third time.

On the passage of the bill, Messrs. Curtis, Tittel, and Wood of Plumas, demanded the ayes and noes, and the bill was lost by the following vote: Ayes, 15—noes, 30:

AYES—Messrs. Bradley, Childs, Coleman, Curtis, Ford, Green, Hagans,

Harris, Holman, Hunter, Lippincott, O'Brien, Powell, White, and Wood of Plumas—15.

NOES—Messrs Avery, Banks, Blair, Campbell, Cherry, Clarke, Conness, Eastman, Fargo, Foster, Gillette, Gordon, Gregory, Harriman, Hill, Kungle, Lalor, Laspeyre, Magruder, Morgan, Munday, Porter, Showalter, Smith of Placer, Sorrel, Spence, Tilton, Tittel, Wright, and Mr. Speaker—30.

Mr. Tilton made the following report :

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 Indigent Sick in the County of Placer, approved April twenty-seventh, eighteen hundred and fifty-seven ;

Also, Assembly Bill, No 214, An Act to grant the right to construct a Bridge across the Colorado River, at, or near, Fort Yuma, to certain parties therein named.

Also, Assembly Bill, No 144, An Act prescribing a certain duty of the Auditor of the City and County of Sacramento ;

Also, Assembly Bill, No 426, An Act to fix the time of holding certain Courts in Yolo County.

TILTON,
Chairman.

Mr Horrell introduced a bill for An Act amendatory of an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty ninth, eighteen hundred and fifty one

Read first and second times, and referred to the Judiciary Committee. Assembly Bill, No 473, An Act to provide for the enumeration of the Inhabitants of this State—also special order, was taken up.

Mr Conness moved a call of the House.

Carried

Absent—Messrs Bacchtel, Blair, Councilman, Flanders, Gillette, Harriman, Holman, Kungle, Ross, Smith of Tulare, Spence, Stearns, Tittel, and Wood of Yolo

On motion of Mr Horrell, further proceedings under the call were dispensed with

Bill considered in Committee of the Whole, reported, and recommended

On making the bill the special order for Friday, May third, at twelve, M Messrs Banks, Fargo, and Ross, demanded the ayes and noes, with the following result : Ayes, 30—noes, 26 :

AYES—Messrs Childs, Coleman, Coltrin, Conness, Covarrubias, Durst, Eastman, Foster, Green, Gregory, Harrison, Haun, Henderson, Hill, Hunter, Johnson, Kungle, Lalor, Lippincott, Magruder, Miller, Munday, O'Brien, Showalter, Sorrel, Spence, Walden, Wood of Plumas, Wright, and Mr. Speaker—30.

NOES—Messrs Adams, Avery, Banks, Blair, Bradley, Briggs, Buell, Campbell, Cherry, Councilman, Curtis, Dougherty, Fargo, Flanders, Ford, Gordon, Hagans, Harris, Holman, Kurtz, Morgan, Porter, Powell, Ross, Smith of Tulare, and Tilton—26.

So the bill was made the special order.

GENERAL FILE, RESUMED.

Assembly Bill, No. 165, An Act to protect Sheep and Lambs—amendments adopted, and bill ordered engrossed.

Assembly Bill, No 405. An Act supplementary to, and amendatory of, An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved April twenty-eighth, eighteen hundred and sixty—was indefinitely postponed.

Assembly Bill, No. 321, An Act for the better observance of the Sabbath—was recommitted to a Special Committee of three, consisting of Messrs. Conness, Blair, and Biggs, with instructions to prepare a substitute providing for the closing of business houses on Sundays

Assembly Bill, No 432, An Act appropriating Money for the payment of John B. Brady, for services rendered as Assistant Engrossing Clerk of the Assembly during the Eleventh Session—was recommitted to Committee on Claims

Assembly Bill, No 7. An Act authorizing the Board of Supervisors of the City and County of San Francisco to pay the Claim of Geo. H. Hossesfross—amendments adopted, rules suspended, considered engrossed, read a third time, and passed

Assembly Bill, No 436, An Act to authorize the Board of Supervisors of the County of Monterey to make Appropriations, payable out of the Expense Fund of said County, for purposes therein mentioned—rules suspended, considered engrossed, read a third time, and passed

Assembly Bill, No 305, An Act for the relief of Samuel A. Bishop and Edward F. Beale—was indefinitely postponed.

Mr Banks moved to reconsider the vote by which the House on yesterday passed Senate Bill, No 158, An Act to authorize Henry B. Platt and Jas. Gallagher to construct a Wharf at the foot of Third Street, in the City and County of San Francisco

Mr Blair moved to indefinitely postpone the motion to reconsider.

Mr Gregory moved the previous question.

Carried

On the indefinite postponement of the motion to reconsider, Messrs. Dougherty, Banks, and Gregory, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 36—noes, 17:

AYES—Messrs. Blair, Bradley, Buell, Childs, Coleman, Coltrin, Covarrubias, Dougherty, Durst, Eastman, Foster, Green, Gregory, Hagans, Harris, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Laspeyre, Lippincott, Magruder, Munday, Powell, Ross, Showalter, Smith of Tulare, Sorrel, White, Wood of Plumas, and Wright—36.

NOES—Messrs. Adams, Avery, Banks, Campbell, Cherry, Clarke, Councilman, Flanders, Ford, Harriman, Lalor, Miller, Morgan, Porter, Spence, and Tilton—17.

Assembly Bill, No 145, An Act to amend the Criminal Practice Act—was indefinitely postponed

Assembly Bill, No 189, An Act supplemental to an Act entitled An Act to prevent the trespassing of Animals upon Private Property—was indefinitely postponed.

Assembly Bill, No 221, An Act concerning Prosecutions in certain cases—was indefinitely postponed

Assembly Bill, No 363, An Act to amend An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State passed April twenty-ninth, eighteen hundred and fifty one—was indefinitely postponed.

Assembly Bill, No 372, An Act to amend An Act to regulate Proceedings in Civil Cases—was indefinitely postponed.

Mr Councilman moved to adjourn

Upon which, Messrs. Miller, Kungle, and Spence, demanded the ayes

and noes, and the motion prevailed by the following vote: Ayes, 28—noes, 0:

AYES—Messrs Buell, Campbell, Childs, Clarke, Coleman, Coltrin, Councilman, Eastman, Ford, Foster, Green, Harris, Harrison, Haun, Henderson, Hill, Hunter, Kungle, Lippincott, Munday, O'Brien, Powell, Sorrel, Walden, White, Wood of Yolo, and Mr Speaker—28.

NOES—Messrs Adams, Avery, Banks, Briggs, Cherry, Durst, Fargo, Flanders, Gregory, Hagans, Horrell, Miller, Morgan, Porter, Ross, Shorwalter, Spence, Stearns, Tilton, and Wood of Plumas—20.

And at three o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, May 1, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present

Journal of yesterday read and approved.

Mr Gregory had indefinite leave of absence.

Mr Willey had leave for two days

Messrs Kurtz, Ross, and Briggs, had leave for one day each.

REPORTS.

Reports were made as follows:

By Mr Wood of Plumas:

MR. SPEAKER:—The Committee on Military Affairs, to whom was referred Assembly Bill, No. 494, An Act for the relief of Charles E Curtis—have had the same under consideration, and find that the account and evidence sustaining it has not been placed before the Board of Examiners, as is required by law. The committee, therefore, beg leave to report the bill and accompanying document back to the Assembly, and recommend that the introducer have leave to withdraw the same

A. WOOD,
Chairman.

Adopted

By Mr. Lalor:

MR. SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 362, An Act amendatory of An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five;

Also, Assembly Bill, No. 202, An Act to amend an Act entitled An Act to restrict the Herding of Sheep in certain Pastures in the Counties of Sonoma and Marin, and the several Acts amendatory thereof, approved April twenty first, eighteen hundred and fifty-seven, approved April fifteenth, eighteen hundred and fifty-eight, approved March sixteenth, eighteen hundred and fifty-nine, approved April twenty-eighth, eighteen hundred and sixty;

Also, Assembly Bill, No. 328, An Act to amend an Act entitled An Act

to provide for the better encouragement of the culture of the Vine and the Olive, approve 1 April eleventh, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 345 An Act for the purchase and preservation of the Public Newspapers printed in the several Counties of this State.

LALOR,
Chairman.

By Mr. Flanders :

MR. SPEAKER:—I am directed by the San Francisco Delegation to report back Senate Bill, No. 114, An Act allowing R. C. Page, W. A. Piper, and their Associates, to lay down Gas Pipes in the City and County of San Francisco—with amendments, and recommend the passage of the bill as amended.

FLANDERS,
For the Delegation.

Mr. Conness verbally reported and recommended the passage of a substitute for Assembly Bills, Nos 443 and 444, Relative to the Apportionment of the State

Ordered printed, and made special order for May second, at eleven o'clock, A. M.

By Mr. Cherry :

MR. SPEAKER:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 498, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the Claim of John H. Shepard—having had the same under consideration, report it back, with amendments, and recommend its passage as amended;

Also, Senate Bill, No. 362—with an amendment, and recommend its passage.

CHERRY,
For the Delegation.

The rules were suspended, amendments to Senate Bill, No. 562, above reported adopted, read a third time, and passed.

Assembly Bill, No. 498 above reported—was considered

Mr. Conness moved to amend by adding the words "and required."

Upon which, Messrs. Conness, Banks, and Wood of Yolo, demanded the ayes and noes, and the amendment was adopted by the following vote : Ayes, 33—noes, 18 :

AYES—Messrs. Baechtel, Blair, Bradley, Buell, Childs, Coleman, Coltrin, Conness, Covarrubias, Durst, Foster, Gillette, Gordon, Green, Hagans, Harris, Harrison, Henderson, Hill, Howell, Hunter, Kingle, Lalor, Magruder, Miller, O'Brien, Powell, Showalter, Sorrel, Walden, Wood of Plumas, Wood of Yolo, and Wright—33.

NOES—Messrs. Adams, Avery, Banks, Cherry, Clarke, Councilman, Curtis, Eastman, Fargo, Flanders, Ford, Haun, Holman, Johnson, Morgan, Porter, Stearns, and Mr. Speaker—18

Bill considered engrossed, read a third time, and passed.

Mr. Conness moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill, No. 459, An Act to provide for the election of Members of Congress for the State of California

Upon which, the ayes and noes were demanded, and the House refused by the following vote : Ayes, 17—noes, 36 :

AYES—Messrs. Baechtel, Blair, Bradley, Childs, Gillette, Gordon, Greg-

ory, Harrison, Holman, Horrell, Lator, Laspeyre, Magruder, Showalter, Sorrel, and Wood of Yolo—17.

Noes—Messrs. Adams, Avery, Banks, Buell, Campbell, Cherry, Clarke, Coltrin, Conness, Councilman, Covarrubias, Dougherty, Durst, Eastman, Ford, Foster, Green, Hagans, Henderson, Hill, Hunter, Miller, Morgan, O'Brien, Porter, Powell, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilton, Walden, White, Wood of Plumas, Wright, and Mr Speaker—36.

Mr Showalter had leave to change his vote, given on yesterday, on the passage of the bill from aye to no.

SPECIAL ORDER.

Senate Bill, No 321, An Act relating to the War Debt of this State—special order, was taken up, considered in Committee of the Whole, reported with amendments, recommended, amendments concurred in, bill read a third time, and passed.

Assembly Bill, No 202, An Act to amend an Act entitled An Act to restrict the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin, and the several Acts amendatory thereof.

Mr. Adams moved to recommit the bill with special instructions.

Lost

Mr. Conness moved the previous question.

Sustained

Bill read a third time, and passed.

On motion of Mr. Campbell, the vote by which the House this day adopted amendments to, and passed, Senate Bill, No 362, An Act amendatory of, and supplementary to, An Act relating to the payment of the Stewards of the San Francisco Fire Department—was reconsidered, the amendment lost, bill read a third time, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER.
May 1, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No 281, An Act concerning certain Officers' Salaries in Napa County ;

Also, Senate Bill, No. 270, An Act relative to Proceedings in Civil Cases ;

Also, Assembly Bill, No 474, An Act relative to the City of Placerville ;

Also, Assembly Bill, No 463, An Act relative to the Soda Springs and Pitt River Turnpike Company.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No 270, above reported—read first and second times, and referred to the Judiciary Committee.

Senate Bill, No 281, above reported—read first and second times, and placed on file.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr Johnson, for An Act authorizing the Board of Directors of the State Library to purchase certain Newspaper Files, and to provide for the payment of the same.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Curtis, for An Act supplementary to the Act passed May eleventh eighteen hundred and fifty three, entitled An Act in relation to Personal Mortgages in certain cases, and the several Acts amendatory thereto.

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

By Mr. Hohnan, for An Act to authorize the County Superintendent of Public Instruction of Solano County to pay certain Moneys.

Read first and second times, and referred to the Committee on Education.

By Mr. Childs, for An Act to require the Publication of Notices of Application to the Legislature.

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

By Mr. Walden, for An Act fixing the Time for holding the Terms of the County Court and Court of Sessions in and for the County of Stanislaus.

Read first and second times, and referred to the Stanislaus Delegation.

GENERAL FILE.

Assembly Bill, No. 194, An Act to allow the Claim of Daniel McLaren—was laid on the table.

Assembly Bill, No. 421, An Act to provide for the Appointment of a Commissioner to the World's Fair in London—was indefinitely postponed.

Senate Bill, No. 109, An Act amendatory of an Act entitled An Act for the relief of Purchasers of Land from the State of California—was indefinitely postponed.

Assembly Bill, No. 339, An Act to encourage the Cultivation of Cotton in this State—was indefinitely postponed.

Assembly Bill, No. 433, An Act to prevent the catching of Trout at certain Seasons of the Year—was indefinitely postponed.

Senate Bill, No. 55, An Act to amend an Act entitled An Act for securing the Liens of Mechanics and Others, passed April nineteenth, eighteen hundred and fifty-six—was read a third time, and passed.

Senate Bill, No. 100, An Act to amend an Act entitled An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, eighteen hundred and fifty-eight, entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one—was read a third time, and passed.

Senate Bill, No. 141, An Act to transfer certain Moneys in the Treasury of Sacramento County, remaining in the General Fund, to the Contingent Fund—was read a third time, and passed.

Senate Bill, No. 169, An Act to amend an Act entitled An Act to regulate Fees in Office in certain Counties in this State, approved April twenty-eight eighteen hundred and fifty-seven—was read a third time, and passed.

Senate Bill, No. 208, An Act to amend an Act entitled An Act for opening and repairing Roads in the Counties of Sutter and Santa Cruz—was read a third time, and passed.

Senate Bill, No. 284, An Act to audit and allow the Claim of William S. Botts—read a third time, and passed.

Senate Bill, No. 72, 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 twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty—was read a third time, title amended, and passed.

Assembly Bill, No 383, An Act to amend An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty—rules suspended, considered engrossed, read a third time, and passed

Assembly Bill, No 413, An Act amendatory of An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight—rules suspended, considered engrossed, read a third time, and passed

Assembly Bill, No 451, An Act to authorize the Executor of George W Birdsall, deceased, to sell Real Estate at Private Sale—rules suspended, considered engrossed, read third time, and passed.

Assembly Bill, No 489, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax—rules suspended, considered engrossed, read a third time, and passed

Assembly Bill, No 507, An Act amendatory of, and supplemental to, an Act entitled An Act for the erection of a Building for a State Reform School, and for the regulation of the same, approved April eighteenth, eighteen hundred and sixty—rules suspended, considered engrossed, read a third time, and passed

Senate Bill, No. 204, An Act amendatory of, and supplemental to, an Act entitled An Act to regulate Proceedings in Civil Cases, approved April twenty-ninth, eighteen hundred and fifty one—amendments adopted, title amended, read a third time, and passed

Senate Bill, No. 114, An Act allowing R C Page, W A Piper, and their Associates, to lay down Gas Pipes in the City and County of San Francisco—amendments adopted, read a third time, and passed

Senate Bill, No 124, An Act to repeal the Charter of the City of Sonora—amendments adopted, read a third time, and passed

Senate Bill, No 247, An Act authorizing C. S Higgins, and his Associates and Assigns, to lay down Gas-Pipes in the City and County of San Francisco—amendments adopted, read a third time, and passed

Senate Bill, No 286, An Act to amend an Act entitled An Act to provide for the disposition of certain Property of the State of California, passed March twenty sixth, eighteen hundred and fifty-one—amendments adopted, read a third time, and passed

Mr White gave notice of reconsideration of Senate Bill, No 286

Mr Fargo had leave to withdraw the claim of John Valentine

The House adopted Assembly Concurrent Resolution, No 52, Asking Congress to cede to the State of California the odd sections of all Public Land within the State, to be used solely for Railroad Purposes

The House laid on the table Senate Bill, No. 399, An Act to separate the Office of Collector of Taxes from the Office of Sheriff, in the County of Tehama

Mr. Fargo introduced a bill for An Act to define the Congressional Districts of this State, and to fix the time for electing Members of Congress.

Read first and second times, and placed on file

At half past one o'clock, P M on motion of Mr. Blair, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, May 2d, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present

Journal of yesterday read and approved.

REPORTS.

Reports were made as follows :

By Mr. Lippincott :

MR. SPEAKER :—The Committee on Claims, to whom was referred Assembly Bill, No. 432, An Act to appropriate Money for the payment of John B. Brady, for Services rendered as Assistant Engrossing Clerk of the Assembly during the Eleventh Session of the Legislature—report the same back, and recommend the passage of the bill ;

Also, Assembly Bill, No. 247, An Act for the relief of Benjamin F. Birch—beg leave to report the same back, without recommendation ;

Also, Assembly Bill, No. 37, An Act for the relief of William H. Brown—with an amendment, and recommend the passage of the bill as amended.

LIPPINCOTT,

Chairman.

The rules were suspended. Assembly Bill, No. 432, above reported, considered in Committee of the Whole, rules suspended, considered engrossed, read a third time, and passed.

By Mr. Tilton :

MR. SPEAKER :—Your Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 360, An Act to restore Eliza Martin, late Eliza Hall, to her former authority as Executrix of the last Will and Testament of Edward H. Hall, deceased, and to authorize her as such Executrix, to sell and convey Real and Personal Property ;

Also, Assembly Bill, No. 274, An Act to amend an Act entitled An Act to grant the right to construct and maintain a Dam and Lock across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No. 485, An Act supplemental to An Act to change the time of holding Municipal Elections in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-one.

TILTON,

Chairman.

By Mr. Coleman :

MR. SPEAKER :—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 59, An Act amendatory of, and supplementary to, an Act entitled An Act amendatory of An Act authorizing the Secretary of State to issue Bonds for the payment of Expenses incurred in the suppression of Indian Hostilities in certain Counties of this State, approved April twenty-fifth, eighteen hundred and fifty-seven, approved April twenty-seventh, eighteen hundred and sixty ;

Also, Assembly Bill, No. 189, An Act defining the mode of serving Civil Process in the County of San Bernardino ;

Also, Assembly Bill, No. 361, An Act to authorize the City of Sonoma to compromise Controversies relative to City Property, and to sell Lands ;

Also, Assembly Bill, No. 319, An Act to legalize the Acts of the Sur-

vayor of the County of Siskiyou in defining the Northern Boundary Line of said County.

COLEMAN.

By Mr. Curtis :

MR. SPEAKER :—The Sacramento Delegation, to whom was referred Assembly Bill, No. 502, An Act amendatory of, and supplementary to, an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April twenty-fourth, eighteen hundred and fifty-eight—have had the same under consideration, and report it back, with amendments, and recommend its passage as amended.

CURTIS,
POWELL.

On motion of Mr. Magruder, the vote by which the House, on yesterday, passed Senate Bill, No. 286, An Act to amend an Act entitled An Act to provide for the disposition of certain Property of the State of California, passed March twenty-sixth, eighteen hundred and fifty-one—was reconsidered

The question recurred on the passage of the bill.

Mr. Burnell moved the previous question.

Sustained.

On the passage of the bill, Messrs. White, Wood of Plumas, and Haun, demanded the ayes and noes, and the bill was lost by the following vote :
Aes, 26—noes, 31 :

AYES—Messrs. Avery, Blair, Bradley, Briggs, Campbell, Cherry, Clarke, Conness, Councilman, Durst, Fargo, Flanders, Foster, Harriman, Harrison, Henderson, Miller, Morgan, Piercy, Porter, Smith of Tulare, Spence, Tilton, Willey, Wright, and Mr. Speaker—26.

NOES—Messrs. Adams, Baechtel, Buell, Coltrin, Covarrubias, Dougherty, Ford, Gillette, Green, Gregory, Hagans, Harris, Haun, Hill, Holman, Horrell, Hunter, Kungle, Kurtz, Laspeyre, Lippincott, Magruder, Munday, O'Brien, Ross, Showalter, Sorrel, Walden, White, Wood of Plumas, and Wood of Yolo—31.

Assembly Bills, Nos. 443 and 444, in relation to the Senatorial and Assembly Districts—special order of the day, were taken up, substitute reported by the committee adopted, considered in Committee of the Whole, reported, with amendments, and made special order for May third, at eleven o'clock, A. M.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER, }
May 1, 1861. }

MR. SPEAKER :—The Senate, this day, passed Senate Bill, No. 372. An Act amendatory of, and supplemental to, an Act entitled An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine ;

Also, receded from its amendments to Assembly Bill, No. 254, An Act amendatory of An Act to facilitate Telegraphic Communication between California and the Atlantic States ;

Also, refused to recede from its amendments to Assembly Bills, Nos. 66 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Lands

D. J. WILLIAMSON,
Assistant Secretary.

The House appointed Messrs. Briggs, Magruder, and Wood of Yolo, Committee of Free Conference on Assembly Bills, Nos. 66 and 281, above reported.

Senate Bill, No 372, above reported—was read first and second times, and referred to the Sutter Delegation.

SENATE CHAMBER,
May 2d, 1861. }

MR. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 54, An Act to provide for the reclamation of the Swamp and Overflowed Lands of this State—with amendments

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No 54, above reported

SENATE CHAMBER,
May 2d, 1861 }

MR. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 314, Relative to Proceedings in Civil Cases ;

Also, Senate Bill, No 316, Relative to the Administratrix of W C Corbett,

Also, Senate Bill, No 382, Relative to Crimes and Punishments ;

Also, Assembly Bill, No 258, An Act to construct a Bridge across the American River to certain parties ;

Also, have appointed a Committee of Free Conference on Senate Bill, No 73, An Act to provide for the sale of the Marsh and Tide Lands of this State—consisting of Messrs. Phelps, Parks, and Warmcastle.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No 282, above reported—was read first and second times, and referred to the Judiciary Committee

Senate Bill, No. 314, above reported—was read first and second times, and referred to the Judiciary Committee

Senate Bill, No 316, above reported—was read first and second times, and referred to the Judiciary Committee.

Mr. Coleman made the following report :

MR. SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No 7, An Act authorizing the Board of Supervisors of the City and County of San Francisco to pay Claims of George H. Hossefros, F. E R Whitney, and A J Gladding ;

Also, Assembly Bill, No 498, An Act to authorize and require the Board of Education of the City and County of San Francisco to pay the Claim of John H. Shepard.

COLEMAN.

GENERAL FILE.

Senate Bills, Nos. 78 and 79—were recommitted to the Judiciary Committee.

Assembly Bill No 289, An Act defining the mode of serving Civil Process in the County of San Bernardino;

Also, Senate Bill, No 93, An Act to amend an Act entitled An Act defining the Rights of Husband and Wife;

Also, Senate Bill, No 215, An Act in relation to Bills of Exchange and other Negotiable Instruments;

Also, Senate Bill, No 251, An Act to authorize Maria O'Connor, Administratrix of the Estate of Michael T. O'Connor, deceased, to sell and convey Real Estate—were read a third time, and passed.

Assembly Bill, No 275, 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 twenty-ninth, eighteen hundred and fifty-one—amendments adopted, and ordered engrossed.

Senate Bill, No 205, An Act amendatory of, and supplemental to, An Act passed April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments—amendments adopted, read a third time, and passed.

The House refused to pass Senate Bill, No. 167, An Act for the relief of William L. Patterson

Assembly Bill, No 421, An Act to amend an Act entitled An Act for the relief of Insolvent Debtors and protection of Creditors, approved May fourth, eighteen hundred and fifty-two—was indefinitely postponed.

Senate Bill, No 40, An Act to provide for the disposition of certain Property of the State of California—was laid on the table

Assembly Bill, No 389, An Act to define the Rights and Duties of Landlords and Tenants—amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

At half past three o'clock, P. M. on motion of Mr. Foster, the House adjourned

IN ASSEMBLY.

HOUSE OF ASSEMBLY, }
Friday, May 3, 1861 }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Tilton had three days' leave of absence.

Mr. Stearns had two days' leave of absence.

REPORTS.

Reports were made as follows:

By Mr. Curtis:

MR. SPEAKER:—The Committee on Corporations, to whom was referred Senate Bill, No 356, An Act to provide for the construction of a Railroad in the County of Contra Costa—have had the same under consideration, and report it back without recommendation.

CURTIS,
Chairman.

By Mr. Dougherty:

Mr. SPEAKER:—Your Committee on Ways and Means, to whom was referred Senate Bill, No. 69, An Act to provide for the pay of Troops called out by the Governor in the year eighteen hundred and fifty-six—beg leave to report the same back with a recommendation that it do not pass;

Also, Assembly Bill, No. 340, An Act to authorize the Board of Supervisors of Alameda County to settle with the Sureties of Charles C. Breyfogle, late Treasurer of said County—and recommend that it do not pass;

Also, Assembly Bill, No. 512, An Act to authorize the purchase of certain Newspapers for State Library—and recommend its indefinite postponement, as the provisions of the bill are already provided for by law;

Also, Senate Bill, No. 536, An Act for the relief of the Sureties upon the Recognizance of Mike Freely, of the County of Sierra—and recommend its passage;

Also, Assembly Bill, No. 335, An Act for the Relief of Thomas B. Ludlum—this bill asks for the redemption, in cash, of a bond issued February twenty-fifth, eighteen hundred and fifty, under the act to provide for a temporary State loan

Your committee find upon examination, that under the law passed April nineteenth, eighteen hundred and fifty one, holders of said bonds were required to present them to the Treasurer of State to be funded, and a sinking fund created for their redemption.

That under the act of May first, eighteen hundred and fifty-two, creating a temporary State loan, to present them at his office for redemption on the first day of January, eighteen hundred and fifty-three.

That by the act of April twenty eighth, eighteen hundred and fifty-seven, all persons having any claims against the State, accruing prior to January first, eighteen hundred and fifty-seven, were required to present them to be audited and allowed, and receive new bonds therefor.

Your committee, therefore, find that the provisions of this bill is in direct conflict with every law upon the subject now upon the statute books of the State, and, therefore, recommend that it do not pass;

Also, Senate Bill, No. 337, An Act to provide for the payment of Costs incurred by Placer County in the Trial of Henry Bates, late State Treasurer.

Your committee find that the Board of Examiners, whose duty it is to pass upon claims against the State, have rejected this.

That Placer County has its remedy against the county of Sacramento for said expenses, and if the State should be called upon to pay them, the county of Sacramento is the one to make the application;

Also, Assembly Bill, No. 479, An Act for the relief of J. C. Pennie—with amendments, and recommend its passage as amended.

JOHN DOUGHERTY,
Chairman.

By Mr. Lalor:

Mr. SPEAKER:—Your Committee on Engrossment have examined and found correctly engrossed, Assembly Bill, No. 292, An Act to prohibit the Skinning of Dead Cattle in certain cases;

Also, Assembly Bill, No. 165, An Act to protect Sheep and Lambs in this State.

E. LALOR,
Chairman.

By Mr. Piorey:

Mr. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 414, An Act to prescribe the

Duties, and provide for the Compensation, of the several Officers of the County of Butte ;

Assembly Bill, No 139, An Act for the provide for the collection of Delinquent Taxes in the City of Oakland ;

Also, Assembly Bill, No 199, An Act to fix the location of Brady Street, in the City and County of San Francisco ;

Also, Assembly Bill, No 347, An Act to enable and require the Board of Supervisors of the County of Contra Costa to complete the levy of Taxes for Road Purposes in said County for the year eighteen hundred and sixty-one.

S. S. TILTON.

Chairman.

By Mr. Powell :

MR. SPEAKER :—The State Prison Committee, to whom was referred Assembly Bill, No. 506, An Act to provide for the erection of a State Prison at, or near, the Town of Folsom—have had the same under consideration, and beg leave to report the accompanying bill as a substitute, and recommend its passage.

POWELL,
TILTON,
HUNTER.

By Mr. Adams :

MR. SPEAKER :—The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill, No 350, An Act to amend An Act to provide for the Sale of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight—have had the same under consideration, and report the same back with an amendment, and recommend the passage of the bill as amended.

ADAMS,

Chairman.

BRADLEY.

WOOD of Yolo.

By Mr. Lippincott :

MR. SPEAKER :—The Committee on Claims, to whom was referred Assembly Bill, No. 493, An Act to audit the Claim of P. Della Torre—beg leave to report the same back, and recommend its passage ;

Also, the Claim of H C Harrison for services in drawing up and taking Affidavits as Notary Public in the matter of the late Senatorial Election—and report the same back, and recommend its indefinite postponement ;

Also, the Claim of P. E Jeffries for the use of Horses impressed into service in the Indian War, in Utah Territory, and report as follows : All the circumstances connected with the case occurred without the jurisdiction of this State, and could impose no responsibility upon it. We believe, however, that the claim is just, and is fairly chargeable to the Federal Government, for whose service the horses, etc. were impressed, and therefore recommend that a joint resolution be passed instructing our Senators, and requesting our Representatives in Congress, to procure an appropriation to meet this and similar claims.

LIPPINCOTT,

Chairman.

Mr. Lippincott introduced a concurrent resolution, asking an appropriation pursuant to the recommendation of the committee.

Adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT, }
Sacramento, May 2, 1861.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly Bill, No. 332, An Act conferring further Powers on the Board of Supervisors of the City and County of Sacramento;

Also, Assembly Bill, No. 31, An Act to authorize County Judges other than the County Judge of Yuba County, to hold Terms of the County Court, Court of Sessions, and Probate Court, in Yuba County;

Also, Assembly Bill, No. 394, An Act concerning Hogs found running at large in the Counties of Contra Costa and Monterey between the first day of June, and the first day of October, in each year;

Also, Assembly Bill, No. 464, An Act to legalize the Ordinances and all Official Acts of the Board of Trustees of the City of Sonoma;

Also, Assembly Bill, No. 279, An Act to change the Name of Henry Nathan to Henry Chester;

Also, Assembly Bill, No. 256, An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts;

Also, Assembly Bill, No. 300, An Act to change the Name of Juan A. Suñiga to Alfred J. Hermosilla;

Also, Assembly Bill, No. 447, An Act to authorize the Trustees of Petaluma School District to levy a Tax to refund certain Moneys paid by the late Trustees of said District;

Also, Assembly Bill, No. 294, An Act to change the name of Hendrich Wilhelm Christian Steghagan to Henry Hagan;

Also, Assembly Bill, No. 311, An Act providing for the permanent Improvement of the Stock Grounds belonging to the State Agricultural Society;

Also, Assembly Bill, No. 448, An Act in relation to Sutter Creek, in the Town of Lone City and vicinity, and to define the Boundaries and Width thereof;

Also, Assembly Bill, No. 445, An Act to provide for reindexing the County Records of Siskiyou County;

Also, Assembly Bill, No. 370, An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty;

Also, Assembly Bill, No. 426, An Act to fix the time of holding certain Courts in Yolo County;

Also, Assembly Bill, No. 144, An Act prescribing a certain Duty of the Auditor of the City and County of Sacramento;

Also, Assembly Bill, No. 481, An Act to amend an Act entitled An Act concerning the Indigent Sick in the County of Placer, approved April twenty-seventh, eighteen hundred and fifty-seven;

Also, Assembly Bill, No. 214, An Act to grant the right to construct a Bridge across the Colorado River, at, or near, Fort Yuma, to certain parties therein named.

JOHN G. DOWNEY,
Governor.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Fargo, for An Act to authorize the Superintendent of Public Instruction of the County of Alameda to appoint a Deputy, and to grant him leave of absence.

Read first and second times, and referred to the Committee on Education.

By Mr. Denniston, for An Act to provide for taking the Sense of the People of San Mateo County upon the removal of the County Seat thereof

Read first and second times, and referred to the San Mateo Delegation.

By Mr. Wright, for An Act in relation to the County Officers of the County of Sierra.

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

By Mr. Morrison, for An Act concerning the Infant Heirs of William M. Stockton, deceased.

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

The Chief Clerk had indefinite leave of absence on account of illness.

Mr. Wood of Plumas offered the following resolution :

Resolved, That Thomas J. Bowers be appointed Clerk *pro tem.* during the sickness of the Chief Clerk.

Laid on the table.

GENERAL FILE.

Assembly Bill, No. 412, An Act to amend An Act concerning Crimes and Punishments—was indefinitely postponed.

Assembly Bill, No. 387, An Act to provide for the recovery of the possession of Land by Summary Proceedings—was ordered engrossed

Assembly Bill, No. 346, An Act to amend an Act entitled An Act concerning Jurors, passed March twenty-fifth, eighteen hundred and fifty-one—was indefinitely postponed.

Senate Bill, No. 113, An Act to amend an Act entitled An Act to provide for the appointment of a Gager for the Port of San Francisco, passed May third, eighteen hundred and fifty-two—amendments adopted, read a third time, and passed.

SPECIAL ORDER.

Substitute for Assembly Bills, Nos. 443 and 444, in relation to the Apportionment of the State—special order for this day, was taken up

Mr. Piercy offered a substitute.

Upon the adoption of which, Mr. Fargo moved the previous question.

The ayes and noes were demanded, and the House refused to sustain the previous question by the following vote : Ayes, 22—noes, 43 :

AYES—Messrs. Avery, Blair, Buell, Childs, Councilman, Fargo, Flanders, Ford, Gordon, Harriman, Harrison, Morgan, Morrison, Munday, O'Brien, Piercy, Ross, Smith of Placer, Spence, Stearns, and Willey—22.

NOES—Messrs. Adams, Baechtcl, Banks, Bradley, Briggs, Campbell, Cherry, Clarke, Coltrin, Conness, Covarrubias, Curtis, Dougherty, Durst, Eastman, Foster, Gillette, Green, Gregory, Hagans, Harris, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Magruder, Miller, Montgomery, Porter, Powell, Showalter, Sorrel, White, Wood of Plumas, Wood of Yolo, and Wright—43.

On the adoption of the substitute, Messrs. Hagans, White, and Gillette, demanded the ayes and noes, and the substitute was adopted by the following vote : Ayes, 36—noes, 29 :

AYES—Messrs. Avery, Banks, Blair, Bradley, Briggs, Buell, Campbell, Cherry, Childs, Clarke, Councilman, Covarrubias, Fargo, Flanders, Ford, Gillette, Gordon, Hagans, Harriman, Johnson, Kurtz, Lippincott, Morgan, Morrison, Munday, O'Brien, Piercy, Ross, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Walden, Willey, and Wood of Plumas—36.

NOES—Messrs. Adams, Coltrin, Conness, Curtis, Denniston, Durst, Eastman, Foster, Green, Gregory, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Kungle, Lalor, Magruder, Miller, Montgomery, Powell, Showalter, White, Wood of Yolo, Wright, and Mr. Speaker—29.

Mr. White moved to indefinitely postpone the substitute.

Upon which, Messrs. White, Banks, and Munday, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 15—noes, 45:

AYES—Messrs. Adams, Coltrin, Conness, Curtis, Foster, Gillette, Green, Gregory, Harrison, Haun, Henderson, Hunter, Showalter, White, Wood of Plumas, and Wright—15.

NOES—Messrs. Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Cherry, Childs, Clarke, Councilman, Denniston, Durst, Fargo, Flanders, Ford, Gordon, Hagans, Harriman, Harris, Holman, Johnson, Kurtz, Lippincott, Magruder, Miller, Montgomery, Morgan, Morrison, Munday, O'Brien, Piercy, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Willey, Wood of Yolo, and Mr. Speaker—45.

On ordering the bill engrossed, Messrs. Kungle, Gillette, and Henderson, demanded the ayes and noes, and the House so ordered by the following vote: Ayes, 44—noes, 20:

AYES—Messrs. Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Cherry, Childs, Clarke, Councilman, Covarrubias, Durst, Fargo, Flanders, Ford, Gillette, Gordon, Hagans, Harriman, Harris, Johnson, Kurtz, Lippincott, Magruder, Miller, Montgomery, Morgan, Morrison, Munday, O'Brien, Piercy, Porter, Ross, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Willey, Wood of Yolo, and Mr. Speaker—44.

NOES—Messrs. Adams, Coltrin, Conness, Curtis, Eastman, Foster, Green, Gregory, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Kungle, Lalor, Powell, Showalter, White, Wood of Plumas, and Wright—20.

Bill made special order for May fourth, at eleven o'clock, A. M.

Assembly Bill, No. 473, An Act to provide for the Enumeration of the Inhabitants of this State—also special order, was taken up.

Mr. Campbell moved to lay the bill on the table.

Upon which, Messrs. Conness, Green, and Ross, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 30—noes, 21:

AYES—Messrs. Adams, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Cherry, Clarke, Denniston, Dougherty, Durst, Fargo, Flanders, Ford, Gillette, Gordon, Holman, Kurtz, Laspeyre, Morgan, O'Brien, Piercy, Porter, Ross, Smith of Tulare, Stearns, Willey, and Mr. Speaker—30.

NOES—Messrs. Coltrin, Conness, Covarrubias, Eastman, Foster, Green, Harriman, Harrison, Haun, Henderson, Hill, Horrell, Hunter, Johnson, Kungle, Lalor, Magruder, Miller, Smith of Placer, Spence, and Walden—21.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
May 3d. 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 245, An Act fixing the number of Officers and Employés of the Senate and Assembly, to define their Duties and establish their Pay;

Also, Assembly Bill, No. 393, An Act to appropriate Money for the maintenance and support of District Agricultural and Mechanical Societies—with amendments;

Also, Assembly Bill, No. 498, An Act to authorize and require the Board of Supervisors of the City and County of San Francisco to pay John H. Sheppard, etc ;

Also, Assembly Bill, No. 451, Relative to the Estate of George W. Bird-sall, deceased ;

Also, Assembly Bill, No. 449, Relative to the Salary of the County Judge of Mariposa County ;

Also, Senate Bill, No. 370, An Act to grant to the San Francisco Market Street Railroad Company the right to construct their Railway Track upon certain Streets within the City and County of San Francisco ;

Also, Senate Bill, No. 375, An Act to authorize the Board of Supervisors of the City and County of San Francisco to change the Grade of certain Streets ;

Also, Senate Bill, No. 373, An Act to provide for printing the Report of the State Agricultural Society ;

Also, passed Assembly Bill, No. 373, An Act to establish the Boundary Line between the Counties of Monterey and San Luis Obispo ;

Also, Senate Bill, No. 340, An Act to authorize William T. Wallace to sell certain Real Estate of his Infant Children ;

Also, Assembly Bill, No. 406, An Act to define the Boundary Line between the Counties of Sonoma and Marin ;

Also, Assembly Bill, No. 453, An Act to grant the right to construct a Turnpike Road between the Town of Mokelumne Hill and a point on the Road to Stockton, at, or near, the Golden Gate Ranch, in the County of Calaveras ;

Also, Assembly Bill, No. 480, An Act to authorize the Board of Supervisors of the City and County of Sacramento, etc—with amendments ;

Also, Assembly Bill, No. 482, An Act authorizing the Board of Supervisors of the County of San Bernardino to audit and allow the Claim of V. J. Young.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bills, Nos. 393 and 480, above reported.

Senate Bill, No. 246, above reported—was read first and second times, and referred to the Committee on Ways and Means

Senate Bill, No. 373, above reported—was read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No. 340, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 370, above reported—was read first and second times, referred to the San Francisco Delegation, and made special order for May eighth, at eleven o'clock, A. M.

Senate Bill, No. 375, above reported—was read first and second times, and referred to the San Francisco Delegation.

GENERAL FILE.

Assembly Bill, No. 165, An Act to protect Sheep and Lambs in this State—was read a third time and passed.

Assembly Bill, No. 301 An Act exempting Lots in Cemeteries, and Pews in Churches, from levy and forced sale—amendments adopted, and ordered engrossed.

Assembly Bill, No. 435, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay certain Claims—was indefinitely postponed.

Assembly Bill, No. 462, An Act supplementary to an Act entitled An Act to provide Revenue for the support of the Government of this State—was indefinitely postponed

Senate Bill, No. 196, An Act to amend an Act entitled 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—amendments adopted, read a third time, and passed.

Senate Bill, No. 276, An Act to relocate the County Seat of Sonoma County by the qualified voters of said County—was laid on the table.

Assembly Bill, No. 330, An Act authorizing John A. Rudisel to construct a Turnpike, or Gravel, Road from the City of Petaluma to Rudisel's Landing, in the County of Sonoma—was laid on the table.

Substitute for Assembly Bill, No. 152, An Act concerning Mining Associations and Companies—adopted, rules suspended, considered engrossed, read a third time, and passed.

Mr. Campbell made the following report :

• MR. SPEAKER:—The Judiciary Committee to whom was referred certain bills, having considered the same, ask leave to return Assembly Bill, No. 142, An Act to provide for a Convention to revise and change the Constitution of this State—and recommend its indefinite postponement ;

Also, Assembly Bill, No. 440, An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, passed May seventh, eighteen hundred and fifty-five, and recommend its passage ;

Also, Assembly Bill, No. 475, An Act to authorize the reissue of a certain lost School Land Warrant—and recommend its indefinite postponement ;

Also, Assembly Bill, No. 486, An Act to authorize the issuance of duplicates for certain War Bonds—and recommend its indefinite postponement ;

Assembly Bill, No. 484, An Act conferring certain Powers on Public Administrators—and recommend that it be indefinitely postponed ;

Also, Assembly Bill, No. 469, An Act to amend the Thirty-First Section of the Act defining the time for commencing Civil Actions, passed April twenty-second, eighteen hundred and fifty—and recommend its passage ;

Also, Senate Bill, No. 240, 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 twenty-ninth, eighteen hundred and fifty-one—and recommend its passage.

All of which is respectfully submitted,

CAMPBELL,
Chairman.

Mr. Porter had leave to withdraw the claim of F. A. Bonnard.

Senate Bill, No. 235, An Act to appropriate Money to pay the Claim of Wells, Fargo & Co.—was considered in Committee of the Whole, read a third time, and passed.

Senate Bill, No. 296, An Act to appropriate Money to pay the Claim of Greenwood & Newbauer—was considered in Committee of the Whole, read a third time, and passed.

Assembly Bill, No. 194, An Act to allow the Claim of David McLaren—was taken from the table, and referred to the Committee on Claims

Senate Bill, No. 193, An Act for the relief of E. S. Green, Sheriff of Sonoma County—was read a third and passed.

Senate Bill, No. 281, An Act concerning Salaries of certain County Officers in the County of Napa—was read a third time, and passed.

Assembly Bill, No. 268, An Act to authorize the formation of Corporations to provide the Members thereof with Homesteads, or Lots of Land suitable for Homesteads—rules suspended, considered engrossed, read a third time, and passed

Assembly Bill, No. 385, An Act to authorize the Commissioners of the Funded Debt of the City and County of San Francisco to reissue certain Bonds of the City and County of San Francisco to Noah C. Efford—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 467, An Act to authorize John F. Pope to sell certain Real Estate—rules suspended, considered engrossed, read a third time, and passed

Also, Assembly Bill, No. 499, An Act to define the Boundary Line between the Counties of Sonoma and Napa—rules suspended, considered engrossed, read a third time, and passed

Assembly Bill, No. 420, An Act authorizing the Board of Supervisors of the City and County of San Francisco to modify and change the present adopted Grade of certain Street Crossings in said City ;

Also, Assembly Bill, No. 471, An Act amendatory of an Act entitled An Act to provide for the Location of Slaughter-Houses, Corrals, and Cattle-Pens, in the City and County of San Francisco, approved April second, eighteen hundred and fifty-nine—were indefinitely postponed.

Senate Bill, No. 234, An Act to pay certain Claims, and to make an Appropriation for the same—was reported, recommended, read a third time, and passed

Mr. Kungle moved to adjourn.

Upon which, Messrs Wood of Plumas, Miller, and Smith of Tulare, demanded the ayes and noes, and the House refused by the following vote: Ayes, 8—noes, 36:

AYES—Messrs. Cherry, Gordon, Haun, Horrell, Kungle, Laspeyre, Showalter, and White—8.

NOES—Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Campbell, Childs, Conness, Councilman, Curtis, Dougherty, Durst, Eastman, Flanders, Hagans, Harriman, Harris, Henderson, Holman, Hunter, Lappincott, Miller, Montgomery, Munday, O'Brien, Piercy, Porter, Powell, Ross, Smith of Tulare, Stearns, Walden, Wood of Plumas, Wright, and Mr. Speaker—36.

Senate Bill, No. 149, An Act making Appropriations for Deficiencies in the Appropriations for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one—was considered in Committee of the Whole, reported, with amendments, amendments adopted, read a third time, and passed.

Assembly Bill, No 18, An Act to grant the Rights to construct and maintain a Turnpike Road through Russian River Cañon to certain parties;

Also, Assembly Bill, No. 140, An Act to create the County of Esmerelda;

Also, Senate Bill, No 142, An Act supplemental to an Act entitled An Act to create a Board of Supervisors in the Counties of this State;

Also, Assembly Bill, No 135, An Act to authorize the Board of Supervisors of Shasta County to levy a Special Tax for Building Purposes;

Also, Assembly Bill, No. 25, An Act to audit and allow the Claim of J. S. Waite—were indefinitely postponed;

Assembly Bill, No 438, An Act to amend an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of this State, passed April twenty-ninth, eighteen hundred and fifty-one—rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No 220, An Act to amend an Act entitled An Act concerning Courts of Justice and Judicial Officers, passed May nineteenth, eighteen hundred and fifty three—was read a third time, and passed

Senate Bill, No. 227, An Act concerning Telegraph Messages, and to secure Secrecy and Fidelity in the transmission thereof—amendments adopted, read a third time, and passed.

Assembly Bill, No 492, An Act conferring further powers on the Board of Supervisors of the City and County of Sacramento—amended, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No 273, An Act to amend an Act entitled An Act concerning Ferries and Toll-Bridges, approved April twenty-eighth, eighteen hundred and fifty—was read a third time, and passed.

Assembly Bill, No 511, An Act to define the Congressional Districts of this State, and to fix the time of electing Members of Congress—was laid on the table

At forty-five minutes past three o'clock, p. m. on motion of Mr. Sorrel, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, May 4th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present

Journal of yesterday read and approved.

Messrs Tittel and Walden had indefinite leave of absence.

REPORTS.

Reports were made as follows:

By Mr. Flanders:

MR SPEAKER:—The Committee on Claims, to whom was referred Assembly Bill, No 194, An Act to allow the Claim of Daniel McLaren—have had the same under consideration, and report the bill back, and recommend that it do pass

FLANDERS,
For the Committee.

By Mr. Laspeyre :

MR. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 219, and Assembly Bills, Nos 407, 378, and 488—beg leave to report the same back, and request a reference of the Senate Bill to the Yuba and Butte delegations, and report Bills, Nos 407 and 378, without recommendation; a minority of the Committee favor the passage of Assembly Bill, No. 488, a majority reporting against it.

LASPEYRE,
Chairman.

Assembly Bill, No 488, above reported—was referred to the San Francisco Delegation, with instructions to report on Monday next.

By Mr. Banks :

MR. SPEAKER—We, the undersigned, a majority of the Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 488, entitled An Act to provide for the better protection of the Water Front of the City of San Francisco—having carefully considered the same, respectfully beg leave to present the following report :

Owing to a want of a correct practical knowledge in regard to the requirements of the city front of San Francisco, and through inconsiderate and unsystematic legislation on subjects appertaining thereto, much serious injury has been done to the harbor, and as there is no immediate pressing necessity for an extension of wharfing privileges, it is exceedingly important that an accurate and thorough scientific survey be made and obtained before any further action in regard to the city front is determined upon. After procuring this survey, for which provision has been made by the United States Government and the City and County of San Francisco, the Legislature can, at its next session, provide for the preparation of plans and specifications embracing all that is required for the protection of the harbor and the accommodation of commerce, together with a mode of competition, either upon the rates of wharfage, or the tolls to be charged; the per centage to be paid for the public benefit, the amount to be paid for the privileges specified on, upon the time of the continuance of said privileges, and for extensive advertisement inviting proposals, and the distinct and separate letting of the wharfs to the parties offering the best terms, and giving bonds for the completion of their portion of the work in strict accordance with the general plans and specifications, and the keeping the same in proper condition for the accommodation of commerce.

Through this policy these much coveted privileges can be made the subject of rigorous competition, the best possible terms that capitalists can afford, may be obtained, and at the same time active competition between rival wharf owners may thus be secured, for it is reasonable to presume that the owners of property adjacent to the city front, would, at least in some instances, be successful competitors in their respective localities, as the value of their warehouses and stores depends upon the amount of shipping business conducted in the vicinity of their property. By a system of this kind the harbor of San Francisco can, in a few years, be rendered not only safe and commodious, but comparatively free from wharf charges, only a trifling amount being required for repairs; but, by this Bill, No. 488, it is proposed to grant to a single company, to be partly under the control of the Board of Supervisors of the city and county of San Francisco, the entire wharfing facilities of that great commercial

metropolis, without anything like an adequate consideration, without definite requirements, and without security. An unrestrained monopoly such as this, if fastened upon the vitals of San Francisco and the State, with unlimited power to indefinitely increase, or diminish, the value of property on different portions of the city front, would be most disastrous in its business tendencies, and excessively demoralizing in its political influences. A proposition so monstrous is unworthy of the serious attention of the Legislature, and we earnestly recommend its indefinite postponement, which is demanded by the dignity of this body no less than by the interests of the State.

In the views herein expressed, we are amply sustained by the entire Senate and Assembly delegations from the city and county of San Francisco, by the almost unanimous voice of the merchants and shippers, as well as of the masses of this city, and we believe of the State at large; while in favor of the measure, there is heard only the incessant appeals of importuning speculators and professional Legislative solicitors.

BANKS,
FLANDERS,
CHERRY,
EASTMAN.

By Mr. Blair :

MR SPEAKER:—The Committee on Education recommend the passage of Assembly Bill, No 497, An Act to establish a State Normal and Model School, and to promote the cause of Education in this State.

BLAIR,
Chairman.

The House refused to engross Assembly Bill, No 497, above reported.

By Mr. Coleman :

MR SPEAKER:—Your Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No 443, An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof;

Also, Assembly Bill, No. 275, An Act to amend an Act entitled 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 twenty-ninth, eighteen hundred and fifty-one, which became a law by operation of the Constitution, March twenty-fourth, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 492, An Act conferring additional powers on the Board of Supervisors of the City and County of Sacramento

COLEMAN.

By Mr. Piercy :

MR SPEAKER:—Your Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No 170, An Act making Warrants drawn on the General Fund of Mendocino and Tulare Counties receivable for County Taxes;

Also, Assembly Bill, No 474, An Act supplementary to an Act entitled An Act to Incorporate the City of Placerville;

Also, Assembly Bill, No. 258, An Act to grant the right to construct a Bridge across the American River, to certain parties;

Also, Assembly Bill, No 482, An Act authorizing the Board of Supervisors of the County of San Bernardino to audit and allow the Claim of V. J. Hering;

Also, Assembly Bill, No. 498, An Act to authorize and require the Board of Education of the City and County of San Francisco to pay John H. Shepard Four Hundred and Fifty Dollars for collecting Delinquent School Tax in the year eighteen hundred and fifty-seven;

Also, Assembly Bill, No. 319, An Act to authorize the Board of Supervisors of Santa Clara County to pay certain School Warrants out of the General Fund;

Also, Assembly Bill, No. 429, An Act to authorize the Guardian of Francis William Paty to sell and convey certain Real Estate;

Also, Assembly Bill, No. 463, An Act to legalize certain matters connected with the Soda Springs and Pitt River Turnpike Company;

Also, Assembly Bill, No. 54, An Act to provide for the reclamation of the Swamp and Overflowed Lands donated to the State of California by Act of Congress.

C. W. PIERCY.

By Mr. Flanders:

Mr. SPEAKER:—The San Francisco Delegation, to whom was referred Senate Bill, No. 225, entitled An Act for the Relief of Lewis Teal, late Tax Collector in and for the City of San Francisco—have considered the same, and report it back with an amendment, and unanimously recommend the passage of the bill as amended.

FLANDERS,

For the Delegation.

The rules were suspended, and Senate Bill, No. 225, above reported—was read a third time, and passed.

By Mr. Denniston:

Mr. SPEAKER:—The San Mateo Delegation, to whom was referred Assembly Bill, No. 518, An Act to provide for taking the sense of the people of San Mateo County upon the removal of the County Seat thereof—report the same back without amendment, and recommend its passage.

JAMES G. DENNISTON.

The rules were suspended, and Assembly Bill, No. 518, above reported—was considered engrossed, read a third time, and passed.

By Mr. Montgomery:

Mr. SPEAKER:—The Special Committee, to whom was referred Senate Bill, No. 372, An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine—having had the same under consideration, report the same back, and recommend its passage.

MONTGOMERY.

The rules were suspended, Senate Bill, No. 372, above reported—read a third time, and passed.

By Mr. Porter:

Mr. SPEAKER:—The committee, to whom was referred Assembly Bill, No. 489, entitled An Act to enable certain persons to establish a Ferry between Gill's Landing, in Contra Costa County, and Point San Quintin, in Marin County—ask leave to report the same, with amendments, and recommend its passage.

PORTER,
GORDON,
BANKS.

By Mr. Holman :

MR SPEAKER:—The Solano Delegation, to whom was referred Assembly Bill, No. 515—having had the same under consideration, beg leave to report the same back, and recommend its passage

HOLMAN.

The rules were suspended, Assembly Bill, No. 515, above reported—considered engrossed, read a third time, and passed.

By Mr. Flanders :

MR SPEAKER.—The San Francisco Delegation have considered Senate Bill, No. 875, An Act to authorize the Board of Supervisors of the City and County of San Francisco to change the Grade of certain Streets—and recommend the passage of the bill.

FLANDERS,

For majority of Delegation.

By Mr. Adams :

MR SPEAKER:—The committee, to whom was referred Assembly Bill, No. 504, An Act concerning certain Trade-Marks—have had the same under consideration, and report the same back, with an amendment, and recommend its passage as amended.

ADAMS,
CURTIS,
POWELL

The rules were suspended, amendments to Assembly Bill, No. 504, above reported adopted, bill considered engrossed, read a third time, and passed.

SPECIAL ORDER.

Assembly Bill, No. 443, An Act to define the Senatorial and Assembly Districts of this State, and to apportion the Representation thereof—the special order, was taken up

Mr Gregory moved to recommit the bill, with instructions to amend the bill by taking one Representative from San Francisco and giving it to Mono

Upon which, Messrs. Showalter, Gregory, and Harrison, demanded the ayes and noes, and the motion was lost by the following vote : Ayes, 28—noes, 36 :

AYES—Messrs Bradley, Coleman, Coltrin, Conness, Covarrubias, Curtis, Foster, Gillette, Green, Gregory, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Kangle, Lalor, Laspeyre, Magruder, Munday, Showalter, Sorrel, White, Wood of Plumas, Wood of Yolo, and Wright—28

NOES—Messrs. Adams, Avery, Baechtel, Banks, Blair, Briggs, Buell, Campbell, Cherry, Clarke, Councilman, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Gordon, Hagans, Harriman, Johnson, Kurtz, Lippincott, Montgomery, Morgan, Morrison O'Brien, Percy, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, and Wiley—36.

The bill was read a third time

On its passage, Messrs Wood of Plumas, Kurtz, and Blair, demanded the ayes and noes, and the bill was passed by the following vote : Ayes, 37—noes, 28 :

AYES—Messrs Adams, Avery, Bacchtel, Banks, Blair, Briggs, Buell, Campbell, Cherry, Clarke, Councilman, Denniston, Darst, Eastman, Fargo, Flanders, Ford, Gillette, Gordon, Hagans, Harriman, Kurtz, Lippincott, Morgan, Morrison, Munday, O'Brien, Piercy, Ross, Smith of Tulare, Smith of Placer, Sorrel, Spence, Stearns, Willey, Wood of Yolo, and Mr. Speaker—37

NOES—Messrs Bradley, Coleman, Coltrin, Conness, Covarrubias, Curtis, Dougherty, Foster, Green, Gregory, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Kungle, Lalor, Laspeyre, Magruder, Miller, Montgomery, Powell, Showalter, White, Wood of Plumas, and Wright—28.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 4th, 1861.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No 349, An Act to enable and require the Board of Supervisors of the County of Contra Costa to complete the levy of Taxes for Road Purposes in said County for the year eighteen hundred and sixty-one;

Also, Assembly Bill, No 139, An Act to provide for the collection of Delinquent Taxes in the City of Oakland;

Also, Assembly Bill, No 414, An Act to prescribe the Duties and provide for the Compensation of the several Officers of the County of Butte;

Also, Assembly Bill, No 274, An Act to amend an Act entitled An Act to grant the right to construct and maintain a Lock and Dam across and in Napa Creek, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No 350, An Act to restore Eliza Martin to her former authority, as Executrix of the last Will and Testament of Edward H. Hall, deceased, and to authorize her, as Executrix, to sell and convey Real and Personal Property;

Also, Assembly Bill, No 485, An Act amendatory of, and supplementary to, an Act entitled An Act to change the time of holding Municipal Elections in the City and County of San Francisco, and to define the Official Terms of certain Officers therein mentioned, approved April twenty-second, eighteen hundred and sixty-one.

JOHN G. DOWNEY,
Governor.

Mr Smith of Tulare made the following report:

MR. SPEAKER:—The Committee on Appropriations submit the following statement of amount of appropriations made by the Legislature since our last report, as per items; also, the gross amount of appropriations since the commencement of the session:

Date.	Name of Claimant.	Amount.
April 17 ...	Claim of Herzo	\$752 90
April 17 ...	Claim of John T. Casey.....	71 25
April 19 ...	Home of the Inebriate	2,000 00
April 22 ...	State Locating Agents.....	1,200 00
April 23 ...	E. J. Sanders and others	2,000 00
April 29 ...	John Bell	194 70
April 29 ...	T. R. Eldridge	322 95
April 29 ...	Peyton and others	594 25
April 29 ...	Contingent Fund of Senate.....	5,000 00
	Whole amount of appropriations to April 17th..	\$91,537 88
	Total amount of appropriations to April 29th	\$103,673 93

SMITH of Tulare,
Chairman.

On motion of Mr Laspeyre, Senate Bill, No. 60, An Act to provide for the payment of Troops called out by the Governor of this State to quell Insurrection in the year eighteen hundred and fifty-six—was referred to the Military Committee, with instructions to report on Monday, May sixth.

Mr Fargo moved that when the House adjourn it adjourn to Tuesday, May seventh.

Carried.

At forty minutes past twelve o'clock, M. on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, May 4th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Leave of absence was granted as follows :

To Mr. Burnell, indefinite leave.

To Mr. Magruder, two days.

To Mr. Conness, two days.

To Mr. Hunter, two days.

To Mr Green, two days.

To Mr. Laspeyre, two days.

To Mr. Wright, two days.

To Mr. Morrison, two days.

To the Sergeant-at-Arms, two days.

To Mr. Lalor, one day.

To Mr. Spence, one day.
 To Mr. Fargo, one day.
 To Mr. Harriman, one day.
 To Mr. Ford, one day.
 To Mr. Gordon, one day.
 To Mr. Durst, one day.
 To Mr. White, one day.
 To Mr. Foster, one day.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
 May 4th, 1861. }

Mr. SPEAKER :—The Senate, on yesterday, passed Senate Bill, No. 377, An Act to authorize the Board of Examiners to pay over certain Mon-
 eys ;

Also, Senate Bill, No. 378, An Act to legalize the levy of certain Taxes in the County of Tehama for the year eighteen hundred and sixty-one ;

Also, amended the Assembly amendments to Senate Concurrent Resolution, No. 31, Relative to adjourning *sine die*

D. J. WILLIAMSON,
 Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 377, above reported—read first and second times, and referred to Committee on Ways and Means.

Senate Bill, No. 378, above reported—read first and second times, and referred to the Tehama Delegation.

Mr. Powell moved to lay Senate Concurrent Resolution, No. 31, above reported, on the table.

Upon which, the ayes and noes were demanded by Messrs. Wood of Plumas, Tilton, and Hagan, and the House refused, by the following vote :
 Ayes, 9—noes, 34 :

AYES—Messrs. Chandler, Gillette, Harrison, Henderson, Hill, Horrell, Johnson, Powell, and Ross—9.

NOES—Messrs. Adams, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Cherry, Clarke, Coleman, Coltrin, Covarrubias, Curtis, Eastman, Flanders, Gregory, Hagans, Holman, Kungle, Lippincott, Miller, Morgan, Munday, O'Brien, Piercy, Showalter, Smith of Tulare, Smith of Placer, Stearns, Tilton, Willey, Wood of Plumas, and Wood of Yolo—34.

So the House concurred in the Senate amendments to the resolution.

SENATE CHAMBER,
 May 7th, 1861. }

Mr. SPEAKER :—The Senate, on Saturday, passed Assembly Bill, No. 137, An Act to pay the Claim of B. F. Hastings ;

Also, Assembly Bill, No. 355, An Act to pay the Claim of Barney Clark ;

Also, Assembly Bill, No. 385, An Act to authorize the Commissioners of the Funded Debt of the City and County of San Francisco to issue Bonds of the City and County of San Francisco to Noah C. Efford ;

Also, Assembly Bill, No. 492, An Act conferring further Powers upon the Board of Supervisors of the City and County of Sacramento, with an amendment ;

Also, adopted Assembly Concurrent Resolution, No 61, Relative to paying the Washoe Troops under J. C. Hays ;

Also, passed Assembly Joint Resolution, No. 52, Asking Congress to cede to the State of California the odd Sections of Land within this State, solely for Railroad Purposes ;

Also, Assembly Bill, No 368, An Act to amend an Act entitled An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five ;

Also, Senate Bill, No 183, An Act restricting the herding of Sheep in certain Counties of this State ;

Also, Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations for the Port of San Francisco ;

Also, refused to concur in second Assembly amendment to Senate Bill, No 205, An Act amendatory of, and supplementary to, An Act concerning Crimes and Punishments ;

Also, refused to concur in first Assembly amendment to Senate Bill, No. 149, and concurred in second amendment, An Act making Appropriations for deficiencies in the Appropriations for the Twelfth Fiscal Year ending June thirtieth, eighteen hundred and sixty-one ;

Also, on this day, passed Senate Bill, 255, An Act appropriating Money for the Salary of the Clerk of the Superintendent of Public Instruction ;

Also, Senate Bill, No. 297, An Act to audit and allow the Claim of G. D. Bliss & Co ;

Also, Senate Bill, No. 384, An Act supplemental to an Act entitled An Act to regulate Fees in Office in Tehama County ;

Also, Senate Bill, No 386, An Act authorizing the settlement of certain Claims against the Estate of Cesario Lataillade, late of Santa Barbara County ;

Also, Assembly Bill, No. 338, An Act to authorize Martin T Smith to construct and maintain a Wharf at Fishing Rock, in Mendocino County ;

Also, Assembly Bill, No. 105, An Act to extend the provisions of An Act to extend the Terms of the Board of Supervisors of Mendocino County ;

Also, Assembly Bill, No. 34, An Act to grant the right to construct a Bridge across the Albion River, near its mouth, to certain Persons therein named ;

Also, Assembly Bill, No. 32, An Act to grant the right to construct a Bridge across the Noyo River, near its mouth, to certain parties therein named ;

Also, Assembly Bill, No. 9, An Act to grant the right to construct a Bridge in Mendocino County to certain Parties therein named, over Big River ;

Also, Assembly Bill, No 350, An Act to exempt the City and County of San Francisco from giving Undertakings in certain cases ;

Also, Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento, with amendments ;

Also, Assembly Bill, No 344, An Act to provide for the better support of Common Schools in Contra Costa County ;

Also, Assembly Bill, No 278, An Act to authorize the Board of Supervisors of the County of Napa to levy a General Tax for Road Purposes ;

Also, Assembly Bill, No. 160, An Act amendatory of An Act to amend An Act concerning the Office of Secretary of State, with amendments.

D. J. WILLIAMSON,

Assistant Secretary.

Mr. Powell moved that the House recede from its first amendment to Senate Bill, No. 149, above reported.

Upon which, Messrs. Curtis, Powell, and Wood of Yolo, demanded the ayes and noes, and the House receded, by the following vote: Ayes, 24—noes, 21:

AYES—Messrs. Baechtel, Banks, Bradley, Campbell, Cherry, Clarke, Covarrubias, Curtis, Eastman, Gillette, Gregory, Horrell, Johnson, Kungle, Lippincott, Miller, Piercy, Powell, Ross, Showalter, Smith of Tulare, Tilton, Willey, and Wood of Plumas—24.

NOES—Messrs. Adams, Avery, Blair, Briggs, Childs, Coleman, Coltrin, Councilman, Flanders, Hagans, Harrison, Haun, Henderson, Hill, Holman, Morgan, Munday, O'Brien, Smith of Placer, Stearns, and Wood of Yolo—21.

CONSIDERATION OF SENATE MESSAGE.

The House refused to concur in Senate amendment to Assembly Bill, No. 160, above reported.

The House concurred in Senate amendments to Assembly Bill, No. 9, above reported.

The House concurred in Senate amendments to Assembly Bill, No. 492, above reported.

Senate amendments to Assembly Bill, No. 196, above reported—referred to the Sacramento Delegation.

Senate amendments to Assembly Bill, No. 344, above reported—was laid on the table.

Senate Bill, No. 255, above reported—read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 297, above reported—read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 386, above reported—read first and second times, and referred to the Judiciary Committee.

Senate amendment to Assembly amendment to Senate Bill, No. 205—was referred to the Judiciary Committee.

Senate Bill, No. 384, above reported—read first and second times, and placed on file.

Senate Bill, No. 368, above reported—read first and second times, and referred to Committee on Education.

Senate Bill, No. 183, above reported—read first and second times, and referred to Committee on Agriculture.

Senate Bill, No. 36, above reported—read first and second times, and referred to Committee on Commerce and Navigation.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
May 7th, 1861. }

MR. SPEAKER:—The Senate, on yesterday, received from His Excellency a message relative to the existing difficulties in the county of Santa Clara, with a request that the same be transmitted to the Assembly immediately. The request is herewith complied with, also a concurrent resolution relative thereto.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The House concurred in Senate Concurrent Resolution, No. 45, above reported—and appointed Messrs. Briggs, Miller, Curtis, Johnson, and Kunglo, a committee on the part of the House.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Johnson, for An Act to legalize the levy of State and County Taxes for the year eighteen hundred and sixty-one, in San Luis Obispo County.

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

By Mr. Morrison, for An Act making assayed Gold Bars a Legal Tender.

Read first and second times, and referred to the Judiciary Committee, with instructions to report to-morrow

By Mr. Banks, for An Act exempting Insurance Companies, incorporated under the Laws of the State of California from the payment of Stamp Duties.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Curtis, for An Act granting to Thomas Harrigan and his Assigns the right of laying a Railroad Track along a certain Road in the City and County of Sacramento

Read first and second times, and referred to the Sacramento Delegation

By Mr. Flanders, for An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay Robert E. Kerrison, Assignee of Richard Parr

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

By Mr. Campbell, for An Act to appropriate Money for the Contingent Expenses of the Assembly for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Ways and Means.

GENERAL FILE.

Assembly Bill, No. 502, An Act amendatory of, and supplementary to, an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April twenty-fourth, eighteen hundred and fifty-eight—amendments adopted, considered engrossed, read a third time, and passed

Assembly Bill, No. 275, An Act to amend an Act entitled 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 twenty-ninth, eighteen hundred and fifty-one, which became a law by operation of the Constitution, March twenty-fourth, eighteen hundred and fifty-eight—read a third time, and passed.

Assembly Bill, No. 37, An Act for the relief of W. H. Brown—considered in Committee of the Whole, reported with amendments and recommended, amendments adopted and ordered engrossed.

Mr. Briggs, from the Committee of Free Conference on substitute for

Assembly Bills, No. 66 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads, made a report which was adopted.

SPECIAL ORDER.

Assembly Bill, No. 506, An Act to provide for the erection of a State Prison at, or near, Folsom, special order for this day—was continued until May ninth, at twelve o'clock, M.

At twelve o'clock, M. on motion of Mr. Curtis, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, May 8th, 1861. }

The House met pursuant to adjournment.

The Speaker *pro tem* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Harriman had one day's leave of absence.

REPORTS.

Reports were made as follows:

By Mr. Lalor:

MR. SPEAKER.—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 152, An Act concerning Mining Associations and Companies;

Also, Assembly Bill, No. 301, An Act exempting Lots in Cemeteries, and Pews in Churches, from levy and forced sale;

Also, Assembly Bill, No. 499, An Act to define the Boundary Line between the Counties of Sonoma and Napa;

Also, Assembly Bill, No. 387, An Act to provide for the recovery of the possession of Land by Summary Proceedings;

Also, Assembly Bill, No. 504, An Act concerning certain Trade-Marks;

Also, Assembly Bill, No. 515, An Act relative to certain School Moneys in Solano County;

Also, Assembly Bill, No. 502, An Act supplementary to an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April twenty-fourth, eighteen hundred and fifty-eight.

E. LALOR,
Chairman.

REPORTS.

Reports were made as follows:

Mr. Kungle verbally reported and recommended the passage of Senate Bill, No. 119, An Act to repeal An Act to declare Feather River Navigable, approved March fourteenth, eighteen hundred and fifty-seven.

Rules suspended, read a third time, and passed.

By Mr. Stearns :

MR. SPEAKER :—The Los Angeles Delegation, to whom was referred Assembly Bill, No. 509 An Act supplementary to An Act to prevent the Trespassing of Animals upon Private Property, approved March thirty-first, eighteen hundred and fifty-five—report the same back, with amendments, and recommend the passage of the bill as amended

STEARNS.

The rules were suspended, amendments to bill above reported adopted, bill considered engrossed, read a third time, and passed.

Mr. Durst verbally reported and recommended the passage of Senate Bill, No. 378. An Act to legalize the levy of certain Taxes in the County of Tehama for the year eighteen hundred and sixty-one.

Rules suspended, bill read a third time, and passed

The Military Committee had further time to report on Senate Bill, No. 60.

By Mr. O'Brien :

MR. SPEAKER :—Your Committee on Public Expenditures and Accounts having had under consideration sundry bills for newspapers, etc have examined the same, find them correct, and recommend their payment out of the Contingent Fund of the Assembly, as follows :

Purpose	Amount.
Account of James Anthony & Co. for furnishing ninety copies of Daily Union, from March 30th to April 27th.....	\$180 00
Ninety-two copies Weekly Union, from April 6th to April 27th.....	46 00
E G Waite & Co. for twelve copies of Nevada Journal, for the session	30 00
Thomas L Thompson, for four copies of Sonoma County Democrat, for the session.....	12 00
Columbia Times, for two copies, for the session.....	6 00
Thomas Mooney, for one copy of Mooney's Express, for the session.....	3 00
Gelwicks & January, for sixteen copies of Mountain Democrat for the session	48 00
Northern Argus, for one copy, for the session	3 00
Bausman & Co for three copies of Hydraulic Press, for the session	9 00
A. D. Minnerman, for five copies of Morning Call, for one month	2 50
Daily Journal, for one copy, for three months	1 75
Plumas Argus, for two copies, for the session.....	6 00
Conley & Patrick, for twenty copies of Daily San Joaquin Republican, for one month, ending April second.....	40 00
One copy of Weekly Republican, for one month	50
N. P. Brown & Co for four copies of Nevada Daily Transcript, for four months	16 00
William Dougherty, for sixteen copies of Daily Alta, from April 1st to 30th	34 67
Three copies of Daily Alta, from January 7th to April 30th.....	24 50
Four copies of Weekly Alta, for one month	2 00
Fourteen copies of Daily Herald, from April first to 30th	30 34

Purpose.	Amount
Six copies of Weekly Herald, for one month	3 00
George J. Lytle, for forty-two copies of Daily Bulletin, from April 1st to April 29th	84 00
Four copies of Weekly Bulletin, for one month.....	2 00
Thirteen copies of Daily Times, from April 8th to 30th.....	19 50
One copy of Daily Times from April 1st to 30th.....	2 00
Three copies of Weekly Times, for one month.....	1 50
Nineteen copies of Golden Era, for one month	9 50
Randall & Co for eighteen copies of Marysville National Democrat, from January 7th to May 12th	162 00
McElroy & Blakely, for two copies of Pacific Sentinel, for session.....	6 00
B P Avery & Co for thirteen copies of Marysville Daily Appeal, for four months	52 00
Two copies of Weekly Appeal, for four months.	4 00
Coloma Times, for thirteen copies, for session	39 00
Sacramento Gas Company, Gas for Committee Rooms, from April 1st to May 1st	9 40
Phil Cadue, Ice for Assembly, for two weeks	10 55
Alphonse Dennerly & Bro one doz. Tumblers, for Assembly	2 50
David Kendall, for repairing Stove in Clerk's Room.....	1 50
Grand total.....	8903 71

THOMAS O'BRIEN,

Adopted.

Chairman.

MESSAGE FROM THE GOVERNOR

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
 Sacramento, May 7th, 1861. }

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 199, An Act to fix the Location of Brady Street, in the City and County of San Francisco;

Also, Assembly Bill, No. 482, An Act to authorize the Board of Supervisors of the County of San Bernardino to audit and allow the Claim of V J Herring;

Also, Assembly Bill, No. 258, An Act to grant the Right to construct a Bridge across the American River to certain parties;

Also, Assembly Bill, No. 170, An Act making Warrants drawn on the General Fund of Mendocino and Tulare Counties receivable for County Taxes in said Counties;

Also, Assembly Bill, No. 474, An Act supplementary to an Act entitled An Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 463, An Act to legalize certain matters connected with the Soda Springs and Pitt River Turnpike Company;

Also, Assembly Bill, No. 498, An Act to authorize and require the Board of Education of the City and County of San Francisco to pay John

H. Shepard Four Hundred and Fifty Dollars, for collecting Delinquent School Tax in eighteen hundred and fifty-seven ;

Also, Assembly Bill, No. 319, An Act to authorize the Board of Supervisors of Santa Clara County to pay certain School Warrants out of the General Fund ;

Also, Assembly Bill, No. 429, An Act to authorize the Guardian of Francis William Paty to sell and convey certain Real Estate.

JOHN G. DOWNEY,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
May 7th, 1861. }

MR. SPEAKER :—The Senate, this day, passed Senate Bill, No. 260, An Act amendatory of, and supplementary to, an Act entitled An Act to afford Protection to Immigrants ;

Also, Senate Bill, No. 170 An Act amendatory of an Act entitled An Act to confirm and legalize certain Assessment Rolls of the City and County of San Francisco, and to provide for the collection of the Delinquent Taxes thereon, approved March twenty-second, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No. 459, An Act to authorize R. M. Williams to remove certain Remains ;

Also, Assembly Bill, No. 219, An Act to appropriate Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy ;

Also, Senate substitute for Assembly Bill, No. 187, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Forcible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty ;

Also, Assembly Bill, No. 102, An Act to authorize the Guardian of John H. Townsend, a minor, to sell Real Estate of said minor ;

Also, adopted Senate substitute for Assembly Concurrent Resolution, No. 51, Relative to the Boundary Line between Honey Lake Valley and Nevada Territory ;

Also, adopted the report of the Committee on Free Conference, on Senate Bill, No. 73, Relative to the Tide Lands of this State

D. J. WILLIAMSON,
Assistant Secretary.

The House refused to adopt Senate substitute for Assembly Concurrent Resolution, No. 51, above reported

Senate substitute for Assembly Bill, No. 187, above reported—was read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 170, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 260, above reported—was read first and second times, and referred to the Committee on Ways and Means.

The House adopted the report of the Committee of Free Conference on Senate Bill, No. 73, above reported.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Smith of Tulare, for An Act submitting to the qualified Electors of Tulare County the question of permitting Hogs to run at large in certain portions of said County.

Read first and second times, and referred to the Tulare and Humboldt delegations.

By Mr. Porter, for An Act to authorize the construction and maintenance of a Wharf in Contra Costa County.

Read first and second times, and referred to the Contra Costa Delegation.

By Mr. Gordon, for An Act to amend Section Two of An Act concerning the Office of Public Administrator, passed April fifteenth, eighteen hundred and fifty-one.

Read first and second times, and placed on file.

By Mr. Banks, for An Act to repeal an Act entitled An Act to confer further powers upon the Board of Education, and the Treasurer of the City and County of San Francisco, approved April eighteenth, eighteen hundred and fifty-nine.

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

By Mr. Campbell, for An Act granting to certain persons the right to establish and run a Ferry between the Island of Yerba Buena and the City of San Francisco, and to construct a Railroad from said Island to the Alameda County Shore.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Fargo, for An Act amendatory of an Act entitled An Act to regulate Elections, approved March twenty-third, eighteen hundred and fifty.

Read first and second times.

Mr. Blair moved to indefinitely postpone the bill.

Mr. Lippincott moved the previous question.

Sustained.

On the indefinite postponement of the bill, Messrs. Fargo, Dougherty, and Gregory, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 54—noes, 6:

AYES—Messrs. Adams, Avery, Baechtel, Blair, Bradley, Briggs, Buell, Campbell, Chandler, Cherry, Childs, Coltrin, Covarrubias, Curtis, Dougherty, Durst, Eastman, Flanders, Foster, Gillette, Gordon, Green, Gregory, Hagans, Harris, Harrison, Haun, Henderson, Hill, Holman, Horrell, Hunter, Johnson, Kungle, Kurtz, Lalor, Laspeyre, Lippincott, Montgomery, Munday, O'Brien, Piercy, Powell, Ross, Showalter, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilton, Tittel, White, Wood of Plumas, and Wright—54.

NOES—Messrs. Banks, Clarke, Fargo, Morgan, Porter, and Willey—6.

Mr. Tilton made the following report:

MR. SPEAKER:—The Committee on Engrossment, have examined and found correctly engrossed, Assembly Bill, No. 116, An Act in relation to the Militia of this State;

Also, Assembly Bill, No. 480, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax;

Also, Assembly Bill, No. 453, An Act to grant the right to construct a Turnpike Road between the Town of Mokelumne Hill and a point on the road to Stockton, at, or near, the Golden Gate Ranch, in the County of Calaveras.

TILTON,
Chairman.

The San Francisco Delegation had until May tenth to report upon Assembly Bill, No 488. An Act for the better protection of the Water-Front of San Francisco, and the bill ordered printed.

On motion of Mr. Wood of Plumas, nine hundred and sixty copies of the Report of the Committee on Military Affairs were ordered printed.

GENERAL FILE.

Assembly Bill, No 301, An Act exempting Lots in Cemeteries, and Pews in Churches, from Levy and Forced Sale—was read a third time, and passed.

Assembly Bill, No 387, An Act to provide for recovering the possession of Land by Summary Proceedings—was read a third time, and passed.

Senate Bill, No 336, An Act for the relief of the Sureties upon the Recognizance of Mike Freel, of the County of Sierra—was read a third time, and passed.

Senate Bill, No 356, An Act to provide for the construction of a Railroad in the County of Contra Costa—was indefinitely postponed.

Assembly Bill, No 469, An Act to amend the Thirty-First Section of the Act defining the time for commencing Civil Actions, passed April twenty-second, eighteen hundred and fifty—rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No 337, An Act to provide for the payment of Costs incurred and paid by Placer County on the Trial of Henry Bates, late State Treasurer.

Mr. Campbell moved to indefinitely postpone the bill

Upon which, Messrs. Ross, Munday, and Tittel, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 23—noes, 20:

AYES—Messrs. Avery, Baechtel, Blair, Bradley, Briggs, Campbell, Clarke, Dougherty, Flanders, Ford, Green, Gregory, Harris, Hunter, Laspeyre, Montgomery, Porter, Ross, Smith of Tulare, Stearns, Tittel, White, and Wright—23.

NOES—Messrs. Adams, Banks, Buell, Chandler, Childs, Curtis, Foster, Gillette, Harrison, Haun, Hill, Horrell, Johnson, Lippincott, Munday, O'Brien, Piercy, Smith of Placer, Spence, and Wood of Plumas—20.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER.

May 8, 1861. }

MR. SPEAKER:—The Senate, this day, adopted a Concurrent Resolution, No. —, Relative to existing difficulties in Santa Clara County.

D. J. WILLIAMSON,

Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

On the adoption of the resolution above reported, Messrs. Ross, Spence, and Gillette, demanded the ayes and noes, and the resolution was adopted by the following vote: Ayes, 44—noes, 13:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Campbell, Cherry, Childs, Clarke, Coltrin, Councilman, Curtis, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Gordon, Green, Hagans, Harris, Harrison, Henderson, Hill, Holman, Horrell, Hunter, Kungle, Lippincott, Miller,

Morgan, Munday, O'Brien, Porter, Powell, Smith of Tulare, Spence, Tilton, Tittell, White, Wood of Plumas, and Wright—14.

NOES—Messrs Chandler, Covarrubias, Gillette, Gregory, Johnson, Laspeyre, Montgomery, Piercy, Ross, Showalter, Sorrel, Stearns, and Willey—13

Mr Curtis offered the following resolution :

Resolved, That the Secretary of State be requested to deliver the papers connected with the claim of General A. M. Winn to the order of the Chairman of the Judiciary Committee.

Adopted.

Mr Curtis made the following report :

Mr. SPEAKER :—The Sacramento Delegation, to whom was referred Assembly Bill, No 521, An Act granting to Thomas Harrigan and his Assigns the right to lay a Railroad Track along a certain Road in the City and County of Sacramento—have had the same under consideration and report it back with amendments, and recommend its passage as amended.

CURTIS,

For the Delegation.

GENERAL FILE, RESUMED.

Senate Bill, No 350. An Act to amend an Act entitled An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight—was recommitted to Swamp Land Committee.

Assembly Bill, No. 440. An Act to amend an Act entitled An Act amendatory of, and supplementary to, An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, passed May seventh, eighteen hundred and fifty-five—rules suspended, considered engrossed, read a third time, and passed.

At half past one o'clock, P. M. on motion of Mr. Hunter, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY, }
Thursday, May 9, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present.

Journal of yesterday read and approved.

REPORTS.

Reports were made as follows :

By Mr. Campbell :

Mr. SPEAKER :—The Judiciary Committee, to whom was referred certain bills, having considered the same, beg leave to report Senate Bill, No. 270, 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 twenty-ninth, eighteen hundred and fifty seven, and other Acts amendatory thereof—and recommend its passage with amendments;

Also, Senate Bill, No. 201, An Act to provide for the payment of the Claim of Gen. A. M. Wina—and recommend its passage

Also, Senate Bill, No. 222, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Crimes and Punishments, passed April fifteenth, eighteen hundred and sixty;

Also, Assembly Bill, No. 513, An Act to regulate the Publication of notice of application to the Legislature;

Also, Assembly Bill, No. 523, An Act making Assayed Gold Bars a legal tender—and recommend that each of them be indefinitely postponed;

Also, Senate Bill, No. 316, An Act to authorize Henrietta Corbett and John C. Corbett, Administrators of the Estate of William Corbett, deceased, to sell the Real Estate of deceased at private sale—and recommend its passage;

Also, Assembly Bill, No. 508, 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 twenty-ninth, eighteen hundred and fifty-one, with amendments—and recommend its passage as amended;

Also, Senate Bill, No. 131, An Act concerning District Court Reporters for the Fourth, Sixth, Seventh, and Twelfth Judicial Districts, with amendments—and recommend its passage as amended;

Also, Senate Bill, No. 205, An Act amendatory of, and supplemental to, An Act passed April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments—and recommend that the House adhere to its amendment.

CAMPBELL,
Chairman.

The rules were suspended, and Senate Bill, No. 201, above reported—was read a third time, and passed

Mr. Sorrel gave notice of reconsideration.

By Mr. Tilton :

MR. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 217, An Act to authorize the Controller of State to make settlement of certain Fees with the Treasurer of San Bernardino County;

Also, Assembly Bill, No. 138, An Act amendatory of, and supplementary to, an Act entitled An Act to Incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four;

Also, Assembly Bill, No. 470, An Act to authorize the Board of Supervisors of the County of Los Angeles to make an Appropriation for the purpose of assisting in the construction, and finishing the Road known as the Santa Barbara and Los Angeles Road, through the Simi Pass;

Also, Assembly Bill, No. 223, An Act to separate the Office of County Recorder from the Office of County Clerk, in the County of Solano;

Also, Assembly Bill, No. 406, An Act to define the Boundary Line between the Counties of Sonoma and Marin;

Also, Assembly Bill, No. 111, An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou;

Also, Assembly Bill, No. 254, An Act amendatory of An Act to facilitate the Establishment of Telegraphic Communication between California and the Atlantic States;

Also, Assembly Bill, No. 201, An Act concerning Roads and Highways in certain Counties in this State;

Also, Assembly Bill, No. 355, An Act to appropriate Money to pay Barney Clark, Assignee of J. M. Anderson;

Also, Assembly Bill, No. 492, An Act conferring additional powers on the Board of Supervisors of the City and County of Sacramento;

Also, Assembly Bill, No. 314, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one. S. S. TILTON,

Chairman.

Mr Porter verbally reported, and recommended the passage of Assembly Bill, No. 528, An Act to authorize the construction and maintenance of a Wharf in the City and County of Contra Costa

Rules suspended, considered engrossed, read a third time, and passed.

Mr. Smith of Tulare, verbally reported, and recommended the passage of Assembly Bill, No. 527, An Act submitting to the qualified Electors of Tulare County the question of permitting Hogs to run at large in certain portions of said County.

Rules suspended, considered engrossed, read a third time, and passed.

Mr Banks verbally reported, and recommended the passage of Assembly Bill, No. 530, An Act to repeal an Act entitled An Act to confer further powers upon the Board of Education and the Treasurer of the City and County of San Francisco, approved April eighteenth, eighteen hundred and fifty-nine.

Mr Harrison made the following minority report on Senate Bill referred to Nevada and Placer Delegations:

MR. SPEAKER:—The undersigned reports that the franchise asked for will be a great public convenience, and is a work of such character and magnitude that persons will not risk the required capital stock for the construction of a bridge unless some greater privileges are granted than can be had under the general law.

The public generally are in favor of the passage of the bill, as will appear by their petition, and desire that said bridge should be built, as it will cross Bear River at a point where there is no danger of its being destroyed by the floods, or rise of water in the river.

The parties will build and open a road that will materially shorten the distance between the towns of Auburn and Nevada, and will be of such grade and character that can and will be kept in better condition than the road now traveled between said towns. There are no persons living in the vicinity of said proposed bridge and road, neither is the land claimed by other parties.

W. J. HARRISON,

Of Placer Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 8th, 1861.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly Bill, No. 489, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax.

JOHN G. DOWNEY,

Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
May 8th, 1861 }

MR. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 409, An Act to legalize the Sales and Grants made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City of Santa Barbara, of Lands belonging to the said Pueblo and City—with amendments;

Also, adopted Assembly Concurrent Resolution, No. 56, Relative to State Capitol Building—with amendments;

Also, adopted the Report of the Committee of Free Conference on Assembly substitute for Bills, Nos. 66 and 281, An Act concerning Roads and Highways in certain Counties in this State;

Also, passed, this day, Assembly Bill, No. 234, An Act to Fund the Debt of the County of Solano, which accrued from and after the first day of May, A. D. eighteen hundred and fifty-four, to the first day of October, A. D. eighteen hundred and sixty-one, and to provide for the payment of the same—with an amendment, and ask the concurrence of the Assembly;

Also, this day, passed Assembly Bill, No. 430, An Act supplemental to An Act to establish a Standard of Weights and Measures, passed April fourth, eighteen hundred and sixty-one—with amendments

D. J. WILLIAMSON,
Assistant Secretary.

Senate amendments to Assembly Bills, Nos. 234, 409, and 430, above reported—were concurred in;

Also, concurred in Senate amendments to Assembly Concurrent Resolution, No. 56, above reported.

SENATE CHAMBER,
May 9th, 1861. }

MR. SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 324, An Act concerning Roads and Highways in the County of Mendocino;

Also, Assembly Bill, No. 520, An Act to legalize the levy of State and County Taxes for the year eighteen hundred and sixty-one in San Luis Obispo County;

Also, Assembly Bill, No. 247, 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;

Also, Assembly Bill, No. 259, An Act in relation to the Public Pound in the City and County of San Francisco;

Also, Assembly Bill, No. 283, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain Judgment;

Also, Assembly Bill, No. 307, An Act to amend an Act entitled An Act to authorize the President of the Board of Supervisors, the Auditor, and the Treasurer, of the City and County of San Francisco, to provide for the actual and prospective Deficiency in the Corporation Debt Fund of said City and County;

Also, Assembly Bill, No. 7, An Act authorizing the Board of Supervisors of the City and County of San Francisco to pay the Claim of George H. Hossefross, F. E. R. Whitney, and A. J. Gladding;

Also, Assembly Bill, No. 315, An Act authorizing the Administrator of the Estate of G A Grant, deceased, to sell and convey Real Estate at private sale;

Also, Assembly Bill, No. 337, An Act to amend An Act concerning Jurors, passed May third, eighteen hundred and fifty-two—with an amendment;

Also, Assembly Bill, No. 250, An Act supplementary to an Act approved April twenty seventh, eighteen hundred and sixty, entitled An Act supplementary to An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco;

Also, Assembly Bill, No. 366, An Act authorizing Rachel Bond, Administratrix of the Estate of George W. Bond, deceased, at public, or private, sale;

Also, Assembly Bill, No. 456, An Act concerning Fees in certain Counties;

Also, Assembly Bill, No. 388, An Act to authorize the sale of the Estate of the late Maria Smith, deceased;

Also, Senate Bill, No. 210, An Act in relation to the Probate Court in the City and County of San Francisco;

Also, Senate Bill, No. 62, An Act to amend An Act entitled An Act to regulate Fees of Office;

Also, Senate Bill, No. 381, An Act to provide for the appointment of an Assayer of Ores and Metals, and to define his Duties for and within the County of Mono;

Also, Assembly Bill, No. 313, An Act to define the Boundaries of Lake County and provide for its Organization;

Also, refused to recede from Senate amendments to Assembly Bill, No. 160, An Act amendatory of An Act concerning the Office of Secretary of State—and have appointed Messrs Leet, Haynes, and Rhodes, a Committee of Free Conference on the part of the Senate, and ask for a similar committee on part of the House;

Also, have passed Senate Bill, No. 365, An Act to legalize certain Records in the Recorder's Office in Santa Clara County;

Also, Senate Bill, No. 359, An Act to provide for the payment of certain Claims;

Also, passed Assembly Bill, No. 517, An Act in relation to the County Officers of the County of Sierra.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The House concurred in Senate amendments to Assembly Bills, Nos. 250 and 337, above reported.

The House appointed Messrs Smith of Tulare, Kungle, and Campbell, a Committee of Free Conference on the disagreeing vote of Assembly Bill, No. 160, above reported.

Senate Bills, Nos. 62 and 388, above reported—were read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 210, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 339, above reported—was read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 365, above reported—was read first and second times, and referred to the Santa Clara Delegation.

Senate Bill, No. 381, above reported—was read first and second times, and placed on file.

The House concurred in Senate amendments to Assembly Bill, No. 344, An Act to provide for the better support of Common Schools in Contra Costa County.

GENERAL FILE.

Senate Bill, No. 59, An Act to audit and allow certain Claims—was recommended to Committee on Claims.

Senate Bill, No. 240, 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 twenty-ninth, eighteen hundred and fifty-one—was read a third time, and passed.

Senate Bill, No. 246, An Act supplemental to An Act concerning Notaries Public, passed April thirtieth, eighteen hundred and fifty-seven, and an Act amendatory thereof approved March sixteenth, eighteen hundred and fifty-nine—was read a third time, and passed.

Senate Bill, No. 384, An Act supplementary to an Act entitled An Act to regulate Fees in Office in certain Counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven—was read a third time, and passed.

Senate Bill, No. 355, An Act to grant the right of way to construct a Toll-Bridge across Bear River at a point therein named;

Also, Assembly Bill, No. 142, An Act to provide for a Convention to revise and change the Constitution of this State;

Also, Assembly Bill, No. 335, An Act for the relief of Thomas B. Ludlam;

Also, Assembly Bill, No. 340, An Act to authorize the Board of Supervisors of Alameda County to compromise and settle with the Sureties of Charles Breyfogle, late Treasurer of said County;

Also, Assembly Bill, No. 378, An Act to authorize John J. Parcell and such other persons as he may associate with him, and his and their Assigns, to construct a Wharf at the foot of Howard Street, in the City and County of San Francisco, and have the proceeds thereof for ten years;

Also, Assembly Bill, No. 407, An Act to authorize and empower David Searl and such other persons as he may associate with him, and his and their Assigns, to construct Wharfs in the City and County of San Francisco, at the foot of Chesnut and Harrison Streets, and have the proceeds thereof;

Also, Assembly Bill, No. 427, An Act for the relief of Benjamin S. Burch;

Also, Assembly Bill, No. 475, An Act to authorize the reissue of a certain lost School Land Warrant;

Also, Assembly Bill, No. 484, An Act conferring further powers on Public Administrators;

Also, Assembly Bill, No. 483, An Act to authorize the issuance of Duplicates for certain War Bonds;

Also, Assembly Bill, No. 512, An Act authorizing the Board of Directors of the State Library to purchase certain Newspaper Files, and to provide for the payment of the same;

Also, the Claim of H. C. Harrison—were indefinitely postponed.

Assembly Bill, No. 493, An Act to audit the Claim of P. Della Torre;

Also, Assembly Bill, No. 529, An Act to amend Section Two of An Act concerning the Office of Public Administrator, passed April fifteenth, eighteen hundred and fifty-one—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 521, An Act granting to Thomas Harrigan and his

Assigns the right of laying a Railroad Track along a certain Road in the City and County of Sacramento—amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

At three-quarters past eleven o'clock, A. M. on motion of Mr. White, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, May 10, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Conness presented a petition for a law tendering to the General Government the credit of the State

Referred to a Special Committee of seven, consisting of Messrs. Kungle, Conness, Blair, Harris, Flanders, Montgomery, and Curtis.

REPORTS.

Reports were made as follows:

By Mr. Lippincott:

MR. SPEAKER:—The Committee on Claims, to whom was referred Senate Bill, No 255, An Act to appropriate money for the Salary of the Clerk of the Superintendent of Public Instruction for the Twelfth Fiscal Year, report the same back, and recommend its passage.

LIPPINCOTT,
Chairman.

By Mr. Wood of Plumas:

MR. SPEAKER:—The Military Committee of both Houses of the Legislature, appointed by Concurrent Resolution of April twenty-seventh, eighteen hundred and sixty-one, in connection with the Clerk of the Board of War Commissioners and the State Treasurer, to destroy certain coupons, beg leave to report:

That on the ninth day of May they proceeded to carry out the terms of the resolution of the twenty-seventh ultimo, and destroyed by burning, coupons as follows:

Coupons of Seven Per Cent. Bonds.

\$1,000 bonds, 340 sets coupons, value of each set..	\$373 52½	\$126,998 50
500 bonds, 394 sets coupons, value of each set..	186 76½	73,584 42
250 bonds, 102 sets coupons, value of each set..	93 38½	9,524 89
100 bonds, 287 sets coupons, value of each set..	37 35½	10,720 17
Total		\$220,827 98

Coupons of Twelve Per Cent. Bonds.

\$1,000 bonds, 197 sets coupons, value of each set..\$540 00	106,380 00
Total amount of coupons destroyed.....	\$327,207 98

The books and papers are found in the most complete order, and it affords us great pleasure to bear testimony to the satisfactory manner in which they have been kept by the very intelligent and efficient Clerk of the Board, A. J. F. Phelan, Esq. for we do not think it would be possible to present a more comprehensible or satisfactory set of accounts than have been kept by him

A. WOOD,

Chairman House Committee.

By Mr. Lalor:

MR. SPEAKER:—Your Committee on Engrossment have examined and found correctly engrossed Assembly Bill, No. 509, An Act supplementary to An Act to prevent the Trespassing of Animals upon Private Property, approved March thirty-first, eighteen hundred and fifty-five;

Also, Assembly Bill, No. 37, An Act for the relief of Wm J. Brown.

LALOR,

Chairman.

By Mr. Tilton:

MR. SPEAKER:—The San Francisco Delegation, to whom was referred Senate Bill, No. 370, An Act to grant to the San Francisco Market Street Railway Company the right to construct a Railway Track upon certain Streets in the City and County of Francisco—have instructed me to report the same back, and recommend that it be indefinitely postponed.

TILTON,

For Delegation.

Mr. Banks verbally reported and recommended the passage of substitute for Assembly Bill, No. 12, An Act concerning the offices of Auditor, County Treasurer and Tax Collector, of the City and County of San Francisco.

Rules suspended, substitute adopted, considered engrossed, read third time, and passed.

By Mr. Clarke:

MR. SPEAKER:—The San Francisco Delegation having had under consideration Assembly Bill, No. 295, An Act in relation to Roads, Streets, and Highways, in the City and County of San Francisco—report the same back with a substitute, and recommend the passage of the substitute.

CLARKE,

For Delegation.

The rules were suspended, the substitute above reported adopted, bill considered engrossed, read a third time, and passed.

By Mr. Blair:

MR. SPEAKER:—The Monterey Delegation reports in favor of the indefinite postponement of Senate Bill, No. 238, An Act for the relief of Thomas Day.

BLAIR,

Of the Delegation.

Mr. Wright introduced a bill for An Act to fix the Compensation of the District Attorney of the County of Sierra.

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

On motion of Mr. Powell, Assembly Bill, No. 506, An Act to provide for the erection of a State Prison at, or near, Folsom, was made special order for this day at eleven o'clock, A. M.

Mr. Tilton offered the following resolution :

Resolved, That the Enrolling Clerk be allowed to appoint such number of Deputies as the Enrolling Committee shall deem necessary to have bills promptly enrolled, at the same per diem as Deputies now employed, payable out of the Fund for the pay of Officers and Clerks of the Assembly.

Adopted.

On motion of Mr. Flanders, Senate Bill, No. 40, An Act to provide for the disposition of certain Property of the State of California—was taken from the table.

Mr. Flanders offered an amendment, which was adopted.

Bill as amended recommitted to the San Francisco Delegation.

SPECIAL ORDER.

Assembly Bill, No. 506, An Act to provide for the erection of a State Prison at, or near, the Town of Folsom—the special order of the day, was considered in Committee of the Whole, reported, with amendments, and recommended.

Mr. Campbell offered the following resolution :

Resolved, That the bill be recommitted to a Special Committee of five, with instructions to prepare a substitute, providing for the purchase of land and the erection of a Branch State Prison in the vicinity of Folsom, leaving the location open for competition, and providing for the erection of the buildings by convict labor.

Upon its adoption, Messrs. Powell, Chandler, and Lalor, demanded the ayes and noes, and the resolution was lost by the following vote: Ayes, 20—noes, 39 :

AYES—Messrs. Baechtel, Banks, Bradley, Campbell, Childs, Clarke, Gordon, Harris, Haun, Johnson, Kangle, Kurtz, Lalor, Magruder, Montgomery, Munday, O'Brien, Ross, Stearns, and Wright—20.

NOES—Messrs. Adams, Blair, Buell, Chandler, Cherry, Coltrin, Conness, Councilman, Covarrubias, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Foster, Gillette, Green, Hagans, Harriman, Harrison, Henderson, Horrell, Hunter, Morgan, Porter, Powell, Showalter, Smith of Tulare, Smith of Placer, Spence, Tilton, Tittel, Walter, White, Willey, Wood of Plumas, and Mr. Speaker—39.

The rules were suspended, considered engrossed, and read a third time.

On its passage, Messrs. Magruder, Montgomery, and Baechtel, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 43—noes, 15 :

AYES—Messrs. Adams, Blair, Buell, Chandler, Cherry, Childs, Coltrin, Conness, Councilman, Curtis, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Hagans, Harriman, Harrison, Haun, Henderson, Horrell, Hunter, Johnson, Lippincott, Morgan, Porter, Powell,

Smith of Tulare, Smith of Placer, Spence, Stearns, Tilton, Tittel, Walter, White, Willey, Wood of Plumas, and Mr. Speaker—43.

NOES—Messrs. Baechtel, Banks, Bradley, Campbell, Gordon, Harris, Kungle, Kurtz, Lalor, Magruder, Montgomery, Munday, O'Brien, Ross, and Wright—15.

Mr. Conness moved to suspend the rules for the purpose of transmitting the bill to the Senate this day.

Upon which, Messrs. Montgomery, Lalor, and Baechtel, demanded the ayes and noes, and the House refused by the following vote: Ayes, 37—noes, 21:

AYES—Messrs. Adams, Buell, Cherry, Childs, Coltrin, Conness, Councilman, Curtis, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Foster, Green, Hagans, Harriman, Harrison, Henderson, Hill, Horrell, Hunter, Lippincott, Morgan, Piercy, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Tilton, Tittel, Walter, Willey, Wood of Plumas, and Mr. Speaker—37.

NOES—Messrs. Baechtel, Banks, Blair, Bradley, Campbell, Chandler, Clarke, Gillette, Gordon, Gregory, Harris, Haun, Holman, Kungle, Lalor, Magruder, Montgomery, Munday, O'Brien, Showalter, and Stearns—21.

Mr. Conness again moved that the Clerk be directed to transmit the bill to the Senate.

Unanimously agreed to.

COMMUNICATION FROM THE BOARD OF STATE CAPITOL COMMISSIONERS.

The following communication was received from the Board of State Capitol Commissioners:

OFFICE BOARD OF STATE CAPITOL COMMISSIONERS, }
Sacramento, May 7, 1861.

To the Hon. R. BURNELL,

Speaker of the Assembly:

SIR:—I am instructed by the Board of State Capitol Commissioners to extend an invitation to you, and through you to the Honorable the Assembly of California to participate in the ceremonies of laying the corner stone of the State Capitol building, on Wednesday, the fifteenth instant.

Very respectfully,

Your obedient servant,

C. J. TORBERT,
Secretary.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 10, 1861.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly Bill. No. 453, An Act to grant the right to construct a Turnpike Road between the Town of Mokelumne Hill, and a point on the road to Stockton, at, or near, the Golden Gate Ranch, in the County of Calaveras.

JOHN G. DOWNEY,
Governor.

A communication from the Governor in relation to amendments to the Militia Law, was referred to the Committee on Military Affairs.

Mr. Flanders, from the San Francisco Delegation, reported Senate Bill, No. 40, An Act to provide for the disposition of certain Property of the State of California—with amendments.

Amendments adopted, and bill read a third time.

On its passage, Messrs Gregory, Lippincott, and Harris, demanded the ayes and noes, and the bill passed by the following vote : Ayes, 37—noes, 16 :

AYES—Messrs Avery, Banks, Blair, Campbell, Chandler, Cherry, Clarke, Connors, Councilman, Covarrubias, Curtis, Durst, Eastman, Fargo, Flanders, Foster, Gillette, Gordon, Green, Hagans, Harriman, Haun, Henderson, Hunter, Kurtz, Montgomery, Morgan, Porter, Powell, Showalter, Smith of Tulare, Smith of Placer, Tilton, Walter, Willey, Wright, and Mr. Speaker—37.

NOES—Messrs. Buell, Dougherty, Ford, Gregory, Harris, Harrison, Holman, Horrell, Johnson, Kungle, Lalor, Lippincott, Munday, O'Brien, Piercy, and Wood of Plumas—16.

Assembly Bill, No. 488, An Act for the protection of the Water Front of San Francisco—was made the special order for Wednesday, May fifteenth, at twelve o'clock, M.

REPORTS.

Reports were made as follows :

Mr. Adams verbally reported, without recommendation, Senate Bill, No. 350, An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight.

By Mr. Piercy :

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 219, An Act to appropriate Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy ;

Also, Assembly Bill, No. 449, An Act fixing the Salary of the County Judge of Mariposa County ;

Also, Assembly Bill, No. 373, An Act to establish the Boundary Line between the Counties of Monterey and San Luis Obispo ;

Also, Assembly Bill, No. 430, An Act supplemental to An Act to establish a Standard of Weights and Measures, passed April fourth, eighteen hundred and sixty-one.

PIERCY,

Of the Committee.

By Mr. Tilton :

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 338, An Act to authorize Martin T. Smith to construct and maintain a Wharf at Fishing Rock, in Mendocino County ;

Also, Assembly Bill, No. 350, An Act to exempt the City and County of San Francisco from giving Undertakings in certain cases ;

Also, Assembly Bill, No. 278, An Act to repeal certain Acts relative thereto ;

Also, Assembly Bill, No. 105, An Act to extend the provisions of An Act to extend the Terms of Office of the Board of Supervisors of certain Counties of this State, and to fix the Compensation of the Board of Supervisors of Mendocino County ;

Also, Assembly Bill, No. 439, An Act to amend an Act entitled An Act supplementary to an Act entitled An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo, approved April twenty sixth, eighteen hundred and fifty-eight, approved March first, eighteen hundred and sixty;

Also, Assembly Bill, No. 9, An Act to grant the right to construct a Bridge across Big River, in Mendocino County, to certain parties therein named;

Also, Assembly Bill, No. 297, An Act to fund the Indebtedness of Calaveras County, contracted prior to the eighteenth day of March, eighteen hundred and fifty-seven, and provide means for the payment of the same.

TILTON,
Chairman.

At two o'clock, P. M. on motion of Mr. Buell, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, May 11th, 1861 }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present.

Journal of yesterday read and approved.

Messrs. Coleman and Wright, had indefinite leave of absence; and Messrs. Campbell, Willey, and Tittel, for two days each.

REPORTS.

Reports were made as follows:

By Mr. Kungle:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate Bill, No. 297, An Act to audit and allow the Claim of G. D. Bliss & Co.—have had the same under consideration, and beg leave to report the same back, and recommend the passage of the bill.

KUNGLE,
LIPPINCOTT.

By Mr. Flanders:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate Bill, No. 59, An Act to audit and allow certain Claims—have had the same under consideration, and report the same back, and recommend its passage;

Also, Assembly Bill, No. 376, An Act for the Relief of Thomas R. Eldridge, Assignee of Migrel Smith—and report the same back, and recommend that it do not pass.

FLANDERS,
LIPPINCOTT,
FARGO,
KUNGLE.

By Mr. Lippincott:

Mr. SPEAKER:—The undersigned, one of the Committee on Claims, to

whom was referred the Claim of John F. McCauley against the State, for beef furnished the State Prison in eighteen hundred and fifty-five and eighteen hundred and fifty six—begs leave to report as follows:

The claim consists of several items, the first is for the sum of eleven thousand, eight hundred and four dollars and forty-two cents, the agreed price of one hundred and six head of American cattle, sold and delivered in eighteen hundred and fifty five, by McCauley, to the Directors of the State Prison. The Directors had authority under the law in force at the time, to make the purchase, (see Statutes of 1855, p. 293, Sec 7,) and the sale and delivery of the cattle is proven satisfactorily by the affidavits of Talaferro, Bell, and Thurston.

For the payment of this claim, a Controller's Warrant was issued in December, eighteen hundred and fifty-five, (No. 702,) but has never been paid; the warrant is hereby filed as a voucher. The Board of Examiners have allowed the claim for these reasons, and that the Directors and witnesses say that the agreed price was reasonable, and at the ordinary rate. Their decision is herewith filed.

In eighteen hundred and fifty-seven, a bill was introduced in the Assembly for its payment, and on the twenty-ninth of April, a substitute was passed by the Assembly, which, instead of directing the payment of the warrant, audited and allowed the claim for which the warrant was drawn, together with another claim against the State, held by another person. (See Assembly Journals, Eighth Session, pp 253, 382, 728, 859, 864.) The Senate did not act on this bill, the Legislature adjourning the day after its passage by the Assembly.

The second item is for a balance of account for beef furnished by McCauley for the use of the State Prison, under a written contract with the Board of Directors, dated first of January, eighteen hundred and fifty-six. There is no question about the contract; all agree to its correctness; a copy is herewith filed.

It is proven that the price agreed to be paid by the State is a reasonable and fair one, and the price is unequivocally stated in the contract. It is shown by accounts taken from the books of the Commissary at the State Prison, and certified by two of the Directors, and by the testimony of Scott, (certified copies of which are herewith filed,) that under this contract McCauley furnished large quantities of beef during the months of January, February, and March, eighteen hundred and fifty-six, for which there remains due him the sum of five thousand, four hundred and twenty-seven dollars, after deducting all payments made out of an appropriation made in eighteen hundred and fifty-six, for this and other indebtedness of the State—the appropriation not being sufficient to pay, in full, all the claims intended to be provided for. This item has been allowed by the Board of Examiners.

There is also another item, amounting to two thousand, one hundred and forty-four dollars and thirty-nine cents, for beef furnished by McCauley under the same contract, and for beef hides, and for money paid for freight, which freight, by the contract, was to be paid by the State. This item is certified to by two of the State Prison Directors, at the time, and allowed by the Committee on Accounts and Expenditures, in eighteen hundred and fifty-seven—J. S. Watkins, Chairman of said Committee—all of which papers are herewith filed. The Board of Examiners have also allowed this item.

It having been suggested that there was error in the accounts for beef furnished under this contract, your committee have spared no pains to

ascertain the truth; they have not only scrutinized closely the evidence in support of the claim before the Board of Examiners, and on which the claim was confirmed but have examined Mr E Wilson, who was one of the Directors of the State Prison at the time the debt was contracted; Mr S H Wetherbee, who was Commissary of the prison in the month of January, eighteen hundred and fifty-six; and Mr Moses Scott, who was Assistant Secretary of the Board, and Book-Keeper at the prison.

These gentlemen, it was alleged, could give material evidence tending to show that McCauley's agent had charged for more beef than was actually delivered; but their examination has failed to satisfy me on that point, for the accounts on file in the Controller's Office were not taken from the books of McCauley, but from the books of the Commissary, as is proven by the testimony of Scott; and Wilson proves that the accounts here rendered are the accounts corrected and reduced by the Prison Directors, Bell and McKenzie. Wetherbee also testified that he weighed, and kept an account of goods and provisions delivered, and entered them in the Commissary books, that he turned over these books to his successor as Commissary, and that he never did compare them with McCauley's books, and that the correctness of his accounts were never brought into question by either of the Directors. The accounts here rendered, are proven by the testimony of Scott to have been taken from the Commissary's books.

The quantity of beef consumed may be considered too great, and might lead to the conclusion that there must have been a great waste of provisions at the prison. This may be true, and very likely was, but if it were true, I think it could not affect this claim, as the Prison Directors, under the contract with McCauley, were the persons authorized by law to direct the quantity of beef to be delivered, and when; and if they have certified the amounts delivered as correct, whether it be too much, or too little, I cannot see by what principle of justice McCauley can be affected by it detrimentally.

This has been a tedious and perplexing investigation, and a claim in which much interest has been manifested. The undersigned, aware of the suspicion with which these large claims are viewed, has closely and impartially examined these accounts, and has come to the conclusion that where a claim is as well fortified by vouchers and proofs, and has passed the scrutiny of the Board of Examiners, and also the investigation of the Senate Committee on Claims, and subsequently the Senate itself, backed and certified to by the requisite number of the State Prison Directors, does not feel justified in going behind this array of testimony—and therefore reports the same back, and recommends that it be allowed.

LIPPINCOTT.

I agree with the above report.

COLEMAN.

The bill above reported—was made special order for May fourteenth, at twelve o'clock, M.

By Mr. Hill:

Mr. SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 12, An Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco.

HILL.

By Mr. Dougherty:

Mr. SPEAKER :—Your Committee on Ways and Means, to whom was referred Assembly Bill, No. 524, An Act to appropriate Money for the Contingent Expenses of the Assembly for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred sixty-one—beg leave to report the same back, and recommend its passage ;

Also, Senate Bill, No. 185, An Act to provide for the Engraving and Printing of State Controller's Warrants, and recommend its passage ;

Also, Senate Bill, No. 377, An Act to authorize the Board of Examiners to pay over certain Moneys—and recommend its passage ;

Also, Assembly Bill, No. 552, An Act exempting Insurance Companies from the payment of Stamp Duties—and recommend that it do not pass ;

Also, Senate Bill, No. 373, An Act to provide for Printing the Report of the State Agricultural Society—and recommend that it do not pass

Your committee make that recommendation for the reason that said society have already received appropriations amounting to twenty thousand dollars from the treasury, and in consideration of the present condition of the State's finances, your committee think the society should print their own reports, and therefore recommend it do not pass ;

Also, Senate Bill, No. 260, An Act amendatory of An Act to afford protection to Immigrants to California—and unanimously recommend its passage ;

Also, Assembly Bill, No. 491, An Act authorizing a settlement with the Auctioneers of this State—and recommend its indefinite postponement ;

Also, Senate Bill, No. 245, An Act fixing the number of Officers and Employés of the Senate and Assembly, and to define their Duties—have amended the same, and recommend its passage as amended

JOHN DOUGHERTY,
Chairman.

By Mr. Wood of Plumas :

Mr. SPEAKER :—The Committee upon Military Affairs, to whom was referred the message of his Excellency the Governor, in relation to Assembly Bill, No. 116, An Act relating to the Militia of the State—have had the same under consideration, and are of the opinion that the recommendations therein contained should be adopted by the Legislature, and for the purpose of carrying out the same, your committee report the accompanying bill, and recommend its passage.

A. WOOD,
Chairman.

The bill above reported was read first and second times, and placed on file.

Messrs. Laspeyre and Flanders, each made verbal minority reports on Senate Bill, No. 36, An Act to establish Pilots and Pilot Regulations, for the Port of San Francisco—and each reported a substitute, which were ordered printed, and made special order for May fourteenth, at eleven o'clock, A. M.

By Mr. Ross :

Mr. SPEAKER :—The Sonoma Delegation, to whom was referred Senate Bill, No. 278, An Act concerning the office of County Clerk, County Recorder, and Clerk of the Board of Supervisors, for the County of Sonoma—have considered the same, and beg leave to report the same back, without amendments, and recommend its passage.

ROSS.

The rules were suspended, and Senate Bill, No. 278, above reported—was read a third time, and passed.

By Mr. Gillette :

MR. SPEAKER :—Your Auditing Committee have examined the copying done on account of the Assembly, and find the same as follows :

2,000 folios, at 10 cents per folio	\$200 00
3,100 folios, at 10 cents per folio	310 00
Total	\$510 00

Your committee, therefore, recommend the passage of the following resolution :

Resolved, That the Controller of State is hereby authorized to draw his warrant in favor of J. M. Anderson, Chief Clerk, for the sum of five hundred and ten dollars, payable out of the Copying Fund of the Assembly.
M. G. GILLETTE.

Adopted

By Mr. Adams :

MR. SPEAKER :—The Sacramento Delegation, to whom was referred Senate Bill, No. 354, An Act granting certain parties the right to lay a Railroad Track in the City of Sacramento—have had the same under consideration, and report the same back, with amendments, and recommend its passage as amended.

A. ADAMS,
POWELL

The House refused to concur in Senate amendments to Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento—and Messrs. Adams, Curtis, and Powell, appointed a Committee of Free Conference.

By Mr. Curtis :

MR. SPEAKER :—The Sacramento Delegation, to whom was referred Assembly Bill, No. 503, An Act to liquidate an Equitable Claim against the City of Sacramento ;

Also, Assembly Bill, No. 501, An Act concerning the office of Coroner of the City and County of Sacramento—report them back, and recommend their indefinite postponement.

ADAMS,
POWELL,
CURTIS

Assembly Bills, Nos. 501 and 503, above reported—were indefinitely postponed.

By Mr. Morgan :

MR. SPEAKER :—The Santa Clara Delegation, to whom was referred Senate Bill, No. 365, An Act to legalize certain Records in the Recorder's Office of the County of Santa Clara—report the same back, and recommend its passage.

MORGAN.

Mr Lippincott offered a resolution to pay witnesses mileage on the McCauley Claim

Referred to the Committee on Mileage.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Fargo, for An Act to incorporate the City of Oakland.

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

By Mr Blair, for An Act to amend an Act entitled An Act to prohibit Gaming, passed March seventh, eighteen hundred and sixty.

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

By Mr Gordon, for An Act declaring certain Creeks in Marin County Navigable.

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

By Mr Holman, for An Act to repeal An Act to fund the Debt of the County of Solano, and to provide for the payment thereof, passed April twenty-fourth, eighteen hundred and fifty.

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

By Mr Laspeyre, for An Act supplementary to an Act entitled An Act to annex a portion of San Joaquin County to Stanislaus County, approved February seventeenth, eighteen hundred and sixty

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

By Mr Curtis, for An Act concerning certain Claims against the City and County of Sacramento

Read first and second times, and referred to the Sacramento Delegation.

By Mr Conness, for An Act in relation to Public Roads in the County of El Dorado, and to the Road Fund of said County.

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

By Mr Banks, for An Act supplementary to An Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned, approved April twenty-fifth, eighteen hundred and sixty-one.

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

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
May 10th, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No 327, An Act to repeal such Laws, and parts of Laws, as declare the American River Navigable;

Also, Assembly Bill, No. 446, An Act concerning Records of Fees and Duties of certain Officers in Contra Costa County;

Also, Assembly Bill, No 379, An Act to legalize the Acts of the Surveyor of the County of Siskiyou;

Also, Assembly Bill, No 232, An Act amendatory of An Act to provide for the construction of a Railroad in Sonoma County;

Also, a Concurrent Resolution, Relative to a change in the Twentieth Joint Rule;

Also, concurred in Assembly amendments to Senate Bill, No. 113, An Act to provide for an appointment of a Gager—with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
May 11th, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 393, An Act making an Appropriation for Deficiencies made for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one;

Also, Senate Bill, No. 394, An Act amendatory of an Act entitled An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-seven, entitled An Act to incorporate the City and County of Sacramento;

Also, Senate Bill, No. 277, An Act relative to the issuance of Certificates to Exempt Firemen;

Also, Senate Bill, No. 221, An Act to pay the Claim of A. R. Meloney, late State Controller;

Also, Senate Bill, No. 390, An Act amendatory of, and supplementary to, an Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five;

Also, Assembly Bill, No. 270, An Act amendatory of an Act entitled An Act to repeal the several Charters of the City and County of San Francisco—with amendments;

Also, An Act to provide Revenue for the support of the Government of this State—with amendments.

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bills, Nos. 327 and 394, above reported—read first and second times, and referred to the Sacramento Delegation

Senate Bills, Nos. 277 and 393, above reported—were read first and second times, and referred to the Committee on Ways and Means.

The House concurred in Senate amendments to Assembly Bill, No. 270, and Senate Bill, No. 113, above reported

Senate Bill, No. 390, above reported—was read first and second times, and referred to the Committee on Agriculture.

The House refused to concur in Senate amendments to Assembly Bill, No. 428, above reported—and appointed Messrs. Magruder, Conness, and Miller, a Committee of Free Conference.

Senate Bill, No. 221, above reported—was read first and second times, and referred to the Committee on Claims.

GENERAL FILE.

Assembly Bill, No. 37, An Act for the Relief of William H. Brown;

Also, Senate Bill, No. 255, An Act to appropriate Money for the Salary of the Clerk of the Superintendent of Public Instruction for the Twelfth Fiscal Year;

Also, Senate Bill, No. 297, An Act to audit and allow the Claim of G. D. Bliss & Co.;

Also, Senate Bill, No. 316, An Act to authorize Henrietta Corbett and John C. Corbett, Administrators of the Estate of William Corbett, deceased, to sell the Real Estate of deceased at private sale;

Also, Senate Bill, No. 365, An Act to legalize certain Records in the Recorder's Office of the County of Santa Clara—were read a third time and passed.

Assembly Bill, No. 513, An Act to regulate the Publication of notice of application to the Legislature ;

Also, Assembly Bill, No. 523, An Act making Assayed Gold Bars a legal tender ;

Also, Senate Bill, No. 238, An Act for the Relief of Thomas W. Day ;

Also, Senate Bill, No. 282, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty ;

Also, Senate Bill, No. 350, An Act to amend an Act entitled An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State, approved April twenty-first, eighteen hundred and fifty-eight—were indefinitely postponed

Senate Bill, No. 381, An Act to provide for the appointment of an Assayer of Ores and Metals, and to define his duties, for and within the County of Mono—was referred to the Committee on Ways and Means.

Senate Bill, No. 131, An Act concerning District Court Reporters for the Fourth, Sixth, Seventh, and Twelfth, Judicial Districts—amendments adopted, read a third time, and passed.

Assembly Bill, No. 530, An Act to repeal an Act entitled An Act to confer further powers upon the Board of Education, and the Treasurer of the City and County of San Francisco, approved April eighteenth, eighteen hundred and fifty-nine—rules suspended, considered engrossed, read a third time, and passed

The House refused to recede from second Assembly amendment to Senate Bill, No. 205, An Act amendatory of, and supplemental to, An Act passed April sixteenth, eighteen hundred and fifty, concerning Crimes and Punishments—and appointed Messrs. Curtis, Campbell, and Smith of Tulare, a Committee of Free Conference

Senate Bill, No. 270, 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 twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof ;

Also, Assembly Bill, No. 508, An Act amendatory of an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—amendments adopted, read a third time, and passed

Senate Bill, No. 370, An Act to grant to the San Francisco Market Street Railroad Company the right to construct their Railway Track upon certain Streets within the City and County of San Francisco—was taken up.

Mr. Conness moved to make the bill the special order for May sixteenth, at twelve, M.

Upon which, Messrs. Tilton, Avery, and Gillette, demanded the ayes and noes, and the motion prevailed by the following vote : Ayes, 26—noes, 21 :

AYES—Messrs. Amyx, Avery, Childs, Conness, Councilman, Covarrubias, Denniston, Eastman, Flanders, Ford, Foster, Gordon, Hagans, Johnson, Kurtz, Lippincott, Morgan, Piercy, Porter, Powell, Ross, Smith of Tulare, Tilton, Walter, Wood of Plumas, and Mr. Speaker—26.

NOES—Messrs. Adams, Baechtel, Bradley, Buell, Chandler, Coltrin, Dougherty, Fargo, Gillette, Green, Gregory, Harris, Haun, Holman, Kingle, Laspeyre, Magruder, Munday, O'Brien, Showalter, and Smith of Placer—21.

Mr. Tilton made the following report :

Mr SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No 260, An Act to Incorporate the City of Santa Clara, and to repeal certain Acts;

Also, Assembly Bill, No 102, An Act to authorize the Guardian of John H M Townsend, a minor, to sell the Real Estate of said minor;

Also Assembly Bill, No 7, An Act authorizing the Board of Supervisors of the City and County of San Francisco to pay the Claims of George H. Hossefross, F. E R Whitney, and A. J. Gladding;

Also, Assembly Bill, No 408, An Act to authorize the Administrator of the Estate of J K Irving, deceased, to sell the Real Estate of said deceased at public, or private, sale;

Also, Assembly Bill, No. 393, An Act to appropriate Money for the maintenance and support of District Agricultural and Mechanical Societies;

Also, Assembly Bill, No 385, An Act to authorize the Commissioners of the Funded Debt of the City and County of San Francisco, etc ;

Also, Assembly Bill, No 324, An Act concerning Roads and Highways in the County of Mendocino;

Also, Assembly Bill, No 459, An Act to authorize R. M. Williams to remove certain Human Remains;

Also, Assembly Bill, No 337, An Act to amend An Act concerning Jurors, passed May third, eighteen hundred and fifty-two;

Also, Assembly Bill, No 32, An Act to grant the right to construct a Bridge across the Noyo River, near its mouth, to certain parties therein named;

Also, Assembly Bill, No 34, An Act to grant the right to construct a Bridge across the Albion River, near its mouth, to certain persons therein named;

Also, Assembly Bill, No 278, An Act to authorize the Board of Supervisors of the County of Napa to levy a Tax for general Road purposes, and to repeal certain Acts relative thereto;

Also, Assembly Bill, No 52, An Act asking Congress to cede to the State of California the Odd Sections of all Public Land within this State, to be used by said State solely for Railroad purposes

TILTON,
Chairman.

GENERAL FILE, RESUMED.

Senate Bill, No 59, An Act to audit and allow certain Claims.

Mr. Conness moved a call of the House.

Carried.

Absent—Messrs. Amyx, Cherry, Fargo, Gillette, Harriman, Henderson, Hunter, Kurtz, Laspeyre, Ross, Sorrel, and Wood of Yolo

On motion, further proceedings under the call were dispensed with.

The bill was read a third time.

On its passage, Messrs Horrell, Showalter, and Wood of Plumas, demanded the ayes and noes, and the bill was lost by the following vote: Ayes, 21—noes, 25:

AYES—Messrs Banks, Blair, Clarke, Conness, Covarrubias, Curtis, Eastman, Fargo, Ford, Hagans, Harriman, Kungle, Lippincott, Morgan, O'Brien, Piercy, Porter, Powell, Stearns, Tilton, and Mr Speaker—21.

NOES—Messrs Amyx, Avery, Baechtel, Bradley, Buell, Chandler, Childs, Dougherty, Flanders, Foster, Gordon, Gregory, Harris, Haun, Holman, Horrell, Lalor, Magruder, Munday, Showalter, Smith of Tulare, Smith of Placer, Spence, Walter, and Wood of Plumas—25.

Mr. Flanders gave notice of reconsideration.

Mr. Powell, by leave, introduced a bill for An Act to audit and allow the Claim of the late Terence Foley.

Read first and second times, and referred to the Committee on Claims.

Senate Bill, No 245, An Act fixing the number of Officers and Employés of the Senate and Assembly, to define their Duties, and to establish their Pay—amendments adopted, read a third time, and passed

Mr. Fargo offered the following resolution :

Resolved, That the invitation extended to the Members of the Assembly by the State Capitol Commissioners to participate in the ceremonies of laying the corner-stone of the new capitol on the fifteenth instant be accepted.

Adopted

Senate Bill, No. 354, An Act granting certain Parties the right to lay a Railroad Track through certain Streets in the City of Sacramento—amendments adopted, read a third time, and passed

Assembly Bill, No 335, An Act supplementary to, and amendatory of, an Act entitled An Act relative to the Militia of the State, approved May ninth, eighteen hundred and sixty-one.

Mr. Conness offered the following amendment :

"Sec 4. No commission shall be issued under the provisions of this act, or the act to which this is supplemental, to any person until every such person shall first subscribe to, and take, the oath administered to officers holding commissions in the United States Army, in addition to the civil oath required by the Constitution of this State. All officers now in commission shall be required to subscribe to, and take, the same oath."

Mr. Adams moved the previous question.

Carried.

On the adoption of the amendment, Messrs Horrell, Bradley, and Kingle, demanded the ayes and noes, and the amendment was lost by the following vote : Ayes, 15—noes, 26 :

AYES—Messrs. Banks, Clarke, Conness, Eastman, Fargo, Ford, Green, Harriman, Hill, Morgan, Powell, Smith of Tulare, Spence, Tilton, and Mr. Speaker—15.

NOES—Messrs. Adams, Amyx, Bacchtel, Blair, Bradley, Chandler, Childs, Curtis, Dougherty, Gregory, Hagans, Harris, Haun, Holman, Horrell, Kingle, Lalor, Lippincott, Magruder, Montgomery, Munday, O'Brien, Piercy, Showalter, Smith of Placer, and Wood of Plumas—26.

Mr. Conness gave notice of reconsideration.

The rules were suspended, bill considered engrossed, read a third time, and passed

Mr. Childs made the following report :

MR. SPEAKER :—The Calaveras Delegation, to whom was referred Assembly Bill, No 487, An Act to authorize Parties therein named to build and construct a Turnpike Road, and to construct a Bridge across the South Fork of the North Fork of Mokelumne River—have considered the same, and report a substitute for all after the enacting clause of the bill, and recommend the adoption of the substitute.

CHILDS.

The rules were suspended, the substitute above reported adopted, rules suspended, considered engrossed, read a third time, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
May 11, 1861. }

Mr. SPEAKER :—The Senate, this day, passed Senate Bill, No. 395, An Act to submit to the Electors of San Mateo County, at the next General Election, the right to change their County Seat

D. J. WILLIAMSON, •
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 395, above reported—read first and second times, rules suspended, read a third time, and passed.

At forty minutes past two o'clock, P. M. on motion, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, May 13th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

REPORTS.

Reports were made as follows :

By Mr. Wood of Plumas :

Mr. SPEAKER :—The Committee on Military Affairs, to whom was referred Senate Bill, No. 60, An Act to provide for the payment of Troops called out to suppress Insurrection in the year eighteen hundred and fifty-six—have had the same under consideration, and have examined the papers in connection therewith. It appears from these papers that the troops mentioned were regularly called into service by the Governor, by an order dated the eleventh day of June, A. D. eighteen hundred and fifty-six, and were discharged in September of the same year. Among the papers there is an order from the Governor, dated July first, eighteen hundred and fifty-six, commanding the discharge of these troops, but for some reason not shown it was not complied with. From inquiry your committee are of the opinion that the larger number of troops borne upon the muster and pay-rolls performed no service that would detain them from their usual business avocations; that the others performed service not to exceed two weeks. Your committee are of the opinion that the latter class are entitled to payment for the time they were actually engaged in service, but from the evidence before them are not able to report the time, the number, or amount.

The present bill (if correctly understood,) proposes an amount equivalent to three months' pay for all who were mustered into service at that time. Your committee cannot see the justice of such a division, and

therefore beg leave to report the bill back, with a recommendation that it do not pass.

A. WOOD,
Chairman.

Mr. Laspeyre verbally reported, with amendments, and recommended the passage of Assembly Bill, No. 546, An Act granting to certain persons the right to establish and run a Ferry between the Island of Yerba Buena and the City of San Francisco.

By Mr. Lalor :

Mr. SPEAKER :—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly Bill, No. 295, An Act to create certain Road Districts in the City and County of San Francisco, and to provide for the Repair and Improvement of Roads therein.

E. LALOR,
Chairman.

Mr. Banks verbally reported, with amendments, and recommended the passage of Assembly Bill, No. 540, An Act supplementary to An Act to confer further powers upon the Board of Education of the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Smith of Tulare :

Mr. SPEAKER :—The Committee of Free Conference appointed on the disagreeing vote of the two Houses in Senate amendments to Assembly Bill, No. 160—report as follows :

The committee recommend that the Senate recede from its amendment in regard to the fees for issuing patents for land, and adhere to all of the others, and that the Assembly concur in the Senate amendments, with the above exception.

SMITH of Tulare,
Chairman of House Committee.

LEET,
Chairman of Senate Committee.

Adopted.

By Mr. Tilton :

Mr. SPEAKER :—The Committee on Enrollment have examined and found correctly enrolled, substitute for Assembly Bills, Nos. 66 and 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads ;

Also, Assembly Bill, No. 234, An Act to fund the Debt of the County of Solano which accrued from and after the first day of May, eighteen hundred and fifty-four, to the first day of October, eighteen hundred and sixty-one, and to provide for the payment of the same ;

Also, Assembly bill, No. 521, An Act granting to Thomas Harrigan and his Assigns the right of laying a Railroad Track along a certain Road in the City and County of Sacramento ;

Also, Assembly Bill, No. 451, An Act to authorize Franklin Birdsall, Executor of the last Will and Testament of George W. Birdsall, deceased, to sell the Real Estate of said deceased at private sale ;

Also, Assembly Bill, No. 520, An Act to legalize the levy of State and County Taxes for the year eighteen hundred and sixty-one, in San Luis Obispo County ;

Also, Assembly Bill, No 259, An Act in relation to the Public Road in the City and County of San Francisco.

TILTON,
Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 11th, 1861.

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No 430, An Act amendatory of, and supplemental to, An Act entitled An Act to establish a Standard of Weights and Measures, passed April fourth, eighteen hundred and sixty-one;

Also, Assembly Bill, No 476, An Act to authorize the Board of Supervisors of the County of Los Angeles to make an Appropriation for the purpose of assisting and finishing the Road known as the Santa Barbara and Los Angeles Road, through the Simi Pass

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 10th, 1861

To the Honorable the Assembly of California:

I have to inform your Honorable Body, that I have approved Assembly Bill, No 254, An Act amendatory of An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States.

JOHN G. DOWNEY,
Governor.

Mr. Johnson offered a Concurrent Resolution, Relative to the reconstruction of the Federal Union

Referred to the Committee on Federal Relations.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }
May 11th, 1861.

MR SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 389, An Act to authorize the Board of Supervisors of Tehama County to levy a Special Tax and create a Redemption Fund for the payment of County Indebtedness;

Also, this day, passed Assembly Bill, No. 521, An Act granting to Thomas Harrigan and his Assigns the right of laying a Railroad Track along a certain Road in the City and County of Sacramento

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 389, above reported—was read first and second times, and placed on file.

GENERAL FILE.

Assembly Bill, No. 376, An Act for the relief of Thomas R Eldridge, Assignee of Miguel Smith—was recommitted to the Committee on Claims.

Assembly Bill, No 194, An Act to allow the Claim of Daniel McLaren—rules suspended, considered engrossed, read a third time, and passed.

On motion of Mr Flanders, the vote by which Senate Bill, No. 59, An Act to audit and allow certain Claims—was lost on Saturday last, was reconsidered, and the bill read a third time, and passed

The vote by which the House, on Saturday, passed Assembly Bill, No. 335, An Act supplementary to, and amendatory of, an Act entitled An Act in relation to the Militia of the State, approved May ninth, eighteen hundred and sixty-one—was reconsidered, and recommitted to the Committee on Military Affairs

Mr. Flanders, by leave, introduced a bill for An Act to quiet Land Titles in the City and County of San Francisco

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

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
May 13th, 1861. }

Mr. SPEAKER :—The Senate, on Saturday, passed Senate Bill, No. 279, An Act to regulate Appeals in this State ;

Also, Senate Bill, No. 287, An Act to audit and allow the Claim of John P. Reilly ;

Also, Assembly Bill, No. 208, An Act to authorize the Guardian of Jonathan P. Williams and Isaac P. Williams, Minor Heirs of James Williams, deceased, to sell Real Estate of said Minors ;

Also, Assembly Bill, No 436, An Act to authorize the Board of Supervisors of the County of Monterey to make Appropriations, payable out of the Contingent Fund of said County ;

Also, Assembly Bill, No 334, An Act to provide for the payment of the Claim of W. W. Upton, for certain Services rendered the State ;

Also, Assembly Bill, No. 496, An Act to authorize the Mayor and Common Council of Los Angeles to take and subscribe Fifty Thousand Dollars to the Capital Stock of a Railroad Company in the County of Los Angeles ;

Also, Assembly Bill, No 495, An Act to authorize the Board of Supervisors of Los Angeles County to take and subscribe One Hundred Thousand Dollars to the Railroad in said County ;

Also, Assembly Bill, No. 383, An Act to amend An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty ;

Also, Assembly Bill, No. 401, An Act to authorize certain parties to build a Wharf at Suisun City ;

Also, Assembly Bill, No. 342, An Act to authorize the Administratrix of the Estate of Julius Lyons, deceased, to sell Real Estate at public, or private, sale ;

Also, Assembly Bill, No. 210, An Act to authorize the Guardian of George Horton and Marshall Horton, to sell certain of their Real Estate at private sale ;

Also, Assembly Bill, No 318, An Act to fix the Compensation of the County Judge of San Luis Obispo County, and to repeal in part the First Section of an Act entitled An Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions ;

Also, Assembly Bill, No 284, An Act to authorize J. C. Cissna to build a Wharf in the Bay of San Luis Obispo ;

Also, Assembly Bill, No. 326, An Act to authorize the Board of Supervisors of the City and County of San Francisco to license Intelligence Offices ;

Also, Assembly Bill, No. 515, An Act relative to certain School Moneys in Solano County ;

Also, Assembly Bill, No. 289, An Act defining the mode of serving Civil Process in the County of San Bernardino—with an amendment ;

Also, Assembly Bill, No. 423, An Act supplementary to an Act entitled An Act concerning Hogs running at large in certain Counties—with amendments ;

Also, Assembly Bill No. 51, An Act to prevent the Amalgamation of different Races of Men in this State—with amendments ;

Also, Assembly Bill, No. 165, An Act to protect Sheep and Lambs in this State ;

Also, indefinitely postponed Assembly Bill, No. 292, An Act to prohibit the Skinning of Dead Cattle in certain cases ;

Also, Assembly Bill, No. 434, An Act to amend An Act for the protection of Indians ;

Also, Assembly Bill, No. 345, An Act for the purchase and preservation of Newspapers printed in the several Counties of this State ;

Also, Assembly Bill, No. 174, An Act to amend An Act to regulate proceedings in Civil Cases ;

Also, passed Assembly Bill, No. 487, An Act to authorize the parties therein named, to build a Turnpike Road and Bridge on the Mokelumne River ;

Also, Assembly Bill, No. 528, An Act to authorize the construction of a Wharf in the County of Contra Costa ;

Also, Assembly Bill, No. 527, An Act submitting to the Voters of Tulare County the question of Hogs running at large in said County ;

Also, Assembly Bill, No. 532, An Act to fix the Compensation of the District Attorney of Sierra County ;

Also, on Saturday, passed Senate Bill, No. 396, An Act in relation to the Commission appointed on behalf of the State to run and mark the Eastern Boundary Line of the State of California ;

Also, adopted the Report of the Committee on Free Conference on Assembly Bill, No. 160.

D. J. WILLIAMSON,

Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 287, above reported—read first and second times, and referred to the Committee on Claims.

Senate Bill, No. 279, above reported—read first and second times, and referred to the Judiciary Committee.

The House concurred in Senate amendments to Assembly Bills, Nos. 51, 289, and 423, above reported.

Senate Bill, No. 396, above reported—read first and second times, and referred to the Committee on Ways and Means.

On concurring in Senate amendments to Assembly Bill, No. 165, above reported—Messrs. Adams, Bradley, and Haun, demanded the ayes and noes, and the House concurred by the following vote: Ayes, 25—noes, 16 :

AYES—Messrs. Adams, Amyx, Avery, Banks, Bradley, Chandler, Clarke, Conness, Councilman, Fargo, Ford, Gillette, Gordon, Green,

Gregory, Harriman, Harris, Hill, Laspeyre, Morgan, Patrick, Ross, Showalter, Stearns, and Mr Speaker—25.

NOES—Messrs. Blair, Briggs, Buell, Cherry, Flanders, Hagans, Hanson, Haun, Johnson, Kungie, Lalor, Piercy, Porter, Sorrel, Spence, and Wood of Plumas—16.

GENERAL FILE, RESUMED.

Assembly Bill, No. 491, An Act to authorize a settlement with the Auctioneers of this State, and a discharge of the demands and claims of the State against them—was placed at the foot of the file.

Assembly Bill, No. 524, An Act to appropriate Money for the Contingent Expenses of the Assembly for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one—was considered in Committee of the Whole, reported and recommended, and laid on the table.

Assembly Bill, No. 522, An Act exempting Insurance Companies, incorporated under the Laws of the State of California, from the payment of Stamp Duties.

Mr Showalter moved to indefinitely postpone the bill.

Upon which, Messrs Banks, Flanders, and Clark, demanded the ayes and noes, and the motion prevailed by the following vote:—Ayes, 38—noes, 11 :

AYES—Messrs Amyx, Blair, Bradley, Briggs, Chandler, Childs, Coltrin, Conness, Councilman, Dougherty, Eastman, Gillette, Gordon, Green, Gregory, Hagans, Harriman, Harris, Haun, Hill, Horrell, Johnson, Kungie, Lalor, Laspeyre, Miller, Morgan, O'Brien, Patrick, Ross, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Stearns, Wood of Plumas, Wright, and Mr. Speaker—38.

NOES—Messrs. Avery, Banks, Buell, Clarke, Fargo, Flanders, Ford, Holman, Piercy, Porter, and Spence—11.

Senate Bill, No. 60, An Act to provide for the pay of Troops called out by the Governor of this State to quell Insurrection in the year eighteen hundred and fifty-six—was considered in Committee of the Whole, reported, and recommended.

Mr. Conness offered the following amendment to section two :

“And, *provided*, further, that no allowance shall be made to any person, or company, except such as shall have performed actual service; and nothing herein contained shall be so construed as to allow compensation to those who only hold themselves in readiness for service; but the Board of Examiners shall not be governed by the muster rolls in determining who performed such actual service.”

Mr. Lalor moved the previous question.

Sustained.

The amendment was adopted, and bill read a third time.

On its passage, Messrs. Gordon, Gillette, and Kurtz, demanded the ayes and noes, and the bill passed by the following vote : Ayes, 41—noes, 18 :

AYES—Messrs. Blair, Bradley, Buell, Chandler, Childs, Coltrin, Conness, Covarrubias, Eastman, Fargo, Ford, Foster, Gillette, Green, Gregory, Harris, Haun, Henderson, Hill, Horrell, Johnson, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morrison, Munday, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Showalter, Smith of Tulare, Sorrel, Wood of Plumas, Wright, and Mr. Speaker—41.

NOES—Messrs. Adams, Avery, Banks, Cherry, Clarke, Councilman, Dougherty, Flanders, Gordon, Hagans, Harriman, Holman, Kungle, Kurtz, Morgan, Smith of Placer, Spence, and Tilton—18.

Mr Fargo gave notice of reconsideration.

Assembly Bill, No 489. An Act to enable certain persons to establish a Ferry between Gill's Landing, in Contra Costa County, and Point San Quentin, in Marin County—was indefinitely postponed.

Mr. Adams made the following report:

Mr. SPEAKER:—The Committee of Free Conference, appointed on behalf of the Senate and Assembly upon the disagreeing vote of the two Houses on Assembly Bill, No 196—would respectfully report, that after consultation they recommend that Senate amendment be amended as follows:

In line ten, after the word "tax," insert the words, "at the rate."

In lines nineteen and twenty, strike out the words, "immediately after the passage of this act, and"—

In lines twenty-six and twenty-seven, strike out the words, "who is assessed in the sum of five hundred dollars and upwards"—and when so amended, that both Houses concur in Senate amendment.

ADAMS,
POWELL,
CURTIS,

Assembly Committee.

CLARK,
HEACOCK,
DICKINSON.

Adopted.

Senate Committee.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 13th, 1861. }

Mr SPEAKER:—The Senate, this day, passed Assembly Bill, No 12, An Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco—with amendments

D. J. WILLIAMSON,
Assistant Secretary.

The House concurred in Senate amendments to Assembly Bill, No. 12, above reported.

Mr Conness introduced a bill for An Act to authorize Caroline Butterfield, Widow of David Butterfield, late of Siskiyou County, deceased, to convey certain Property therein stated.

Read first and second times, and referred to the Siskiyou Delegation.

GENERAL FILE, RESUMED.

Senate Bill, No. 185, An Act to provide for the Engraving and Printing of State Controller's Warrants—was considered in Committee of the Whole, read a third time, and passed.

Mr. Miller, from the Committee on Military Affairs, reported a substitute for Assembly Bill, No. 535, An Act amendatory of, and supplementary to, an Act entitled An Act in relation to the Militia of the State, approved May ninth, eighteen hundred and sixty-one.

Adopted, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No 373, An Act to provide for Printing Report of the State Agricultural Society—was made special order for May fourteenth, at ten and a half o'clock, A. M.

Senate Bill, No. 377, An Act to authorize the Board of Examiners to pay over certain Moneys—was read a third time, and passed.

Senate Bill, No 260, An Act amendatory of, and supplementary to, an Act entitled An Act to afford Protection to Immigrants to California—was indefinitely postponed.

Mr. Piercy made the following report :

Mr SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No 533, An Act to amend an Act entitled An Act to Incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.

C. W. PIERCY,
Of the Committee.

At half past two o'clock, P. M. on motion of Mr. Smith of Tulare, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY, }
Tuesday, May 14, 1861. }

House met pursuant to adjournment.

Speaker *pro tem.* in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Leave of absence was granted as follows :

To Mr. Baechtel, two days.

To Mr. Wood of Plumas, one day.

To Mr. Wood of Yolo, one day.

To Mr. Kurtz, one day.

To Mr. Smith of Tulare, one day.

The House refused to reconsider the vote by which the House on yesterday passed Senate Bill, No 60, An Act to provide for the Pay of Troops called out by the Governor of this State to quell Insurrection in the year eighteen hundred and fifty-six.

Mr. Campbell presented petition Of Citizens and Property-Holders of Alameda County for construction of a Railway from that shore to Yerba Buena Island.

REPORTS.

Reports were made as follows :

By Mr. Harriman :

Mr SPEAKER:—The Committee on Education, to whom was referred Senate Bill, No 368, An Act amending the Common School Law—have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute ;

Also, Senate Bill, No. 200, An Act amending the Common School Law—and recommend that it be indefinitely postponed.

HARRIMAN,
For Committee.

Mr Stearns verbally reported and recommended the passage of Senate Bill, No. 390, An Act amendatory of, and supplementary to, An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five.

Rules suspended, read a third time, and passed.

MESSAGE FROM THE GOVERNOR

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 13th, 1861. }

To the Honorable the Assembly of California :

I have to inform your Honorable Body, that I have approved Assembly Bill, No. 219, An Act appropriating Money for the payment of Joseph Bridger, J. W. Mitchell, and C. W. Piercy ;

Also, Assembly Bill, No. 54, An Act to provide for the Reclamation and Segregation of the Swamp and Overflowed, and Salt Marsh and Tide Lands, donated to the State of California by Act of Congress ;

Also, Assembly Bill, No. 449, An Act fixing the Salary of the County Judge of the County of Mariposa ;

Also, Assembly Bill, No. 350, An Act to exempt the City and County of San Francisco from giving Undertakings in certain Cases ;

Also, Assembly Bill, No. 105, An Act to extend the Provisions of An Act to extend the Terms of Office of the Boards of Supervisors of certain Counties of this State, and to fix the Compensation of the Board of Supervisors of Mendocino County ;

Also, Assembly Bill, No. 338, An Act to authorize Martin S Smith to construct and maintain a Wharf at Fishing Rock, in Mendocino County ;

Also, Assembly Bill, No. 406, An Act to define the Boundary Line between the Counties of Sonoma and Marin ;

Also, Assembly Bill, No. 223, An Act to separate the Office of County Recorder from the Office of County Clerk, in the County of Solano ;

Also, Assembly Bill, No. 355, An Act to appropriate Money to pay Barney Clark, Assignee of J. M. Anderson ;

Also, Assembly Bill, No. 373, An Act to establish the Boundary Lines between the Counties of Monterey and San Luis Obispo

JOHN G. DOWNEY,
Governor.

Mr. Sorrel verbally reported and recommended the passage of Assembly Bill, No. 544, An Act to authorize Caroline Butterfield, Widow of David Butterfield, deceased, late of Siskiyou County, to convey certain Property therein stated

Rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Adams had leave to change his vote by which the House, on yesterday, concurred in Senate amendment to Assembly Bill, No. 165.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Campbell, for An Act to authorize the taking of Depositions in Foreign Countries.

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

By Mr. Haun, for An Act to appropriate Money to pay the Claim of J. C. Felton.

Read first and second times, and referred to the Committee on Claims.
By Mr. Horrell, for An Act authorizing the issuance of certain Bonds to Clarke, Dodge & Co.

Read first and second times, and referred to the Committee on Claims.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
May 13th, 1861. }

Mr. SPEAKER:—The Senate, on Saturday, appointed Messrs Clark, Lcet, and Chase, a Committee of Free Conference on Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State ;

Also, this day, adopted the report of the committee on Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The House concurred in report of Committee of Free Conference on Assembly Bill, No. 196, above reported.

SENATE CHAMBER.
May 14, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 341, An Act to provide for the purchase of a Statue from Hiram Powers ;

Also, Senate Bill, No. 397, An Act to exempt certain Property from Taxation ;

Also, Assembly Bill, No. 529, An Act to amend Section Two of An Act concerning the Office of Public Administrator

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No 397, above reported—was read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No 341, above reported—read first and second times, and made special order for this day, at two o'clock, P. M.

SENATE CHAMBER,
May 14th, 1861. }

Mr. SPEAKER :—The Senate, on Saturday, passed Senate Bill. No 154, An Act in relation to the Water-Front adjacent to Block Number Nine, in the City and County of Sacramento, notwithstanding the veto of the Governor.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

On the question—Shall Senate Bill, No 154, pass notwithstanding the objections of the Governor? the roll was called, and the objections were sustained by the following vote: Ayes, 26—noes, 29:

AYES—Messrs Adams, Blair, Buell, Cherry, Coltrin, Conness, Councilman, Eastman, Flanders, Foster, Green, Gregory, Hagans, Harriman,

Haun, Henderson, Hunter, Laspeyre, Morgan, Piercy, Powell, Showalter, Tittel, Willey, Wright, and Mr. Speaker—26.

NOES—Messrs Amyx, Avery, Banks, Bradley, Chandler, Childs, Clarke, Covarrubias, Dougherty, Gillette, Gordon, Hanson, Harris, Hill, Holman, Horrell, Johnson, Kungle, Lippincott, Miller, Montgomery, Morrison, Munday, O'Brien, Patrick, Ross, Smith of Placer, Spence, and Stearns—29.

Mr Miller, from the Committee on Free Conference, made a unanimous report on Assembly Bill, No 428, An Act to provide Revenue for the support of the Government of this State.

Adopted.

SPECIAL ORDER.

Senate Bill, No 373, An Act to provide for the Printing of the Report of the State Agricultural Society, special order for this day—was taken up, considered in Committee of the Whole, and reported.

Mr Munday moved to indefinitely postpone the bill.

Upon which, Messrs Munday, Bradley, and Magruder, demanded the ayes and noes, and the House refused by the following vote: Ayes, 14—noes, 36:

AYES—Messrs Amyx, Avery, Blair, Chandler, Dougherty, Flanders, Gordon, Magruder, Miller, Morgan, Munday, Patrick, Spence, and Willey—14.

NOES—Messrs. Adams, Banks, Briggs, Buell, Campbell, Cherry, Childs, Clarke, Conness, Councilman, Covarrubias, Fargo, Foster, Gillette, Green, Hanson, Harriman, Harris, Henderson, Holman, Horrell, Hunter, Kungle, Laspeyre, Lippincott, Montgomery, Morrison, O'Brien, Piercy, Porter, Powell, Smith of Placer, Stearns, Tittel, Wright, and Mr. Speaker—36.

The bill was read a third time and passed.

Senate Bill, No. 36, An Act to establish Pilot, and Pilot Regulations, for the Port of San Francisco—also special order of the day, was taken up, and considered in Committee of the Whole.

Mr. Fargo in the Chair.

Substitute reported

Mr Laspeyre moved the previous question.

Sustained.

Amendments adopted.

Bill read a third time.

On its passage, Messrs Campbell, Laspeyre, and Clark, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 33—noes, 20:

AYES—Messrs. Adams, Bradley, Campbell, Chandler, Coltrin, Crocker, Dougherty, Eastman, Foster, Gillette, Gordon, Green, Gregory, Hagans, Hanson, Harris, Haun, Henderson, Hill, Horrell, Hunter, Lalor, Laspeyre, Lippincott, Magruder, Munday, O'Brien, Patrick, Piercy, Powell, Ross, Smith of Placer, and Mr. Speaker—33.

NOES—Messrs. Avery, Banks, Blair, Briggs, Cherry, Clarke, Councilman, Flanders, Ford, Harriman, Holman, Miller, Montgomery, Morgan, Porter, Stearns, Tilton, Tittel, Willey, and Wood of Plumas—20.

Mr. Campbell gave notice of reconsideration.

Assembly Bill, No. 526, An Act granting to certain persons the right

to establish and run a Ferry between the Island of Yerba Buena and the City of San Francisco, and to construct a Railroad from said Island to the Alameda County Shore—also special order of the day, was taken up, amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

REPORTS.

Reports were made as follows :

By Mr. Dougherty :

MR. SPEAKER :—Your Committee of Ways and Means, to whom was referred Senate Bill, No. 393, An Act making an Appropriation for Deficiencies made for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one—beg leave to report the same back, and recommend its passage ;

Also, Assembly Bill, No. 277, An Act relative to issuance of Certificates to Exempt Firemen within this State—this bill not having reference to the finances of this State, and not being properly within the province of the Committee of Ways and Means, we beg leave to report the same back, without recommendation ;

Also, report a bill for the support of the Civil Government of the State for the Thirteenth Fiscal Year—and recommend its passage

JOHN DOUGHERTY,

Chairman.

By Mr. Tilton :

MR. SPEAKER :—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill, No. 456, An Act concerning Fees in certain Counties ;

Also, Assembly Bill, No. 379, An Act to legalize the Acts of the Surveyor of the County of Siskiyou in defining the Northern Boundary of said County ;

Also, Assembly Bill, No. 446, An Act concerning Records of Fees and Duties of certain Officers in the County of Contra Costa ;

Also, Assembly Bill, No. 344, An Act to provide for the better support of Common Schools in the County of Contra Costa ;

Also, Assembly Bill, No. 458, An Act to amend An Act concerning the Officers of Calaveras County, and the collection of Taxes, approved February twenty-eighth, eighteen hundred and fifty-nine ;

Also Assembly Bill, No. 137, An Act to pay the Claim of B. F. Hastings ;

Also, Assembly Bill, No. 283, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain Judgment ;

Also, Assembly Bill, No. 409, An Act to legalize certain Grants and Sales made by the Ayuntamiento of the Pueblo of Santa Barbara of Lands belonging to the said Pueblo and City ;

Also, Assembly Bill, No. 366, An Act to authorize Rachel Bonds, Administratrix, to sell the Real Estate of George W. Bonds, deceased, at public, or private, sale ;

Also, Assembly Bill, No. 247, 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, approved April nineteenth, eighteen hundred and fifty-six ;

Also, Assembly Bill, No. 315, An Act authorizing the Administrators of the Estate of Gilbert A. Grant, deceased, to sell and convey Real Estate at private sale ;

Also, An Act concerning Roads and Highways in the County of Butte;
 Also, Assembly Bill, No. 12, An Act to fix and regulate Salaries and
 Fees of Officers in the City and County of San Francisco;

Also, Assembly Bill, No. 318, An Act to fix the Compensation of the
 County Judge of San Luis Obispo County;

Also, Assembly Bill, No. 532, An Act to fix the Compensation of the
 District Attorney of the County of Sierra;

Also, Concurrent Resolution, No. 56, Relative to State Capitol Building.

S. S. TILTON,
 Chairman.

Mr. Conness introduced a Concurrent Resolution, providing for the
 printing of the Land Laws of this State.

Adopted.

Mr. Campbell presented the claim of Z. L. Garwood for taking care of
 Committee Rooms.

Referred to Committee on Expenditures and Accounts.

Mr. Briggs made the following report:

MR. SPEAKER:—The committee to whom was referred the Executive
 Message and other communications, relative to difficulties in Santa Clara
 County, have heard the result of the investigation made by their sub-
 committee, who have visited the place of the alleged difficulties, and
 have considered the same, with said message, and make this their report:

That the ultimate process issued upon a judgment of the District Court
 of the Third Judicial District has been resisted, admits of no doubt, and
 that said resistance was without justification, is equally undeniable.

The people resisting the process state that they deem that injustice
 has been done them by the judgment against them, and complained that
 they have not had the judgment of the highest appellate court against
 them.

The offending parties, however, expressed to your committee a deter-
 mination to abide by the judgment of the final appellate tribunal upon
 the questions involved in the present dispute, and as a case is now pend-
 ing upon appeal in the Supreme Court of the United States wherein all
 these questions will be presented for solution, and as the plaintiff in the
 present controversy proposes to initiate new litigation in which all these
 mooted questions may be raised, your committee did not deem it im-
 proper to advise a course which should avoid present difficulties and pro-
 mote the furtherance of justice.

This intent was rendered effective by the generous conduct of the
 plaintiff and his Attorney, Mr. Mathews, who have caused the writ of
 execution to be returned unexecuted, with the avowed purpose of en-
 abling those who dispute Chabolla's title the fullest opportunity to contest
 it. There seems to be, therefore, no necessity for any legislation, or ap-
 propriation, in aid of the process resisted, and certainly none in aid of
 those who resisted it.

All of which is respectfully submitted.

J. P. HAYNES,
 Chairman of Senate Committee.

H. W. BRIGGS,
 Chairman of Assembly Committee.

Senate Bill, No. 99, An Act to audit and allow a Claim of John F. Mc-
 Cauley against the State—also special order of the day, was taken up,
 considered in Committee of the Whole, and reported.

Mr. Adams offered the following amendment :

"Provided, that before said payment shall be paid to the said John F. McCauley, as provided for under this act, the said John F. McCauley shall deliver to the Controller of State a receipt in full of all demands against the State of California up to the date of receipt."

Adopted.

Mr. Dougherty moved to reconsider the vote by which the amendment was adopted.

Upon which, Messrs. Gillette, Chandler, and Haun, demanded the ayes and noes, and the House refused by the following vote : Ayes, 19—noes, 27 :

AYES—Messrs. Bradley, Chandler, Conness, Dougherty, Gillette, Gregory, Harris, Haun, Holman, Hunter, Lalor, Laspeyre, Lippincott, Powell, Ross, Showalter, Smith of Placer, Sorrel, and Wright—19.

NOES—Messrs. Adams, Avery, Blair, Buell, Campbell, Cherry, Childs, Clarke, Eastman, Ford, Gordon, Green, Hagans, Henderson, Horrell, Kungle, Magruder, Miller, Morgan, Morrison, Munday, O'Brien, Porter, Spence, Tilton, Tittel, and Willey—27

On motion of Mr. Conness, the amendment of Mr. Adams was amended so as to strike out all after the word "California," and insert "arising out of contracts for supplies furnished by the said McCauley to the State Prison."

Mr. Flanders moved to strike out "nineteen thousand three hundred and seventy-five dollars and eighty-one cents," and insert seventeen thousand four hundred and thirty-eight dollars and forty-two cents "

On the adoption of the amendment, Messrs. Sorrel, Gillette, and Lippincott, demanded the ayes and noes, and the amendment was lost by the following vote : Ayes, 24—noes, 27 :

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Childs, Clarke, Councilman, Eastman, Flanders, Gordon, Green, Hagans, Hanson, Henderson, Kungle, Magruder, Miller, O'Brien, Smith of Placer, Spence, Tilton, Tittel, and Willey—24.

NOES—Messrs. Amyx, Bradley, Campbell, Chandler, Conness, Covarrubias, Dougherty, Foster, Gillette, Gregory, Harriman, Harris, Haun, Holman, Horrell, Hunter, Johnson, Lalor, Laspeyre, Lippincott, Patrick, Piercy, Powell, Ross, Showalter, Sorrel, and Wright—27.

The bill was read a third time.

On its passage, Messrs. Laspeyre, Ross, and Magruder, demanded the ayes and noes, and the bill passed by the following vote : Ayes, 29—noes, 22 :

AYES—Messrs. Adams, Amyx, Bradley, Campbell, Cherry, Conness, Covarrubias, Dougherty, Ford, Foster, Gillette, Gregory, Hanson, Harris, Haun, Henderson, Holman, Horrell, Hunter, Lalor, Laspeyre, Lippincott, Patrick, Piercy, Powell, Ross, Sorrel, Wright, and Mr. Speaker—29.

NOES—Messrs. Avery, Banks, Blair, Briggs, Buell, Childs, Clarke, Councilman, Eastman, Flanders, Gordon, Green, Hagans, Magruder, Miller, Morgan, Munday, O'Brien, Smith of Placer, Spence, Tittel, and Willey—22.

Mr. Adams gave notice of reconsideration.

Mr. Covarrubias made the following report :

Mr. SPEAKER :—The Santa Barbara Delegation, to whom was referred Assembly Bill. No. 410, An Act to incorporate the City of Santa Barbara—report the same back, with a substitute, and recommend the passage of the substitute.

COVARRUBIAS.

The rules were suspended, substitute adopted, considered engrossed, read a third time, and passed.

Mr. Flanders introduced a bill for An Act amendatory of, and supplementary to, An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned, approved April eighteenth, eighteen hundred and fifty-nine.

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

Mr. Dougherty made the following report :

Mr. SPEAKER :—The committee to whom was referred Senate Bill, No. 381, An Act to provide for the appointment of an Assayer of Ores and Metals, and to define his Duties, in and for the County of Mono—having had the same under consideration, report the same back, with amendments.

DOUGHERTY.

Senate Bill, No. 381, above reported—was indefinitely postponed.

Senate Bill, No. 341, An Act to provide for the purchase of a Statue from Hiram Powers—also special order for this day, was indefinitely postponed.

Mr. Piercy introduced a bill for An Act to authorize the Board of Supervisors of San Bernardino County to grant to J. J. Warner and J. G. Tomlinson the right to construct a Wagon Road from the City of San Bernardino, in the County aforesaid, to Holcomb and Bear Valleys, in said County.

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

On motion of Mr. Conness, all Standing and Special Committees were required to report on Thursday morning next.

Mr. Adams made the following report :

Mr. SPEAKER :—The Sacramento Delegation, to whom was referred Senate Bill, No. 394, An Act amendatory of An Act to repeal an Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City and County of Sacramento—report the bill back, and recommend its passage.

They have also had under consideration Senate Bill, No. 327, An Act to repeal such Laws and parts of Laws, which declare the American Fork, or River, or any portion thereof, Navigable—report the same back, and recommend its passage.

ADAMS.
POWELL.

At three o'clock, P. M. on motion of Mr. Showalter, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
 Wednesday, May 15, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present.

Journal of yesterday read and approved.

On motion of Mr Wood of Plumas, the Sergeant-at-Arms was appointed Marshal of the Assembly in the ceremonies of laying the corner-stone of the State Capitol

Mr Adams moved to reconsider the vote by which the House, on yesterday, passed Senate Bill, No. 99, An Act to audit and allow the Claim of John F McCauley against the State.

Mr Magruder moved the previous question.

Carried.

On reconsidering, Messrs Powell, Councilman, and Chandler, demanded the ayes and noes, and the House refused by the following vote: Ayes, 19—noes, 32:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Councilman, Durst, Fargo, Gordon, Hagans, Holman, Magruder, Miller, Munday, O'Brien, Porter, Smith of Placer, and Willey—19.

NOES—Messrs. Bradley, Campbell, Chandler, Cherry, Childs, Clarke, Conness, Covarrubias, Dougherty, Flanders, Ford, Gillette, Green, Gregory, Harriman, Harrison, Henderson, Horrell, Hunter, Lalor, Laspeyre, Lippincott, Patrick, Piercy, Powell, Ross, Showalter, Sorrel, White, Wood of Yolo, Wright, and Mr. Speaker—32.

Mr. Johnson, by leave, introduced a bill for An Act to amend an Act entitled An Act to authorize José de Jesus Pico to sell certain Land in San Luis Obispo County, belonging to his Infant Children, passed April thirteenth, eighteen hundred and sixty.

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

Mr. Lalor made the following report:

MR SPEAKER:—Your Committee on Engrossment have examined and found correctly engrossed, Assembly Bill, No 503, An Act amendatory of an Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 540, An Act supplementary to An Act to confer further Powers upon the Board of Education of the City and County of San Francisco, and for other Purposes therein mentioned, approved April twenty-fifth, eighteen hundred and sixty-one;

Also, Assembly Bill, No 535, An Act amendatory of, and supplementary to, an Act entitled An Act in relation to the Militia of the State, approved May ninth, eighteen hundred and sixty-one.

LALOR,
 Chairman.

Mr. Stearns had indefinite leave of absence.

Mr. Conness moved that when the House adjourn, it adjourn to meet again at three o'clock, p. m. this day.

Upon which, Messrs. Chandler, O'Brien, and Miller, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 26—noes, 34:

AYES—Messrs. Amyx, Avery, Banks, Blair, Bradley, Briggs, Clarke, Coltrin, Conness, Councilman, Dougherty, Durst, Eastman, Gordon, Hagens, Hanson, Harriman, Hill, Holman, Magruder, Miller, Piercy, Porter, Ross, Smith of Tulare, and Wright—26.

NOES—Messrs. Adams, Buell, Chandler, Cherry, Childs, Fargo, Flanders, Ford, Foster, Gillette, Gregory, Harrison, Haun, Henderson, Horrell, Hunter, Kungle, Lalor, Laspeyre, Lippincott, Montgomery, Morrison, Munday, O'Brien, Patrick, Powell, Showalter, Smith of Placer, Sorrel, Tilton, White, Willey, Wood of Yolo, and Mr. Speaker—34.

Mr. Piercy, by leave, introduced a bill for An Act supplementary to an Act entitled An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino.

Read first and second times, rules suspended, read a third time, and passed.

Mr. Ross verbally reported and recommended the passage of the following resolution:

Resolved, That the sum of forty-eight dollars each is hereby appropriated out of any moneys in the Contingent Fund of the Assembly as mileage for E. Wilson and S. H. Wetherbee, witnesses before the Committee on Claims.

Adopted.

Assembly Bill, No 547, General Appropriation Bill, special order for this day—was continued until to-morrow at half past ten o'clock, A. M.

At half past ten o'clock, A. M. on motion of Mr. Smith of Tulare, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, May 16th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Wood of Yolo, and Walden, had indefinite leave of absence; and Mr. Smith of Tulare, for one day.

The resolution requiring committees to report on all business in their hands on this day—was received.

REPORTS.

Reports were made as follows:

By Mr. Kungle:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate Bill, No 221, An Act to pay the Claim of A. R. Meloney, late State Controller—report the same back, and recommend its reference to the Judiciary Committee;

Also, Assembly Bill, No. 376, An Act for the Relief of Thomas R. Eldridge, Assignee of Miguel Smith—and report the same back without amendment, and recommend its passage.

KUNGLE,
LIPPINCOTT,
FARGO.

The rules were suspended, and Assembly Bill, No 376, above reported—considered in Committee of the Whole, rules suspended, considered engrossed, read a third time, and passed.

By Mr. Fargo:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly Bill, No 545, An Act to appropriate Money to pay the Claim of J. C. Pelton—have had the same under consideration, and beg leave to report it back with an amendment, and recommend the passage of the bill as amended.

FARGO,
KUNGLE,
LIPPINCOTT.

By Mr. Kungle:

Mr. SPEAKER:—The Committee on Claims have considered the bill appropriating money to pay J. C. Pelton for some services rendered, and expenses incurred for the benefit of the State.

It appears that Pelton went to the Eastern States to qualify himself, and obtain information in regard to the best mode of conducting institutions similar to the State Reform School which this State is preparing to establish. He was promised the position of Superintendent, and had letters from the Trustees of the Institution; and although his appointment was not legal, inasmuch as the Trustees were not authorized to employ him at the time, yet his labors have resulted in accumulating a valuable collection of books, worth some nineteen hundred dollars at their invoice price, upon which he has paid one hundred and seventy nine dollars and thirty-nine cents freight. He has also acquired practical information which has caused alterations in the plan of the buildings, greatly to the State's advantage. He has also incurred an expense of some ninety dollars for necessary materials not provided.

Your committee find that Mr. Pelton was engaged for some six months in visiting different schools in the East, preparing for the conducting of this school when it shall be opened. We recommend that he be paid for his services and expenses the sum of two thousand dollars

C. H. KUNGLE,
F. F. FARGO,
ALVIN FLANDERS.

By Mr. Banks:

Mr. SPEAKER:—The Committee on Corporations, to whom was referred Assembly Bill, No. 418, An Act to enable the Hicks' Pass Coal Company to make a Railway from its Mines—have examined the same, and find that it is inconsistent with that portion of our Constitution which relates to the enactment of general corporation laws, and contrary to

the corporation policy of this State, as it provides that said company shall be enabled to avail themselves of the advantage of certain portions of our Railroad Incorporation Act, without being subject to its restrictions. If the company desire the right of way over any lands belonging to this State, or the privilege of constructing a wharf at the terminus of their road, it should be granted, but as a railway company they should be subject to all the provisions of the general railway laws of this State.

We recommend that the bill do not pass.

BANKS,

For Committee on Corporations.

Also,

MR. SPEAKER :—The Committee on Corporations, to whom was referred Senate Bill, No. 80, An Act to provide for the Incorporation of Railway Companies, and the management of the affairs thereof, and other matters relating thereto—recommend the passage of the same with amendments.

They also recommend the passage of Senate Bill, No. 53, An Act for the Protection of Water Companies—with amendments.

BANKS,

For Committee on Corporations.

Senate Bill, No. 80, above reported—was made special order for this day, at three o'clock, P. M.

By Mr. Campbell :

MR. SPEAKER :—The Judiciary Committee, to whom was referred certain bills, having considered the same, ask leave to return Senate Bill, No. 279, An Act to regulate Appeals in this State—with an amendment, and recommend its passage as amended ;

Also, Senate Bill, No. 62, An Act to amend An Act to regulate Fees in Office, approved April tenth, eighteen hundred and fifty-five—and recommend its passage ;

Also, Senate Bill, No. 388, An Act to authorize the sale of the Estate of Maria Quirk, deceased—and recommend its passage ;

Also, Assembly Bill, No. 543, An Act to quiet Land Titles in the City and County of San Francisco.

Also, Assembly Bill, No. 450, An Act to exempt the property of Mokelumne Lodge, No. 44, I. O. O. F. from Taxation ;

Also, Assembly Bill, No. 400, An Act to regulate proceedings in Civil Cases, approved April twenty-ninth, eighteen hundred and fifty-seven ;

Also, Senate Bill, No. 23, 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 twenty-ninth, eighteen hundred and fifty-one—and recommend that each of them be indefinitely postponed ;

Also, Senate Bill, No. 78, 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 twentieth, eighteen hundred and fifty-five—and recommend its passage ;

Also, Senate Bill, No. 79, An Act to amend an Act entitled An Act to regulate Elections—and recommend its passage ;

Also, Assembly Bill, No. 519, An Act concerning the Infant Heirs of William M. Stockton, deceased—and recommend its passage ;

Also, Assembly Bill, No. 431, An Act to provide for the recovery of the possession of Lands, in certain cases, in this State, and for the Protection of Settlers—with a recommendation that it be indefinitely postponed ;

Also, Assembly Bill, No. 477, An Act in relation to the Attorney-General of this State;

Also, Assembly Bill, No. 510, An Act supplementary to an Act passed May eleventh, eighteen hundred and fifty-three, entitled An Act in relation to Personal Mortgages in certain cases, and the several Acts amendatory thereof, and supplementary thereto—and recommend its passage;

Also, Assembly Concurrent Resolution, No. 43, proposed Amendments to the Constitution—without recommendation;

Also, Assembly Bill, No. 550, An Act to authorize the taking of Depositions in Foreign Countries—and recommend its passage.

CAMPBELL,
Chairman.

By Mr. Blair:

Mr. SPEAKER:—Senate Substitute for Assembly Bill, No. 187, An Act concerning Unlawful Detainers and Forceful Entries—has been duly considered by the Judiciary Committee, and its indefinite postponement recommended;

Also, Senate Bill, No. 314, An Act to amend An Act to regulate Proceedings in Civil Cases—and recommend that the same be indefinitely postponed.

BLAIR,
Of the Committee.

Also:

Mr. SPEAKER:—The Committee on Education having duly considered Assembly Bill, No. 516, An Act granting Leave of Absence to the Superintendent of Public Instruction of Alameda County—report the same back, and recommend its postponement.

BLAIR,
Chairman.

By Mr. Miller:

Mr. SPEAKER:—The Committee on Mines and Mining Interests to whom was referred Assembly Concurrent Resolution, Relative to Persons engaged in Mining for Precious Metals;

Also, Assembly Bill, No. 369, An Act to prohibit the Forced Sale of Mining Claims—have had the same under consideration, and beg leave to report them back with a recommendation that they do not pass.

N. C. MILLER,
Chairman.

Mr. Conness verbally reported and recommended the adoption of Concurrent Resolution, Relative to Mail-Routes in Colusa County.

Adopted.

Mr. Laspeyre verbally reported, without recommendation, Assembly Bill, No. 282, An Act in relation to Pilots and Pilot Regulations.

By Mr. Adams:

Mr. SPEAKER:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 296, An Act to define the Boundaries of Sutter County—have had the same under consideration, and beg leave to report, that they find from the evidence before them that in eighteen hundred and fifty-eight, upon the application of proper authorities of Placer County, the Surveyor-General ordered a survey of the line between the counties of Sutter and Placer to establish the boundary between the same, and that said survey was approved by him in eighteen hundred and fifty-nine.

The delegation has also examined three several petitions purporting to be signed by parties residing and claiming the lands on either side of the line so surveyed and approved, a majority of whom ask to be attached to, and remain in, the County of Placer.

We, therefore, recommend that the line between the counties of Sutter and Placer, as surveyed by authority of the Surveyor-General, be declared the established boundary between said counties.

POWELL,
ADAMS

By Mr. Flanders:

Mr. SPEAKER:—The undersigned, members of the San Francisco Delegation, report back Assembly Bill, No. 543, An Act amendatory of, and supplementary to, 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, approved April eighteenth, eighteen hundred and fifty-nine—and recommend the passage of the bill.

FLANDERS,
CAMPBELL,
WILLEY,
CHERRY,
TILTON.

The rules were suspended, and Assembly Bill, No. 548, above reported, considered engrossed, read a third time, and passed.

Also:

Mr. SPEAKER:—I am instructed to report back Assembly Bill, No. 364, An Act to allow Isadore Burns, or his Assigns, to construct Wharfs midway between Market and Mission Streets, in the City and County of San Francisco—and recommend the indefinite postponement of the bill.

Also, Assembly Bill, No. 500, An Act to authorize William G. Munroe, his Heirs and Assigns, to construct a Wharf at the foot of Lombard Street, in the City and County of San Francisco—and recommend the indefinite postponement of the bill;

Also, Assembly Bill, No. 306, An Act to authorize the Board of Supervisors of the City and County of San Francisco to protect the Water-Front of said City—and recommend the indefinite postponement of the bill;

Also, Assembly Bill, No. 478, An Act in relation to the Board of Fund Commissioners of the City and County of San Francisco—and recommend the indefinite postponement of the bill;

Also, Assembly Bill, No. 442, An Act to authorize Silas A. Stone and J. J. Papy to construct and maintain a Wharf in the City and County of San Francisco—and recommend the indefinite postponement of the bill;

Also, Assembly Bill, No. 483, An Act to authorize Moses Heath and his Associates, to construct Wharfs in the City and County of San Francisco—and recommend the indefinite postponement of the bill;

Also, Senate Bill, No. 285, An Act to authorize Frederick Griffin, and his Associates, to construct a Wharf in the City and County of San Francisco—and recommend the indefinite postponement of the bill;

Also, Assembly Bill, No. 395, An Act authorizing the Resurvey of a portion of the City of San Francisco—and recommend the indefinite postponement of the bill.

FLANDERS,
For the Delegation.

Also,

MR. SPEAKER:—I am instructed to report back Senate Bill, No 210, An Act in relation to the Probate Court of the City and County of San Francisco—and recommend the passage of the bill;

Also, Assembly Bill, No 525, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay Robert E Kerrigan, Assignee of Richard Parr—and recommend the passage of the bill.

FLANDERS,

For the Delegation.

By Mr. Briggs:

MR. SPEAKER:—The Special Committee, to whom was referred Assembly Bill, No 321, An Act for the Observance of the Sabbath, with orders to report a substitute—have had the matter under consideration, and report the same back with amendments, and recommend its passage as amended.

H. W. BRIGGS,

For the Committee.

Mr Campbell verbally reported and recommended the passage of Senate Bill, No 386, An Act authorizing the Settlement of certain Claims against the Estate of Cesario Lataillade, late of Santa Barbara County.

Rules suspended, read a third time, and passed

Also, with amendments, Assembly Bill, No. 390, An Act concerning Jurors in the City and County of San Francisco.

Rules suspended, amendments adopted, considered engrossed, read a third time, and passed.

By Mr. Clarke:

MR. SPEAKER:—Your committee to whom was referred Senate Bill, No 183, An Act restricting the Herding of Sheep—have had the same under consideration, and now beg leave to report the same back, with the recommendation that it be indefinitely postponed

CLARK,

For the Committee.

By Mr. Magruder:

MR. SPEAKER:—The Yuba Delegation to whom was referred substitute for Senate Bill, No. 105, An Act concerning Roads and Highways in the County of Yuba—have had the same under consideration, and report it back and recommend that it be indefinitely postponed.

MAGRUDER,
HANSON,
HAUN,
KUNGLE,
LALOR.

By Mr. Dougherty:

MR. SPEAKER:—Your Committee of Ways and Means, to whom was referred Senate Bill, No 397, An Act to exempt certain Property from Taxation—beg leave to report the same back, and recommend its indefinite postponement;

Also, Senate Bill, No. 396, An Act in relation to the Commissioner appointed on behalf of the State—having amended the same, recommend its passage as amended.

JOHN DOUGHERTY,

Chairman.

Senate Bill, No. 396, above reported—was taken up.

Mr. Conness offered as a substitute for the amendment offered by the committee the following :

Amend section two, by inserting in the fourth line, after the word "section," the words "in the discretion of the Governor."

Upon which, Messrs. Showalter, Laspeyre, and Kungle, demanded the ayes and noes, and the substitute was adopted by the following vote : Ayes, 36—noes, 24 :

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Childs, Clarke, Conness, Councilman, Durst, Eastman, Ford, Foster, Green, Hagans, Harriman, Harris, Hill, Hunter, Lippincott, Morgan, O'Brien, Piercy, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Tilton, Tittel, Willey, Wright, and Mr. Speaker—36.

NOES—Messrs. Amyx, Bradley, Buell, Chandler, Coltrin, Dougherty, Gillette, Gregory, Hanson, Haun, Henderson, Holman, Horrell, Kungle, Lalor, Magruder, Miller, Munday, Patrick, Scott, Showalter, Sorrel, White, and Wood of Plumas—24.

Mr. Showalter moved to recommit the bill, with special instructions.

Lost

The bill was read a third time.

On its passage, Messrs. Showalter, Haun, and Kurtz, demanded the ayes and noes, and the bill passed by the following vote : Ayes, 28—noes, 20 :

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Conness, Councilman, Covarrubias, Durst, Eastman, Ford, Foster, Green, Harriman, Hill, Hunter, Johnson, Kurtz, Magruder, Morgan, Morrison, O'Brien, Piercy, Porter, Ross, Showalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Tilton, Tittel, Willey, Wright, and Mr. Speaker—28.

NOES—Messrs. Amyx, Bradley, Buell, Chandler, Coltrin, Dougherty, Gillette, Gregory, Hanson, Harris, Haun, Holman, Kungle, Lalor, Lippincott, Miller, Montgomery, Patrick, Scott, White, and Wood of Plumas—20.

Mr. Showalter gave notice of reconsideration.

By Mr. Tilton :

MR. SPEAKER :—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 250, An Act supplementary to an Act of April twenty-seventh, eighteen hundred and sixty, entitled An Act supplementary to an Act entitled An Act to confer further powers upon the Board of Supervisors, Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned, approved April twenty-third, eighteen hundred and fifty-eight ;

Also, Assembly Bill, No. 307, An Act to amend an Act entitled An Act to authorize the President of the Board of Supervisors, the Auditor, and Treasurer, of San Francisco, to provide for the actual and prospective Deficiency in the Corporation Debt Fund of said City and County for the Fiscal Years eighteen hundred and fifty-nine and eighteen hundred and sixty, approved April sixth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 284, An Act to authorize J. C. Cissna to build

a Wharf in the Bay of San Luis Obispo, and to construct a Road leading thereto;

Also, Assembly Bill, No. 383, An Act to amend An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty;

Also, Assembly Bill, No. 384, An Act relating to the Sureties on the Official Bond of T. J. Miner, late County Treasurer of Plumas County;

Also, Assembly Bill, No. 289, An Act defining the mode of serving Civil Process in the County of San Bernardino;

Also, Assembly Bill, No. 232, An Act amendatory of An Act to provide for the construction of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for a right of way for the same;

Also, Assembly Bill, No. 315, An Act relative to certain School Moneys in Solano County;

Also, Assembly Bill, No. 436, An Act to authorize the Board of Supervisors of the County of Monterey to make Appropriations, payable out of the Current Expense Fund of said County, for purposes therein named;

Also, Assembly Bill, No. 527, An Act submitting to the qualified Electors of Tulare County the question of permitting Hogs to run at large in certain portions of said County;

Also, Assembly Bill, No. 326, An Act to authorize the Board of Supervisors of the City and County of San Francisco to regulate and license Intelligence Offices in the said City and County;

Also, Assembly Bill, No. 210, An Act to authorize the Guardian of George Horton and Marshall Horton to sell certain of their Real Estate at private sale;

Also, Assembly Bill, No. 334, An Act to provide for the payment of the Claim of W. W. Upton, for Services therein mentioned;

Also, Assembly Bill, No. 529, An Act to amend Section Two of An Act concerning the Office of Public Administrator, passed April fifteenth, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 208, An Act to authorize P. Williams and Isaac Williams, Minor Heirs of James Williams, deceased, to sell the Real Estate of said Minors.

TILTON,
Chairman.

Senate Bill, No. 389, An Act to authorize the Board of Supervisors of Tehama County to levy a Special Tax and create a Redemption Fund for the payment of County Indebtedness—was read a third time, and passed.

SPECIAL ORDER.

Assembly Bill, No. 547, An Act making Appropriations for the support of the Civil Government of this State for the Thirteenth Fiscal Year, commencing on the first day of July, eighteen hundred and sixty-one, and ending on the thirtieth day of June, eighteen hundred and sixty-two, inclusive—was considered in Committee of the Whole, reported, with amendments, and recommended, amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill, No. 370, An Act to grant to the Market Street Railroad Company the right to construct their Railway upon certain Streets within the City and County of San Francisco.

Mr. Laspeyre moved a call of the House.

Sustained

The following members were absent:

Messrs. Avery, Councilman, Curtis, Flanders, Kurtz, Morrison, and Wright.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

The bill was amended, and read a third time.

On its indefinite postponement Messrs. Bradley, Tilton, and Gillette, demanded the ayes and noes, and the bill was indefinitely postponed by the following vote : Ayes, 28—noes, 26 :

AYES—Messrs. Avery, Banks, Briggs, Campbell, Cherry, Clarke, Councilman, Eastman, Flanders, Foster, Gordon, Hagans, Hanson, Harriman, Johnson, Kurtz, Lippincott, Miller, Morgan, Piercy, Powell, Ross, Spence, Tilton, White, Willey, Wood of Plumas, and Mr. Speaker—28.

NOES—Messrs. Adams, Blair, Bradley, Chandler, Childs, Fargo, Gillette, Green, Gregory, Haun, Henderson, Hill, Hunter, Kungle, Lalor, Laspeyre, Montgomery, Munday, O'Brien, Patrick, Scott, Showalter, Smith of Tulare, Tittel, and Wright—26.

Mr. Tilton made the following report :

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 526, An Act granting certain parties the right to establish and run a Ferry between the Island of Yerba Buena and San Francisco, and to construct a Railroad from said Island to the Alameda County shore ;

Also, Assembly Bill, No. 169, An Act amendatory of an Act to amend An Act concerning the office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four, passed March twenty-sixth, eighteen hundred and fifty-nine.

S. S. TILTON,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Briggs :

Resolved, That the usual mileage be allowed to the two members of the Special Committee, to whom was referred the message of the Governor in reference to the Santa Clara difficulties, who went as sub-committee to visit the seat of the difficulties in Santa Clara County, to be paid out of the Assembly Contingent Fund.

Adopted.

By Mr. Fargo :

Resolved, That nine hundred and sixty copies of Assembly Bill, No. 66, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads, be printed for the use of the Assembly.

Adopted.

Mr. Campbell made the following report :

MR. SPEAKER:—Your Committee of Free Conference on the disagreeing votes of Senate and Assembly, in the concurrence to Assembly amendment on Senate Bill, No. 205, An Act amendatory of, an Act supplemental to, An Act of April, eighteen hundred and fifty, concerning Crimes and Punishments—have had the same under consideration, and beg leave to make the following recommendation :

That the words "arrested, indicted, or put on trial," occurring after the words, "nor shall such physician, or surgeon, be," be stricken out; and that the last four lines, after the words, "her life," shall read as follows: "nor shall such physician, or surgeon, be convicted by the testimony of such woman alone."

THORNTON,
Chairman Senate Committee.
CAMPBELL,
Chairman House Committee.

Adopted.

Assembly Bill, No. 545, An Act to appropriate Money to pay the Claim of J. C. Pelton—was considered in Committee of the Whole, reported with amendments, and recommended, amendments adopted, rules suspended, considered engrossed, read a third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
May 14th, 1861. }

Mr. SPEAKER:—The Senate, this day, adopted the report of the Committee on Free Conference on Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State;

Also, passed Assembly Bill, No. 509, An Act supplementary to An Act to prevent the Trespassing of Animals upon private property;

Also, Assembly Bill, No. 202, An Act to amend an Act entitled An Act to restrain the herding of Sheep to certain pastures—with an amendment;

Also, on yesterday, passed Senate Bill, No. 385, An Act to appropriate Money for the purchase of Property for the use of the State Insane Asylum;

Also, Senate Bill, No. 360, An Act amendatory of An Act to regulate proceedings in Civil Cases;

Also, Senate Bill, No. 290, An Act to authorize property holders to open a Street in front of certain lots in the City and County of San Francisco.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
May 15th, 1861. }

Mr. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 402, An Act to provide for the payment of certain outstanding Indebtedness of Sierra County;

Also, Senate Bill, No. 391, An Act to authorize John Reed, Guardian of the Infant Heirs of Joseph Pardee, deceased, to sell certain Real Estate in Sacramento County;

Also, Assembly Bill, No. 537, An Act declaring certain Creeks in Marin County, Navigable;

Also, Assembly Bill, No. 432, An Act appropriating Money for the payment of John Brady for services as Assistant Engrossing Clerk during the Eleventh Session;

Also, on yesterday, passed Senate Bill, No. 186, An Act to procure a conveyance, by John Center, of certain Real and Personal property, at, or near, the State Prison.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
May 16, 1861. }

MR SPEAKER:—The Senate, on yesterday, passed Assembly Bill, No. 416, An Act to legalize and provide for the collection of Delinquent Taxes in the Counties of this State;

Also, Assembly Bill, No 351, An Act to amend an Act amendatory of An Act to establish, support, and maintain, Common Schools;

Also, passed Assembly Bill, No 526. An Act granting to certain persons the right to establish and run a Ferry between the Island of Yerba Buena and the City of San Francisco, and to construct a Railroad from said Island to the Alameda County shore;

Also, Assembly Bill, No. 535. An Act amendatory to An Act conferring additional powers upon the Board of Supervisors of the City and County of San Francisco;

Also, Senate Bill, No. 408, An Act supplemental to An Act to audit and allow the Claim of William S. Botts, approved May third, eighteen hundred and sixty-one;

Also, Assembly Bill, No 544, An Act to authorize Caroline Butterfield, Widow of David Butterfield, late of Siskiyou County, deceased, to convey certain Property therein stated—with amendments;

Also, Assembly Bill, No 546. An Act to authorize the Board of Supervisors of San Bernardino County to grant to J. J. Warner and J. J. Tomlinson the right to construct a Wagon Road from the City of San Bernardino to Bear and Holcomb Valleys, in said County—with amendments;

Also, Assembly Bill, No. 534, An Act in relation to Public Roads in the County of El Dorado, and to the Road Fund of said County—with amendments;

Also, Assembly Bill, No 552, An Act supplementary to an Act entitled An Act to provide for the Collection of Delinquent Taxes in the County of San Bernardino;

Also, on yesterday, passed Senate Bill, No. 406, An Act for the Relief of Jerome Madden;

Also, on yesterday, passed Senate Bill, No. 382, An Act to authorize Abner H. Parker, Nathan C. Pudduck, Samuel C. Bigelow, M. A. Bradley, and their Associates and Assigns, to lay down Gas-Pipes in the City and County of San Francisco;

Also, Assembly Bill, No. 502, An Act amendatory of, and supplementary to, An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto—with amendments;

Also, Assembly Bill, No. 401, An Act concerning an Act entitled An Act to change the Venue in the case of Horace Smith;

Also, Senate Bill, No. 399, An Act to audit and allow the claim of John Valentine.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The House concurred in Senate amendments to Assembly Bill, No. 202, above reported.

The House concurred in Senate amendments to Assembly Bill, No. 514, above reported.

The House concurred in Senate amendments to Assembly Bill, No. 546, above reported.

The House concurred in Senate amendments to Assembly Bill, No. 534, above reported

The House concurred in Senate amendments to Assembly Bill, No. 502, above reported.

The House concurred in Senate amendments to Assembly Bill, No. 432, above reported

Senate Bill, No. 404, above reported—read first and second times, rules suspended, read a third time, and passed

Senate Bill, No. 406, above reported—read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 391, above reported—read first and second times, rules suspended, read a third time, and passed

Senate Bill, No. 402, above reported—read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No. 382, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 406, above reported—was read first and second times, and referred to the San Francisco Delegation.

Substitute for Senate Bill, No. 186, above reported—read first and second times, and made special order for May seventeenth, at eleven o'clock, A. M.

Senate Bill, No. 385, above reported—was read first and second times, and referred to the Committee on Ways and Means.

Senate Bill, No. 360, above reported—was read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 401, above reported—was read first and second times, and referred to the Judiciary Committee, with special instructions.

Senate Bill, No. 399, above reported—was read first and second times, and referred to the Committee on Claims

Senate Bill, No. 290, above reported—was read first and second times, and referred to the San Francisco Delegation.

Senate Bill, No. 408, above reported—read first and second times, amended, read a third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
May 1st, 1861. }

MR. SPEAKER :—The Senate, this day, passed Senate Bill, No. 194, An Act to allow the Claim of Daniel McLaren ;

Also, adopted Assembly Concurrent Resolution, No. 60, Granting Leave of Absence to the Hon. E. Burke ;

Also, on yesterday, passed, notwithstanding the objections of the Governor, Senate Bill, No. 158, An Act to authorize Henry B. Platt and Jas. Gallagher to construct a Wharf at the foot of Third Street, in the City and County of San Francisco.

C. W. TOZER,
Secretary Senate.

The message of the Governor, and the bill above reported—were made the special order for May seventeenth, at half past eleven o'clock, A. M.

The vote by which the House, this day, passed Senate Bill, No. 396, An Act in relation to the Commissioner appointed on behalf of the State, to run and mark the Eastern Boundary Line of the State of California—was reconsidered.

Bill amended, read a third time, and passed.

Senate Bill, No 276. An Act to relocate the County Seat of Sonoma County by the qualified Voters of said County—was taken from the table, amended, read a third time, and passed.

Mr Piercy, by leave, introduced a bill for An Act to repeal an Act entitled An Act to authorize the Incorporation of the City of San Bernardino, passed April fifteenth, eighteen hundred and fifty-four.

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

SENATE CHAMBER,
May 16th, 1861. }

MR. SPEAKER:—The Senate, this day, concurred in Assembly amendments to Senate Bill, No. 36. An Act to establish Pilots and Pilot Regulations for the Port of San Francisco, except the amendment to section twenty-four.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No 36, above reported—was taken up.

Mr White moved the previous question.

Carried.

Upon receding from the Assembly amendments, Messrs Campbell, Tittel, and Gillette, demanded the ayes and noes, and the House receded by the following vote: Ayes, 34—noes, 24 :

AYES—Messrs. Baechtel, Bradley, Buell, Chandler, Childs, Coltrin, Conness, Durst, Eastman, Foster, Gillette, Green, Gregory, Hagans, Hanson, Harris, Haun, Henderson, Hill, Horrell, Hunter, Lalor, Lippincott, Munday, O'Brien, Patrick, Powell, Ross, Scott, Showalter, Smith of Placer, Sorrel, and White—34.

NOES—Messrs Adams, Avery, Banks, Blair, Campbell, Cherry, Clarke, Councilman, Fargo, Flanders, Ford, Holman, Magruder, Miller, Montgomery, Piercy, Porter, Smith of Tulare, Spence, Tilton, Tittel, Willey, and Wood of Plumas—24

Mr O'Brien moved to adjourn.

Upon which, Messrs. Clarke, Miller, and Fargo, demanded the ayes and noes, and the House refused by the following vote: Ayes, 20—noes. 29 :

AYES—Messrs. Buell, Chandler, Flanders, Foster, Green, Gregory, Harris, Haun, Henderson, Hill, Horrell, Kungle, Munday, O'Brien, Scott, Showalter, Sorrell, Tittel, White, and Willey—20.

NOES—Messrs Adams, Avery, Banks, Blair, Campbell, Cherry, Clarke, Councilman, Fargo, Ford, Holman, Lippincott, Magruder, Miller, Montgomery, Morgan, Morrison, Patrick, Piercy, Porter, Powell, Ross, Smith of Tulare, Smith of Placer, Spence, Stearns, Tilton, Wood of Plumas, and Mr. Speaker—29.

Senate Bill, No. 80, An Act to provide for the Incorporation of Railroad Companies, and the management of the affairs thereof, and other matters relating thereto—special order for this day, was considered in Committee of the Whole, reported progress, and had leave to sit again to-morrow, at one o'clock, P. M.

Mr. Burnell, by leave, introduced a bill for An Act amendatory of An

Act to grant the right to construct a Turnpike Road between the Town of Jackson and Lone City, in the County of Amador

Read first and second times, and referred to the Amador Delegation.

Mr. Piercy gave notice of reconsideration of Senate Bill, No 370.

Ruled out of order.

Mr. Laspeyre gave notice that he would, on to-morrow, move to amend Rule Fifty-Seventh.

At fifty minutes past four o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, May 17th, 1861. }

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present

Journal of yesterday read and approved.

Leave of absence was granted as follows:

To Mr. Covarrubias, indefinite leave.

To Mr. Bradley, one day.

To Mr. Smith of Tulare, one day.

To Mr. Wood of Yolo, one day.

To Mr. Harrison, one day.

REPORTS.

Reports were made as follows:

By Mr. Fargo:

MR. SPEAKER:—The Committee on Claims, to whom was referred Senate Bill, No 287, An Act to audit and allow the Claim of John P. Reiley—have considered the same, and report it back and recommend its passage.

KUNGLE,
FARGO,
LIPPINCOTT.

The rules were suspended. Senate Bill, No. 287, above reported—was taken up, and indefinitely postponed.

By Mr. Kungle:

MR. SPEAKER:—The Committee on Claims, to whom was referred Assembly Bill, No. 549, An Act authorizing the Issuance of certain Bonds to Clark, Dodge & Co—have considered the same, and report it back and recommend its passage.

FARGO,
KUNGLE,
LIPPINCOTT,
Committee.

The rules were suspended, bill above reported—considered engrossed, read third time, and passed.

Mr. Conness verbally reported and recommended the adoption of Con-

current Resolution, No. 53, Concerning the Overland Mail and Telegraph Route.

Adopted.

Mr. Fargo, by leave, introduced a bill for An Act granting certain persons right to construct and maintain a Railroad through certain Streets in the City of Oakland—read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Flanders :

Mr. SPEAKER :—The San Francisco Delegation have considered, and report back, Senate Bill, No. 290, An Act to authorize Property-Holders to open a Street in front of certain Lots in the City and County of San Francisco—and recommend the passage of the bill

FLANDERS,

For the Delegation.

The rules were suspended, bill above reported—read third time, and passed.

Mr. Conness verbally reported, with an amendment, the passage of Senate Bill, No. 301, An Act to authorize the Board of Supervisors of El Dorado County to purchase a Building for the use of the County

Rules suspended, amendment adopted, read third time, and passed.

By Mr. Horrell :

Mr. SPEAKER :—The Amador Delegation, to whom was referred Assembly Bill, No. 551, An Act amendatory of An Act to grant the right to construct a Turnpike Road between the Town of Jackson and Ione City, in the County of Amador, approved April fifth, eighteen hundred and sixty-one—have had the same under consideration, and report the bill back and recommend its passage.

HORRELL,

For Delegation.

The rules were suspended, Assembly Bill, No. 551, above reported—considered engrossed, read third time, and passed

Mr. Campbell verbally reported and recommended the passage of Senate Bill, No. 382, An Act to authorize Abner H. Barker, Nathan C. Paddock, Samuel C. Bigelow, M. A. Bradley, and their Associates and Assigns, to lay down Gas-Pipes in the City and County of San Francisco.

Rules suspended, read third time and passed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 14, 1861. }

To the Honorable the Assembly of California :

I have to inform your Honorable Body that I have approved Assembly Bill, No. 297, An Act to Fund the Indebtedness of Calaveras County contracted prior to the eighteenth day of March, eighteen hundred and fifty-seven, and a certain Indebtedness of Eight Thousand Dollars, contracted subsequent thereto, and to provide means for the payment of the same ;

Also, Assembly Bill, No. 138, An Act amendatory of, and supplementary to, an Act entitled An Act to Incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four ;

Also, Assembly Bill, No. 451, An Act to authorise Franklin Birdsall, Executor of the last Will and Testament of George W. Birdsall, deceased, to sell the Real Estate of said deceased at Private Sale ;

Also, Assembly Bill, No. 259, An Act in relation to the Public Pound in the City and County of San Francisco ;

Also, Assembly Bill, No. 520, An Act to legalize the levy of State and County Taxes, for the year eighteen hundred and sixty-one, in the County of San Luis Obispo ;

Also, Assembly Bill, No. 521, An Act granting to Thomas Harrigan and his Assigns the right of laying a Railroad Track along a certain Road in the City and County of Sacramento.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 15th, 1861. }

To the Honorable the Assembly of California :

I have the honor to inform your honorable body that I have approved Assembly Bill, No. 201, An Act concerning Roads and Highways in certain Counties in this State ;

Also, Assembly Bill, No. 314, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Marks and Brands, passed May first, eighteen hundred and fifty-one ;

Also, Assembly Bill, No. 137, An Act to pay the Claim of B. F. Hastings ;

Also, Assembly Bill, No. 446, An Act concerning Records of Fees and Duties of certain Officers in the County of Contra Costa ;

Also, Assembly Bill, No. 315, An Act authorizing the Administrators of the Estate of Gilbert A. Grant, deceased, to sell and convey Real Estate at Private Sale ;

Also, Assembly Bill, No. 379, An Act to legalize the Acts of the Surveyor of Siskiyou in defining the Northern Boundary Line of said County ;

Also, Assembly Bill, No. 532, An Act to fix the Compensation of the District Attorney of the County of Siorra ;

Also, Assembly Bill, No. 318, An Act to fix the Compensation of the County Judge of San Luis Obispo County, and to repeal in part the First Section of an Act entitled An Act to fix the Compensation of County Judges and Associate Justices of the Courts of Sessions, passed May seventeenth, eighteen hundred and fifty-three ;

Also, Assembly Bill, No. 247, 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, approved April nineteenth, eighteen hundred and fifty-six ;

Also, Assembly Bill, No. 409, An Act to legalize certain Grants and Sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City of Santa Barbara, of Lands belonging to the Pueblo and City ;

Also, Assembly Bill, No. 533, An Act to amend an Act entitled An Act to Incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 16th, 1861.

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No. 281, An Act to provide for the establishment, maintenance, and protection, of Public and Private Roads ;

Also, Assembly Bill, No. 9, An Act to grant the right to construct a Bridge across Big River, in Mendocino County, to certain Parties therein named ;

Also, Assembly Bill, No. 217, An Act to authorize the Controller of State to make settlement of certain Fees with the Treasurer of San Bernardino County ;

Also, Assembly Bill, No. 102, An Act to authorize the Guardian of John H. M. Townsend, a Minor, to sell Real Estate of said Minor ;

Also, Assembly Bill, No. 7, An Act authorizing the Board of Supervisors of the City and County of San Francisco to pay the Claims of George Hossefros, and F. E. R. Whitney, and A. J. Gladding ;

Also, Assembly Bill, No. 459, An Act to authorize R. M. Williams to remove certain Remains ;

Also, Assembly Bill No. 393, An Act to appropriate Money for the maintenance and support of District and County Agricultural and Mechanical Societies ;

Also, Assembly Bill, No. 385, An Act to authorize the Commissioners of the Funded Debt of the City and County of San Francisco to re-issue certain Bonds of the City and County of San Francisco to Noah C. Efford ;

Also, Assembly Bill, No. 278, An Act to authorize the Board of Supervisors of the County of Napa to levy a Special Tax for general road purposes, and to repeal certain Acts relative thereto ;

Also, Assembly Bill, No. 337, An Act to amend An Act concerning Jurors, passed May third, eighteen hundred and fifty-two ;

Also, Assembly Bill, No. 225, An Act concerning Roads and Highways in the County of Butte.

JOHN G. DOWNEY,
Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
May 16th, 1861. }

Mr. SPEAKER :—The Senate, this day, passed Assembly Bill, No. 548, An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco ;

Also, Assembly Bill, No. 472, An Act to give effect to an Act therein named.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
May 17th, 1861. }

Mr. SPEAKER :—The Senate, on yesterday, passed Senate Bill, No. 410, An Act to appropriate Money to pay the Claim of the Sacramento Gas Company ;

Also, Senate Bill, No. 364, An Act providing for the publication and

reference to the Legislature of the State of California, for the year eighteen hundred and sixty-two, of the Amendments to the Constitution proposed by the Legislature of the year eighteen hundred and sixty one;

Also, Senate Bill, No. 407, An Act to amend an Act entitled An Act concerning Conveyances, passed April sixteenth, eighteen hundred and fifty;

Also, Assembly Bill, No. 545, An Act to appropriate Money to pay the Claim of J. C. Pelton;

Also, adopted a substitute for Assembly Concurrent Resolution, No. 6, Relative to Expunging Resolutions concerning the late D. C. Broderick;

Also, Assembly Bill, No. 376, An Act for the Relief of Thomas R. Eldridge, Assignee of Miguel Smith;

Also, Assembly Bill, No. 438, An Act to amend an Act entitled An Act to regulate Proceedings in the Courts of this State, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 540, An Act supplementary to An Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned, approved April twenty-fifth, eighteen hundred and sixty-one;

Also, Assembly Bill, No. 308, An Act to amend an Act entitled An Act to provide for funding and payment of the Outstanding Unfunded Claims against the City of San Francisco, as they existed prior to the first day of July, eighteen hundred and fifty-six, approved April twentieth, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 530, An Act to repeal an Act entitled An Act to confer further power upon the Board of Education and the Treasurer of the City and County of San Francisco, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Concurrent Resolution, No. 24, Relative to Mail-Routes in this State;

Also, Assembly Bill, No. 415, An Act to amend An Act to separate the Offices of County Recorder, 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—with amendments;

Also, Assembly Bill, No. 504, An Act concerning certain Trade-Marks—with an amendment;

Also, passed Amendments to the Constitution;

Also, Senate Bill, No. 413, An Act to provide for the defense of the Title of the State to Property in front of the City of San Francisco, and within the corporate limits thereof;

Also, Senate Bill, No. 412, An Act relative to the Incorporation of Sacramento County.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bills, Nos. 364, 407, and 413, above reported—were read first and second times, and referred to the Judiciary Committee.

Senate Bill, No. 412, above reported—was read first and second times, and referred to the Sacramento Delegation.

Senate Bill, No. 410, above reported—was read first and second times, and referred to the Committee on Claims.

Proposed amendments to the Constitution, above reported—made special order for this day, at twelve, M.

The House concurred in Senate amendments to Assembly Bills, Nos. 415, and 504, above reported.

Senate substitute for Assembly Concurrent Resolution, No. 6—was taken up.

On the adoption of the substitute, Messrs. Conness, Laspeyre, and Lippincott, demanded the ayes and noes, and the House concurred by the following vote: Ayes, 44—noes, 12:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Campbell, Chandler, Cherry, Childs, Clarke, Coltrin, Conness, Councilman, Covarrubias, Denniston, Dougherty, Durst, Eastman, Fargo, Flanders, Ford, Green, Hagans, Harriman, Harris, Henderson, Hill, Hunter, Lippincott, Miller, Morgan, Munday, O'Brien, Piercy, Porter, Powell, Ross, Smith of Placer, Spence, Tilton, Tittel, Willey, Wright, and Mr. Speaker—44.

NOES—Messrs. Amyx, Hanson, Haun, Holman, Kungle, Laspeyre, Magruder, Montgomery, Patrick, Scott, Showalter, and Sorrel—12.

Substitute for Senate Bill, No. 186, An Act to procure a conveyance, by John Center, to the State, of certain Real and Personal Property at and near the State Prison—special order of the day, was considered in Committee of the Whole, reported with amendments, and amendments adopted.

Mr. Dougherty moved to indefinitely postpone the bill.

Upon which, Messrs. Powell, Amyx, and Campbell, demanded the ayes and noes, and the motion was lost by the following vote: Ayes, 20—noes, 26:

AYES—Messrs. Amyx, Baechtel, Buell, Childs, Conness, Green, Gregory, Hagans, Hanson, Harriman, Henderson, Hill, Holman, Magruder, Munday, O'Brien, Patrick, Smith of Placer, Spence, and Wright—20.

NOES—Messrs. Adams, Avery, Banks, Campbell, Chandler, Cherry, Clarke, Councilman, Covarrubias, Denniston, Eastman, Fargo, Flanders, Ford, Gordon, Hunter, Kungle, Montgomery, Morrison, Piercy, Porter, Powell, Ross, Scott, Tittel, and White—26.

Bill read a third time.

On its passage, Messrs. Magruder, Spence, and Harriman, demanded the ayes and noes, and the Bill passed by the following vote: Ayes, 27—noes, 26:

AYES—Messrs. Adams, Banks, Blair, Briggs, Campbell, Cherry, Clarke, Covarrubias, Denniston, Eastman, Fargo, Flanders, Ford, Foster, Gordon, Harris, Haun, Hunter, Montgomery, Morrison, Piercy, Powell, Ross, Showalter, Tittel, White, Willey—27.

NOES—Messrs. Amyx, Avery, Baechtel, Buell, Chandler, Childs, Conness, Councilman, Dougherty, Durst, Green, Gregory, Hagans, Hanson, Harriman, Henderson, Hill, Holman, Lalor, Magruder, Munday, O'Brien, Patrick, Smith of Placer, Stearns, Wright—26.

REPORTS.

Reports were made as follows:

By Mr. Tilton:

MR. SPEAKER :—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 548, An Act amendatory of, and supplementary to, An Act to confer further Powers on the Board of Supervisors of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 495, An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe One Hundred Thousand Dollars for the construction of a Railroad in said County and to provide for the payment of the same, and other matters relating thereto ;

Also, Assembly Bill, No. 194, An Act to allow the Claim of Daniel McLaren ;

Also, Assembly Bill, No. 313, An Act to define the Boundaries and provide for the organization of Lake County ;

Also, Assembly Bill, No. 517, An Act in relation to the County Officers of the County of Sierra ;

Also, Assembly Bill No. 528, An Act to authorize the construction and maintenance of a Wharf in the County of Contra Costa ;

Also, Assembly Bill, No. 551, An Act to amend An Act to authorize José de Jesus Pico to sell certain Land in San Luis Obispo County belonging to his Infant Children, passed April thirteenth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 552, An Act supplementary to An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino ;

Also, Assembly Bill, No. 351, An Act to amend 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 third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 416, An Act to legalize and provide for the collection of Delinquent Taxes in the Counties of this State ;

Also, Assembly Bill, No. 342, An Act to authorize the Administratrix of the Estate of Julius Lyons, deceased, to sell the Property belonging to said Estate, either at Public, or Private, Sale ;

Also, Assembly Bill, No. 535, An Act amendatory of, and supplementary to, an Act entitled An Act in relation to the Militia of this State, approved May ninth, eighteen hundred and sixty one ;

Also, Assembly Bill, No. 509, An Act supplementary to An Act to prevent the trespassing of Animals upon Private Property, approved March thirty-first, eighteen hundred and fifty-five ;

Also, Assembly Bill, No. 401, An Act to authorize Davis D. Reeve, John B. Lemon, and James M. Lemon, to build a Wharf at Suisun City in Solano County ;

Also, Assembly Bill, No. 537, An Act declaring certain Creeks in Marin County Navigable ;

Also, Assembly Bill, No. 423, An Act supplementary to 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 ;

Also, Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State ;

Also, Assembly Bill, No. 270, An Act amendatory of 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, approved April nineteenth, A. D. eighteen hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved April eighteenth, A. D. eighteen hundred and fifty-seven, and of an Act amendatory thereof, approved March twenty-eighth, A. D. eighteen hundred and fifty-nine, and supplementary to said Acts ;

Also, Assembly Bill, No. 165, An Act to protect Sheep and Lambs in this State ;

Also, Assembly Bill, No. 351, An Act to amend An Act amendatory and supplementary to An Act to establish, support, and regulate, Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty, approved April twenty-eighth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 496, An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe Fifty Thousand Dollars to the Capital Stock of a Railroad Company in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto ;

Also, Assembly Bill, No. 410, An Act to Incorporate the City of Santa Barbara.

S. S. TILTON,
Chairman.

By Mr. Lator :

MR. SPEAKER :—Your Committee on Engrossment have examined and found correctly engrossed Assembly Bill, No. 390, An Act concerning Jurors in the City and County of San Francisco.

LALOR,
Chairman.

SPECIAL ORDER.

The veto message of the Governor upon Senate Bill, No. 158, An Act to authorize Henry B. Platt and James Gallagher to construct a Wharf at the foot of Third Street in the City and County of San Francisco, special order of the day—was taken up.

The roll was called and the bill passed, notwithstanding the veto of the Governor, by the following vote—Ayes, 35—noes, 13 :

AYES—Messrs. Adams, Amyx, Bacchtel, Blair, Buell, Childs, Coltrin, Conness, Denniston, Dougherty, Durst, Eastman, Foster, Green, Gregory, Harris, Haun, Henderson, Hill, Holman, Horrell, Hunter, Kungle, Lator, Laspeyre, Montgomery, Munday, Patrick, Piercy, Powell, Ross, Showalter, Smith of Placer, White, Wright, and Mr. Speaker—35.

NOES—Messrs. Avery, Banks, Briggs, Cherry, Councilman, Covarrubias, Ford, Hansou, O'Brien, Porter, Tittel, and Willey—13.

REPORTS.

Reports were made as follows :

By Mr. Flanders :

MR. SPEAKER :—The Committee on Claims, to whom was referred Senate Bill, No. 400, An Act to appropriate Money to pay the Claim of the Sacramento Gas Company—have considered the same, and report it back, and recommend its passage.

FLANDERS,
LIPPINCOTT,
KUNGLE,
FARGO.

Bill above reported, read third time, and passed.

By Mr. Foster :

MR. SPEAKER :—Your Auditing Committee have examined the following copying done for the Assembly, and find the same as follows :

Two thousand four hundred folios, done by E. C. Cromwell, amounting to two hundred and forty dollars.

Seven thousand eight hundred folios, done by J. H. Sullivan, amounting to seven hundred and eighty dollars.

Your committee recommend the adoption of the following resolution :

Resolved, That the Controller of State be, and he is hereby, authorized to draw his warrant in favor of E. C. Cromwell, Copying Clerk, for the sum of two hundred and forty dollars payable out of the Copying Fund of the Assembly ; also.

Resolved, That the Controller of State be, and he is hereby, authorized to draw his warrant in favor of J. H. Sullivan, Copying Clerk, for the sum of seven hundred and eighty dollars, payable out of the Copying Fund of the Assembly.

M. G. GILLETTE,
T. FOSTER.

Adopted.

SPECIAL ORDER.

Proposed amendments to the Constitution, special order for this day, was referred to the Judiciary Committee, with instructions, and made special order for half past ten o'clock, A. M. to-morrow.

Mr. Conness moved that Mr. Weston, acting Clerk, be instructed to ask the Senate to return to the Assembly Senate Bill, No. 186, Relative to the Claim of John Center—and to ask the Senate to reconsider its action in concurring in the amendments made by the Assembly.

Adopted.

The following report was made by Mr. O'Brien.

MR. SPEAKER:—The Calaveras Delegation, to whom was referred Senate Bill, No. 343, An Act to regulate the Fees of certain Officers in Calaveras County—have had the same under consideration, report it back, without amendment, and recommend its passage.

THOS. O'BRIEN,

For the Delegation.

Senate Bill, No. 343, above reported—read third time, and passed.

Senate Bill, No. 80, An Act to provide for the Incorporation of Railroad Companies—special order, was taken up and recommitted to Special Committee, Messrs. Miller, Campbell, Banks, Avery, and Ross.

Senate Bill, No. 393, An Act making Appropriation for deficiencies for the Twelfth Fiscal Year, ending June thirtieth, eighteen hundred and sixty-one—considered in Committee of the Whole, reported with amendments, amendments adopted, read third time, and passed.

Senate Bill, No. 394, An Act amendatory of an Act entitled An Act to repeal An Act, passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City and County of Sacramento—read third time, and passed.

Senate Bill, No. 200, An Act to amend an Act entitled An Act in relation to Common Schools—infinitely postponed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
May 14th, 1861. }

MR. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 398,

An Act to amend an Act entitled An Act appropriating Money for the payment of Copying of the Legislature during the Twelfth Session, approved April fifteenth, eighteen hundred and sixty-one

D. J. WILLIAMSON,

Assistant Secretary.

Bill above reported read first and second times, rule suspended, read third time, and passed.

Senate Bill, No. 53, An Act for the protection of Water Companies—amendments adopted, read third time, and passed

Senate Bill, No. 79, An Act to amend an Act entitled An Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty—was read a third time and passed.

Senate Bill, No. 78, 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 twentieth, eighteen hundred and fifty-five—was read a third time and passed.

Senate Bill, No. 62, An Act to amend an Act entitled An Act to regulate Fees in Office, approved April tenth, eighteen hundred and fifty-eight—was read a third time and passed.

Senate Bill, No. 388, An Act to authorize the sale of the Estate of the late Maria Smith, Deceased—was read a third time and passed.

Senate Bill, No. 327, An Act to repeal such laws and parts of laws as declare the American Fork River, or any portion thereof, Navigable—was read a third time and passed

Senate Bill, No. 277, An Act relative to the issuance of Certificates to Exempt Firemen within this State—was read a third time, and passed.

Senate Bill, No. 210, An Act in relation to the Probate Court in the City and County of San Francisco—was read a third time, and passed.

Assembly Bill, No. 479, An Act for the relief of James C. Pennie—was amended, rules suspended, considered engrossed, read a third time, and passed.

Assembly Concurrent Resolution, No. 43, Proposed Amendments to the Constitution—was indefinitely postponed.

Assembly Bill, No. 282, An Act in relation to Pilots and Pilot Regulations—was indefinitely postponed.

Senate Bill, No. 368, An Act in relation to Common Schools—was indefinitely postponed.

MESSAGE FROM THE GOVERNOR

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 17th, 1861. }

To the Honorable the Assembly of California :

I return to your Honorable Body Assembly Bill, No. 408, An Act to authorize the Administrator of the Estate of Joseph K. Irving, deceased, to sell Real Estate of said deceased at Public, or Private, Sale—with the following objection :

There is an important omission of a word, which renders the act nugatory.

It may be a clerical error only, and as it may be of importance to the parties interested, I return it that you may take such action as your Honorable Body may deem proper.

JOHN G. DOWNEY,
Governor.

The Enrolling Committee were instructed to make the corrections in the bill above reported.

Senate Bill, No 413, An Act to provide for the Defense of the Title of the State Property in front of the City of San Francisco and within the corporate limits thereof—was read a third time and passed

Senate Bill, No 279, An Act to regulate Appeals in this State—amendments adopted, read a third time, and passed.

Assembly Bill, No 510, An Act in relation to Personal Mortgages in certain cases, and the several Acts amendatory thereof and supplementary thereto—rules suspended, considered engrossed, read a third time, and passed

Assembly Bill, No 519, An Act concerning the Infant Heirs of William M Stockton, deceased—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No 525, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay Robert E Kerrison, Assignee of Richard Parr—rules suspended, considered engrossed, read a third time, and passed.

Assembly Bill, No. 550, An Act to authorize the taking of Depositions in Foreign Countries—rules suspended, considered engrossed, read a third time, and passed

The House refused to order engrossed Assembly Bill, No. 296, An Act to define the Boundaries of Sutter County.

Senate Bill, No 23, was indefinitely postponed.

Senate Bill, No. 105, was indefinitely postponed.

Senate Bill, No. 183, was indefinitely postponed.

Senate Bill, No. 187, was indefinitely postponed.

Senate Bill, No. 285, was indefinitely postponed.

Senate Bill, No. 314, was indefinitely postponed.

Senate Bill, No 397, was indefinitely postponed.

Assembly Bill, No. 491, was indefinitely postponed.

Assembly Bill, No 39., was indefinitely postponed.

Assembly Bill, No 364, was indefinitely postponed.

Assembly Bill, No 306, was indefinitely postponed.

Assembly Bill, No 478, was indefinitely postponed.

Assembly Bill, No 500, was indefinitely postponed.

Assembly Bill, No. 483, was indefinitely postponed.

Assembly Bill, No 442, was indefinitely postponed.

Assembly Bill, No. 400, was indefinitely postponed.

Assembly Bill, No. 477, was indefinitely postponed.

Assembly Bill, No. 543, was indefinitely postponed.

Assembly Bill, No. 418, was indefinitely postponed.

Assembly Bill, No 450, was indefinitely postponed.

Assembly Bill, No. 431, was indefinitely postponed.

Assembly Bill, No 516, was indefinitely postponed.

Assembly Bill, No. 369, was indefinitely postponed.

Assembly Bill, No. 321, An Act for the Observance of the Sabbath—amendments adopted.

On ordering the bill engrossed, Messrs. Avery, Morgan, and Gregory, demanded the ayes and noes, and the House so agreed by the following vote: Ayes, 34—noes, 22:

AYES—Messrs. Adams, Avery, Baechtel, Banks, Blair, Briggs, Cherry, Clarke, Coltrin, Conness, Fargo, Foster, Gordon, Gregory, Hagans, Hanson, Harriman, Henderson, Hill, Holman, Horrell, Hunter, Miller, Mor-

gan, Patrick, Porter, Powell, Ross, Smith of Placer, Spence, Tilton, Willey, and Mr. Speaker—34.

NOES—Messrs. Amyx, Buell, Chandler, Childs, Denniston, Eastman, Green, Harris, Haun, Lalor, Laspeyre, Lippincott, Magruder, Morrison, O'Brien, Piercy, Showalter, Sorrel, Stearns, Tittel, Wood of Plumas, and Wright—22.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
May 17th, 1861. }

MR. SPEAKER:—The Senate, this day, passed Assembly Bill, No 555, An Act granting certain Persons the right to lay a Railroad Track through certain Streets in the City of Oakland ;

Also, on yesterday, passed Assembly Bill, No. 295. An Act to create certain Road Districts in the City and County of San Francisco ;

Also, passed Assembly Bill, No. 443, An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof ;

Also, Senate Concurrent Resolution, No. 78, Relative to the State of the Union ;

Also, this day, concurred in Assembly amendments to Senate Bill, No. 186, An Act relative to the Claim of John Center against the State Prison ;

Also, this day, passed Senate Bill, No. 414, An Act to further define the Senatorial and Assembly Districts ;

Also, Senate Bill, No. 415, An Act defining the Powers of the Board of Trustees of the State Reform School, and the Managers of the Industrial School Department of San Francisco ;

Also, Senate Bill, No. 400. An Act supplementary to an Act entitled An Act submitting to the qualified Electors of San Mateo County, at the next General Election, the removal of the County Seat of said County ;

Also, directed me to return to the Assembly Senate Bill, No. 114, An Act allowing R. C. Page and W. A. Piper, and their Assigns, to lay down Gas-Pipes in San Francisco—and have the Assembly amendments in said bill properly engrossed ;

Also, this day, passed Senate Bill, No. 409, An Act supplementary and amendatory of an Act entitled An Act to provide for the construction of the State Capitol in the City of Sacramento

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No 409, above reported—read first and second times, rules suspended, read a third time, and passed

Senate Bill, No. 114, above reported—read first and second times, and made special order for May eighteenth. at eleven o'clock, A. M.

Senate Bill, No 415, above reported—read first and second times, rules suspended, amended, read a third time, and passed.

Senate Bill, No 400, above reported—read first and second times, and referred to the San Mateo Delegation.

Senate Bill, No 397, above reported—was referred to Messrs. Banks and Tilton

Senate Concurrent Resolution, No. 78, above reported—was taken up.

Mr. Conness moved the previous question.

Carried.

On concurring in the resolution, Messrs. Campbell, Munday, and Cherry, demanded the ayes and noes, and the resolution was concurred in by the following vote: Ayes, 48—noes, 12:

AYES—Messrs. Adams, Avery, Banks, Blair, Briggs, Buell, Campbell, Chandler, Cherry, Childs, Clarke, Coleman, Coltrin, Conness, Denniston, Dougherty, Eastman, Fargo, Flanders, Ford, Foster, Green, Hagans, Hariman, Harris, Henderson, Hill, Horrell, Hunter, Johnson, Lippincott, Magruder, Miller, Morgan, Morrison, Munday, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Smith of Placer, Spence, Tittel, Willey, Wood of Plumas, Wright, and Mr. Speaker—48.

NOES—Messrs. Amyx, Baechtel, Gordon, Gregory, Haun, Holman, Kungle, Laspeyre, Montgomery, Scott, Showalter, and Sorrell—12.

Mr. Conness introduced a concurrent resolution in relation to printing laws for the disposal of lands belonging to the State.

Adopted.

Mr. Adams made the following report:

MR. SPEAKER:—The Sacramento Delegation, to whom was referred Senate Bill, No. 412, An Act to amend an Act entitled An Act amendatory of, and supplementary to, an Act entitled An Act to amend an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled An Act to incorporate the City of Sacramento—have had the same under consideration, and recommend its passage.

ADAMS,
POWELL.

The rules were suspended, and the bill above reported read a third time and passed.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Tilton:

Resolved, That the Enrolling Clerk be allowed twenty-five dollars per month, for the rent of his office, from the commencement to the close of the session, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Fargo:

Resolved, That the resolution heretofore adopted requiring the Controller to deduct from the per diem of members the amount charged to each on account of arrests by the Sergeant-at-Arms, is hereby rescinded.

Also:

Resolved, That the fees of the Sergeant-at-Arms, on account of arrests of members under a call of the House, during the present session, are hereby ordered to be paid out of the Contingent Fund of the Assembly.

By Mr. Conness:

Resolved, That the State Controller is hereby directed, before auditing, or allowing, any account to the Sergeant-at-Arms, for arrests of members for absence, to require him to make an affidavit that each and every such

arrest was actually made by him, or by his authority, and made beyond the capitol grounds.

Mr Magruder moved the previous question.

Carried.

On the adoption of the substitute, Messrs Miller, Briggs, and Tilton, demanded the ayes and noes, and the substitute was adopted by the following vote—Ayes, 32—noes, 20 :

AYES—Messrs Avery, Baechtel, Banks, Briggs, Chandler, Coltrin, Conness, Dougherty, Eastman, Flanders, Green, Gregory, Harriman, Harris, Henderson, Hill, Holman, Horrell, Hunter, Laspeyre, Miller, Montgomery, Morgan, Patrick, Porter, Smith of Placer, Sorrel, Spence, Willey, Wood of Plumas, Wright, and Mr Speaker—32.

NOES—Messrs Adams, Amyx, Campbell, Cherry, Fargo, Ford, Foster, Hagans, Haun, Kungle, Lalor, Lippincott, Munday, Piercy, Powell, Ross, Scott, Showalter, Tilton, and Tittel—20.

At half-past four o'clock, on motion of Mr. Tilton, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, May 18th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called

Quorum present

Journal of yesterday read and approved.

Mr. Piercy had one day's leave of absence.

Messrs Councilman, Smith of Tulare, and Durst, had leave to record their votes in the affirmative on the Union Resolutions adopted yesterday.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
May 18th, 1861. }

MR. SPEAKER:—The Senate, on yesterday, passed Senate Bill, No. 308, An Act to prevent non-residents of this State from selling Goods without a License ;

Also, Assembly Bill, No 268, An Act to authorize the formation of Corporations to provide Members thereof with Homesteads, or Lots of Land suitable for Homesteads—was indefinitely postponed ;

Also, Assembly Bill, No 299, An Act supplementary to, and amendatory of, An Act to establish an Asylum for the Insane at Stockton—was passed ;

Also, Assembly Bill, No 339, An Act respecting the Rights and Duties of Landlords and Tenants ;

Also, Assembly Bill, No 554, An Act to repeal an Act entitled An Act to incorporate the City of Santa Barbara ;

Also, Assembly Bill, No. 375, An Act to amend An Act to regulate Fees in Office, passed April tenth, eighteen hundred and fifty-five ;

Also, Assembly Bill, No. 301, An Act exempting Lots in Cemeteries and Churches from levy, or forced, sale ;

Also, Assembly Bill, No 493, An Act to pay the Claim of P. de la Torre ;

Also, Assembly Bill, No. 467, An Act to authorize John F. Pope to sell certain Real Estate ,

Also, Assembly Bill, No. 246, An Act to amend An Act supplementary to An Act concerning the Courts of Justice of this State—were adopted ;

Also, Assembly Concurrent Resolution, No 53, concerning the Overland Mail and Telegraphic Route—was adopted ;

Also, Assembly Concurrent Resolution, No 63, instructing the Surveyor-General to collect all the Laws relating to the Swamp Lands of this State, and to have them printed—was adopted ;

Also, Assembly Bill, No 328, An Act to amend An Act to provide for the better encouragement of the Grape-Vine ;

Also, Assembly Bill, No 69, An Act to repeal An Act relative to the Duties on Stamps ;

Also, Assembly Bill, No. 387, An Act to provide for recovering possession of Land by Summary Proceedings ;

Also, Assembly Bill, No. 361, An Act to enable the City of Sonoma to compromise Controversies to City Property ;

Also, Assembly Bill, No 29, An Act supplementary to an Act entitled An Act securing Liens to Mechanics ;

Also, Assembly Bill, No 508, An Act amendatory of an Act entitled An Act to regulate Proceedings in Civil Cases ;

Also, Assembly Bill, No 469, An Act to amend An Act defining the time for commencing Civil Actions ;

Also, Assembly Bill, No. 343, An Act to make certain Officers in Solano County Salaried Officers ;

Also, Assembly Bill, No 460, An Act to provide for the Election of Members of Congress for the State of California ;

Also, Assembly Bill, No. 440, An Act to regulate Civil Actions ;

Also, Assembly Bill, No 104, An Act to amend An Act to regulate Justices and Judicial Districts ;

Also, Assembly Concurrent Resolution, No 42, Relative to a Donation of Land by Congress for the Indians of Los Angeles County—were indefinitely postponed ;

Also, on yesterday, passed Senate Bill, No. 398½, An Act entitled An Act concerning Notaries Public ;

Also, adopted Senate Concurrent Resolution, No. 62, granting leave of absence to D. W. McComb, County Judge of Klamath County.

D. J. WILLIAMSON,

Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The House concurred in Senate Concurrent Resolution, No 62, above reported ;

Also, concurred in Senate amendment to Assembly Concurrent Resolution, No. 63, above reported.

Senate Bill, No. 398½, above reported—was read first and second times, rules suspended, read a third time, and passed

The House indefinitely postponed Senate Bill, No. 308, above reported.

REPORTS.

Reports were made as follows :

By Mr. Henderson :

Mr. SPEAKER:—Your Committee on Engrossment have examined and found correctly engrossed, Assembly Bill, No. 321, An Act for the Observance of the Sabbath.

HENDERSON.

Assembly Bill, No. 321, above reported—was taken up, and read a third time

On its passage, Messrs. Briggs, Wood of Plumas, and Cherry, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 37—noes, 23:

AYES—Messrs. Adams, Avery, Baechtel, Banks, Blair, Briggs, Chandler, Cherry, Clarke, Coltrin, Conness, Councilman, Durst, Fargo, Flinders, Foster, Gordon, Green, Gregory, Hagans, Hanson, Harriman, Hill, Holman, Horrell, Hunter, Miller, Morgan, Munday, Patrick, Piercy, Ross, Smith of Placer, Spence, Tilton, Willey, and Mr. Speaker—37.

NOES—Messrs. Amyx, Bradley, Buell, Childs, Eastman, Harris, Harrison, Haun, Lalor, Laspeyre, Lippincott, Magruder, Montgomery, Morrison, O'Brien, Scott, Showalter, Sorrel, Tittel, White, Wood of Plumas, Wood of Yolo, and Wright—23.

Mr. Chandler gave notice of reconsideration.

By Mr. Showalter:

Mr. SPEAKER:—Your Committee on Ways and Means, to whom was referred Senate Bill, No. 385, entitled An Act to appropriate Money for the purchase of Property for the use of the State Insane Asylum—having considered the same, beg leave to report the same back, with amendments, and recommend its passage as amended.

JOHN DOUGHERTY,
Chairman.

The bill above reported was taken up, amendments adopted, read a third time, and passed.

By Mr. Miller:

Mr. SPEAKER:—The undersigned, a Special Committee, to whom was referred Senate Bill, No. 80, An Act to provide for the formation of Railroad Companies, and the management of the affairs thereof, and other matters relating thereto—having carefully considered the same, respectfully report the same, with amendments, and recommend its passage as amended.

N. C. MILLER,
Chairman.

J. M. AVERY,

J. A. BANKS,

W. ROSS,

ALEX. CAMPBELL,
Committee.

The bill above reported was taken up, amendments adopted, read a third time, and passed.

By Mr. Campbell:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred certain bills, have considered the same, and beg leave to report Senate Bill, No. 407, An Act to amend an Act entitled An Act concerning Convey-

ances, passed April sixteenth, eighteen hundred and fifty—with an amendment, and recommend its passage as amended;

Also, Assembly Bill, No. 143, An Act to enable a Minor therein named to convey certain Property;

Also, Assembly Bill, No. 191, An Act to amend the Civil Practice Act—and recommend they be indefinitely postponed;

Also, Assembly Bill, No. 542, An Act supplementary to an Act entitled An Act to annex a portion of San Joaquin County to Stanislaus County—without recommendation;

Also, Senate Bill, No. 360, An Act amendatory of An Act to regulate Proceedings in Civil Cases—and recommend its passage;

Also, Senate Bill, No. 364, An Act providing for the publication and reference to the Legislature of the State of California for the year eighteen hundred and sixty-two of the Amendments to the Constitution proposed by the Legislature of the year eighteen hundred and sixty-one—and recommend its passage;

Also, Senate Bill, No. 221, An Act to pay the Claim of A. R. Meloney, the late State Controller—and recommend its passage;

Also, the proposed amendments to the Constitution—with amendments to them, and recommend their passage as amended.

All of which is respectfully submitted.

CAMPBELL,
Chairman.

The proposed Amendments to the Constitution, above reported—were taken up, considered in Committee of the Whole, reported, with amendments, and recommended.

Amendments adopted

On the adoption of the amendments as amended, the roll was called with the following result: Ayes, 62—noes, 1:

AYES—Messrs Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Chandler, Cherry, Childs, Clarke, Coltrin, Conness, Councilman, Dougherty, Eastman, Fargo, Flanders, Ford, Foster, Gillette, Gordon, Green, Gregory, Hagans, Hanson, Harriman, Harrison, Haun, Henderson, Hill, Holman, Horrell, Johnson, Kungle, Lalor, Laspeyre, Lippincott, Magruder, Miller, Montgomery, Morgan, Munday, O'Brien, Patrick, Porter, Powell, Ross, Scott, Smith of Placer, Sorrel, Spence, Tilton, Tittel, Willey, Wood of Plumas, Wood of Yolo, Wright, and Mr. Speaker—62.

NOES—Mr. Showalter—1.

REPORTS.

Reports were made as follows:

Mr. White reported Assembly Bill, No. 574.

Mr. Montgomery made a report, which was placed on file.

By Mr. Flanders:

MR. SPEAKER—The Joint Select Committee, appointed to examine certain Warrants issued prior to January first, eighteen hundred and fifty-seven, and destroy such as had by agreement of parties been canceled—ask leave to report, that they have this day destroyed, in the presence of the Secretary of State and State Treasurer, the annexed list, marked "A." The list marked "B," which were canceled in eighteen hundred and fifty-eight, was withdrawn from the Secretary of State's office in March, eight-

een hundred and fifty-nine, and receipted for by W. S. Sharp, to be presented in Court in case of *Lauders v. Bowie*

W. B. DICKINSON,
For Senate Committee.

ALVAN FLANDERS,
For Assembly Committee.

A

Date.	No.	Names	Amount
Sept 22, 1856.	426	James Anthony & Co.....	\$245 25
Dec 12, 1856.	1098	H C Patrick, by Vaughn, Attorney.....	125 00
Dec. 4, 1855....	601	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855....	600	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855. .	606	James Smiley, by J. S. Cohen, Attorney...	5 000 00
Dec. 4, 1855...	605	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855...	607	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855...	608	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855...	610	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855....	609	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855....	603	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec 4, 1855. .	588	James Smiley, by J. S. Cohen, Attorney...	5,157 84
Dec. 4, 1855...	611	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec 4, 1855....	612	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855...	590	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855...	589	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855...	591	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855...	592	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec 4, 1855....	602	James Smiley, by J. S. Cohen, Attorney...	5 000 00
Dec. 4, 1855...	599	James Smiley, by J. S. Cohen, Attorney...	5 000 00
Dec. 4, 1855...	595	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855...	598	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec 4, 1855...	604	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855...	597	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855...	596	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 4, 1855...	594	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec 4, 1855....	593	James Smiley, by J. S. Cohen, Attorney...	5,000 00
Dec. 28, 1855.	714	G. W. Ryckman, by J. S. Cohen, Attorney...	4,743 36
Dec. 28, 1855..	713	G. W. Ryckman, by J. S. Cohen, Attorney...	5,000 00
Total			\$135,271 45

B

Date	No.	Names.	Amount.
	682	Hamilton Bowie.....	\$640 00
	684	Hamilton Bowie.....	150 00
	687	Hamilton Bowie.....	150 00
	688	Hamilton Bowie.....	589 59
	689	Hamilton Bowie.....	500 00
	698	Hamilton Bowie.....	658 57
	709	Hamilton Bowie.....	500 00
	710	Hamilton Bowie.....	265 51
	757	Hamilton Bowie.....	755 20
	683	Hamilton Bowie.....	174 70
	685	Hamilton Bowie.....	150 00
		Total.....	\$4,533 57

By Mr. Banks :

MR. SPEAKER :—The Special Committee, to whom was referred Senate Bill, No. 114, for the purpose of correcting the same for enrollment, have made such correction, and ask leave to report the same back to the Assembly.

BANKS,
TILTON.

By Mr. Tilton :

MR. SPEAKER :—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 472, An Act to give effect to an Act therein named ;

Also, Assembly Bill, No. 202, An Act to amend an Act entitled An Act to restrict the herding of Sheep to certain Pastures in the Counties of Sonoma and Marin, and the several Acts amendatory thereof, approved April twenty-first, eighteen hundred and fifty-seven, approved April fifteenth, eighteen hundred and fifty-eight, approved March sixteenth, eighteen hundred and fifty-nine, approved April twenty-eighth, eighteen hundred and sixty ;

Also, Assembly Concurrent Resolution, No. 60, Granting leave of absence to Hon. E. Burke ;

Also, Assembly Bill, No. 376, An Act for the Relief of Thomas R. Eldridge, Assignee of Miguel Smith ;

Also, Assembly Bill, No. 544, An Act to authorize Caroline Butterfield, Widow of David Butterfield, late of Siskiyou County, deceased, to convey certain Property therein stated ;

Also, Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento ;

Also, Assembly Bill, No. 530, An Act to repeal an Act entitled An Act to confer further power upon the Board of Education, and the Treasurer of the City and County of San Francisco, approved April eighteenth, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No. 432, An Act appropriating Money for the

payment of John B. Brady, for services rendered as Assistant Engrossing Clerk of the Assembly during the Eleventh Session of the Legislature ;

Also, Assembly Bill, No. 549, An Act supplementary to An Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned, approved April twenty-fifth, eighteen hundred and sixty-one ;

Also, Assembly Bill, No. 545, An Act to appropriate Money to pay the Claim of J. C. Pelton ;

Also, Assembly Bill, No. 438, An Act to amend an Act entitled An Act to regulate proceedings in Civil Cases in the Courts of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, Assembly Bill, No. 555, An Act granting certain persons the right to construct and maintain a Railroad through certain Streets in the City of Oakland ;

Also, Assembly Bill, No. 408, An Act to authorize the Administrator of the Estate of Joseph K. Irving, deceased, to sell the Real Estate of said deceased at public, or private, sale ;

Also, Assembly Bill, No. 546, An Act to authorize the Board of Supervisors of San Bernardino County to grant to J. J. Warner and J. G. Tomlinson the right to construct a Wagon Road from the City of San Bernardino to Bear and Holcomb Valleys, in said County ;

Also, Assembly Bill, No. 502, An Act amendatory of, and supplementary to, an Act entitled An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, 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, approved April twenty-fourth, eighteen hundred and fifty-eight ;

Also, Assembly Concurrent Resolution, No. 24, Relative to Mail-Routes in this State ;

Also, Assembly Bill, No. 504, An Act concerning certain Trade-Marks ;

Also, Assembly Bill, No. 443, An Act to define the Senatorial and Assembly Districts of this State, and to Apportion the Representation thereof ;

Also, Assembly Bill, No. 415, An Act to amend An Act to separate the Offices of County Recorder, 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, Assembly Bill, No. 308, An Act to amend an Act entitled An Act to provide for the Funding and Payment of the Outstanding Unfunded Claims against the City of San Francisco, as they existed prior to the first day of July, A. D. eighteen hundred and fifty six, approved April twentieth, eighteen hundred and fifty-eight ;

Also, Assembly Bill, No. 534, An Act in relation to Public Roads in the County of El Dorado, and the Road Fund of said County

S. S. TILTON,
Chairman.

SPECIAL ORDER.

Senate Bill, No 414, An Act to further define the Senatorial and Assembly Districts of this State, and to Apportion the Representation thereof—special order, was taken up

On striking out the words "Twelfth," and "Calaveras," wherever it appears in the second section, Messrs Lippincott, Childs, and O'Brien, demanded the ayes and noes, and the amendment was lost by the following vote : Ayes, 20—noes, 36 :

AYES—Messrs. Buell, Childs, Coltrin, Durst, Eastman, Green, Gregory, Henderson, Hill, Horrell, Lippincott, Miller, Morgan, O'Brien, Percy, Ross, Showalter, Sorrel, Wood of Yolo, and Mr. Speaker—20.

NOES—Messrs. Adams, Amyx, Avery, Baechtel, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clark, Councilman, Flanders, Ford, Gillette, Gordon, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Holman, Lalor, Laspeyre, Magruder, Montgomery, Morrison, Munday, Patrick, Scott, Smith of Placer, Spence, Tilton, Tittel, and Willey—36.

The bill was then read a third time.

On its passage, Messrs. O'Brien, Horrell, and Gillette, demanded the ayes and noes, and the bill passed by the following vote: Ayes, 42—noes, 17:

AYES—Messrs. Adams, Amyx, Avery, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clark, Councilman, Dougherty, Durst, Flanders, Ford, Gillette, Gordon, Hagans, Hanson, Harriman, Harris, Harrison, Haun, Holman, Johnson, Laspeyre, Lippincott, Magruder, Montgomery, Morgan, Morrison, Munday, Patrick, Porter, Ross, Scott, Smith of Placer, Sorrel, Spence, Tilton, Tittel, and Willey—42.

NOES—Messrs. Buell, Childs, Coltrin, Eastman, Green, Gregory, Henderson, Hill, Horrell, Kungle, Miller, O'Brien, Percy, Showalter, Wood of Plumas, Wood of Yolo, and Mr. Speaker—17.

Mr. Lippincott gave notice of reconsideration.

Mr. Amyx moved to suspend, for this day, the rule, for the purpose of having bills transmitted to the Senate.

Upon which, Messrs. O'Brien, Lippincott, and Gregory, demanded the ayes and noes, and the rules were suspended by the following vote: Ayes, 42—noes, 19:

AYES—Messrs. Adams, Amyx, Avery, Baechtel, Banks, Blair, Bradley, Briggs, Campbell, Chandler, Cherry, Clarke, Conness, Councilman, Covarrubias, Durst, Flanders, Ford, Gillette, Gordon, Green, Hagans, Hanson, Harriman, Harris, Harrison, Holman, Laspeyre, Magruder, Miller, Montgomery, Morgan, Morrison, Patrick, Porter, Ross, Scott, Smith of Placer, Spence, Tilton, Tittel, and Willey—42.

NOES—Messrs. Childs, Coleman, Eastman, Foster, Gregory, Haun, Henderson, Hill, Horrell, Kungle, Lalor, Lippincott, O'Brien, Percy, Showalter, Sorrel, White, Wood of Yolo, and Mr. Speaker—19.

GENERAL FILE.

Senate Bill, No. 407, An Act to amend an Act entitled An Act concerning Conveyances, passed April sixteenth, eighteen hundred and fifty—amendments adopted, read third time, and passed.

Assembly Bill, No. 143, was indefinitely postponed.

Assembly Bill, No. 191, was indefinitely postponed.

Assembly Bill, No. 542, was indefinitely postponed.

Senate Bill, No. 364, An Act providing for the publication and reference to the Legislature for the year eighteen hundred and sixty-two of the Amendments to the Constitution proposed by the Legislature of the year eighteen hundred and sixty-one—was read a third time and passed.

Senate Bill, No. 221, An Act to pay the Claim of A. R. Maloney, late Controller—was read a third time and passed.

Senate Bill, No. 360, An Act amendatory of the Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April

twenty-ninth, eighteen hundred and fifty-one—was read a third time and passed.

Senate Bill, No. 405, An Act conferring additional Powers on the Board of Supervisors of the City and County of San Francisco—was read a third time and passed.

REPORTS.

Reports were made as follows :

By Mr Flanders :

Mr SPEAKER:—The Committee on Claims to whom was referred the claim of M Gray, Sergeant-at-Arms, for services rendered under call of the House, for the sum of three hundred and twenty-four dollars—recommend the adoption of the following resolution :

Resolved, That the sum of three hundred dollars be, and is hereby, allowed to M. Gray, Sergeant-at Arms of the Assembly, to be paid out of the Contingent Fund of the Assembly, for services rendered under calls of the House, and that the same be in full for all arrests made during the present session of the Legislature.

LIPPINCOTT,
FLANDERS,
KUNGLE,
FARGO.

On the adoption of the resolution, Messrs. Wood of Plumas, Miller, and Haun, demanded the ayes and noes and the resolution was adopted by the following vote—Ayes, 37—Noes, 11.

AYES—Messrs. Baechtel, Bradley, Campbell, Chandler, Cherry, Childs, Clarke, Conness, Fargo, Flanders, Ford, Foster, Gillette, Gordon, Green, Hagans, Harriman, Harris, Harrison, Haun, Henderson, Hill, Horrell, Johnson, Kungle, Kurtz, Lalor, Lippincott, Munday, O'Brien, Piercy, Powell, Ross, Showalter, White, Willey, and Mr. Speaker—37.

NOES—Avery, Coltrin, Dougherty, Holman, Miller, Montgomery, Morgan, Patrick, Porter, Smith of Placer, and Wood of Plumas—11.

By Mr. O'Brien :

Mr SPEAKER:—Your Committee on Public Expenditures and Accounts have had under consideration sundry bills for newspapers, etc—have amended some, find them correct as amended, report them back, and recommend their payment out of the Contingent Fund of the Assembly, to-wit:

Purpose.	Amount.
Account of James Anthony & Co. ninety copies of Daily Union, from April 29th to May 20th.....	\$142 50
Ninety copies of Weekly Union, from May 4th to May 16th	33 75
Pacific Methodist, for ten copies, for the Session	30 00
W. F. Hicks & Co. for twenty-six copies of Daily Marysville Express, from March 26th to May 20th	130 00
William Dougherty, for nineteen copies of Daily Alta, from May 1st to 20th	27 15
Fourteen copies of Daily Herald, from May 1st to 20th.....	20 00
Four copies Weekly Alta, from May 1st to 20th	1 50

Purpose.	Amount.
Six copies Weekly Herald, from May 1st to 20th.....	\$2 25
Daily Bee, for eight copies for nineteen weeks, at twenty-five cents per copy per week	38 00
Daily Argus, for three copies, from January 7th to May 20th.....	24 00
Weekly Democrat, for three copies, for the Session	7 50
Wm. McMullen, for four copies of Amador Dispatch, for the Session	12 00
Shasta Herald, for four copies, for the Session	12 00
Platt & Forbes, for nineteen copies of Sierra Democrat for the Session	51 00
George I Lytle, for forty-two copies of Daily Bulletin from April 29th to May 20th	63 00
Fourteen copies of Daily Times, from April 29th to May 20th ...	21 00
Three copies of Weekly Times, from April 29th to May 20th.....	1 13
One copy of Daily Times, from March 17th to May 20th, nine weeks	4 50
Nineteen copies of Golden Era, from April 29th to May 20th ...	7 12
Four copies of Weekly Bulletin, from April 29th to May 20th...	1 50
Butte Record, for eight copies, for the Session	40 00
Central California, for three copies, for the Session.....	9 00
Petaluma Journal, for one copy, for the Session.....	3 00
Phil Caduc, for 161 pounds of Ice, furnished the Assembly.....	8 05
Sacramento Gas Company, for Gas furnished Committee Room of Committee of Ways and Means and Judiciary of the Assembly, from May 4th to 17th.....	3 60
Red Bluff Beacon, for four copies, for the Session.....	12 00
Grand Total.....	\$685 55

All of which is respectfully submitted,

Adopted.

Also :

THOMAS O'BRIEN,
Chairman.

Mr. SPEAKER:—Your committee further report that they have had under consideration other bills, for furniture, and report them back with accompanying resolution, and recommend their payment out of the Contingent Fund of the Assembly, subject to the restrictions embodied in the resolution—

Account and Purpose.	Amount.
Account of Messrs Grimes and Felton for Furniture furnished the Assembly for the use of Clerks :	
One Table and Office Chair, for Copying Clerk of the Assembly.....	\$18 00
Two Writing Tables, for Clerks.....	30 00
One Table, for Copying Clerk	15 00
	\$63 00

Account and Purpose.	Amount.
Account of H. C. Kibbe for Furniture for Enrolling Clerk's Office :	
One Office Stove.....	\$16 00
Coal Oil and Can.....	2 50
One Coal-Scuttle.....	2 50
One Fire Shovel.....	75
One Office Table.....	15 00
One Feather Duster.....	3 00
One Pardell Ruler.....	2 00
One Broom.....	1 00
One Blank Book.....	75
Coal.....	9 00
Wood.....	1 00
	<hr/>
	\$38 50
Grand Total.....	<hr/>
	\$101 59

Resolved, That the Controller of State be, and he is hereby, requested not to draw his warrant in favor of Messrs. Grimes & Felton, or in favor of H. C. Kibbe, for furniture furnished the Assembly for the use of Clerks, until they present a receipt from the Secretary of State that said furniture has been delivered to the State: and that the Secretary of State is hereby directed to collect the State furniture from the various committee rooms, and preserve the same for future use.

Resolved, That the Clerk of this House be directed to furnish copies of this resolution to the Controller and Secretary of State

THOMAS O'BRIEN,
Chairman.

Adopted.

Also :

Mr. SPEAKER :—We also find the following bills correct, and recommend their payment out of the Contingent Fund of the Assembly :

Account and Purpose.	Amount.
W H Ault, for four bottles of Alcohol.....	\$2 00
One Hatchet and Tacks.....	2 00
Candle Wicking.....	50
Amount paid for bringing Chair to the Capitol.....	1 00
	<hr/>
	\$5 50
Postmaster of Sacramento, Postage on Newspapers.....	45 00
C Rave, for repairing Lock, and furnishing three Keys for the Assembly.....	3 00
Daily News, for eleven copies, from March 22th to April 22d.....	11 00
Phil Cadue, for Ice.....	8 28
	<hr/>
Grand Total.....	<hr/>
	\$72 78

THOMAS O'BRIEN,
Chairman.

Also :

Mr. SPEAKER :—The Committee report the account of Z. L. Garwood, for keeping and taking care of State Furniture, back to the House, and recommend its rejection.

All of which is respectfully submitted,

THOMAS O'BRIEN,
Chairman.

Mr. Munday offered the following resolution :

Resolved, That the Controller of State is hereby directed not to audit the accounts of the Chief Clerk of the Assembly for copying, until he has first issued warrants in payment of E. C. Cromwell and J. H. Sullivan, in accordance with a resolution passed by the Assembly, which amounts, severally due Cromwell and Sullivan, shall be deducted by the Controller from the accounts filed by the said Chief Clerk.

Senate Bill, No. 401, An Act concerning an Act entitled An Act to change the Venue in the case of Horace Smith, which became a law March twenty-first, eighteen hundred and sixty-one—considered in Committee of the Whole.

On accepting the substitute reported by the Judiciary Committee, Messrs. Cherry, Munday, and Gregory, demanded the ayes and noes, and it was adopted by the following vote : Ayes, 37—noes, 24 :

AYES—Messrs. Adams, Baechtel, Blair, Buell, Childs, Coltrin, Connoss, Councilman, Durst, Eastman, Foster, Gordon, Green, Gregory, Hagans, Haun, Henderson, Hill, Horrell, Hunter, Lippincott, Magruder, Miller, Montgomery, Morrison, O'Brien, Patrick, Powell, Ross, Showalter, Smith of Tulare, Sorrell, Spence, White, Wood of Plumas, Wright, and Mr. Speaker—37.

NOES—Messrs. Amyx, Banks, Bradley, Campbell, Chandler, Cherry, Clark, Dougherty, Fargo, Flanders, Ford, Hanson, Harriman, Harris, Harrison, Kungle, Lalor, Laspeyre, Munday, Piercy, Porter, Smith of Placer, Tittel, and Willey—24

The bill was read a third time, and passed.

REPORTS.

Reports were read as follows :

By Mr. Flanders :

Mr. SPEAKER :—The Committee on Claims, to whom was referred Senate Bill, No. 339, An Act to provide for the payment of certain Claims—have considered the same, and report it back, and recommend its passage.

FARGO,
KUNGLE,
LIPPINCOTT,
FLANDERS.

Also, report back Senate Bill, No. 399, An Act to allow the Claim of John Valentine—and recommend its passage.

FARGO,
FLANDERS.

Senate Bill, No. 399, above reported, was indefinitely postponed.

Also,

The Committee on Claims to whom was referred Assembly Bill, No.

541, An Act to audit and allow the Claim of the late Terrence Foley—have considered the same, and report it back without recommendation.

FARGO,
LIPPINCOTT,
KUNGLE,
FLANDERS.

Mr. Durst offered the following resolution :

Resolved, That the Enrolling Clerk be allowed mileage for going to San Francisco, February second, eighteen hundred and sixty-one, in an official capacity.

Mr. Tilton made the following report :

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled, Assembly Bill, No. 554, An Act to repeal an Act entitled An Act to authorize the Incorporation of the City of San Bernardino, passed April thirteenth, eighteen hundred and fifty four ;

Also, Assembly Concurrent Resolution, No. 53, Concerning the Overland Mail and Telegraph Route ;

Also, Assembly Concurrent Resolution, No. 6, Relative to Expunging Resolution censuring the late Hon David C. Broderick ;

Also, Assembly Bill, No. 493, An Act to audit the Claim of P. de la Torre ;

Also, Assembly Bill, No. 389, An Act respecting the rights and duties of Landlord and Tenants ;

Also, Assembly Bill, No. 246, An Act to amend An Act supplementary to An Act concerning the Courts of Justice of this State and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three ;

Also, Assembly Bill, No. 295, An Act to create certain Road Districts in the City and County of San Francisco, and to provide for the repair and improvement of Roads therein ;

Also, Assembly Bill, No. 479, An Act for the relief of James C. Pennie ;

Also, Assembly Bill, No. 467, An Act to authorize John F. Pope to sell certain Real Estate ;

Also, Assembly Bill, No. 362, An Act amendatory of An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five.

S. S. TILTON,
Chairman.

Senate Bill, No. 300, An Act to change the Name of Gustave Madson—was read third time and passed.

Assembly Bill, No. 437, An Act to change the Name of Lake Bigler to that of Tula Tula—was indefinitely postponed.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. Ross :

Resolved, That the Assistant Sergeant-at-Arms, the Enrolling Clerk, Engrossing Clerk, and Assistant Clerk, be allowed *per diem* from the beginning of the session.

Laid on the table.

Also,

Resolved, That James Sweeney be, and he is hereby, appointed Porter

to such officers of this House as are allowed further time after the close of the session in which to close up the business of said officers, and that he be, or is hereby, allowed the same *per diem* as Porters of this House are allowed by law.

Laid on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

SENATE CHAMBER,
May 18th, 1861. }

Mr SPEAKER:—The Senate this day passed Assembly Bill, No. 514, An Act fixing the time of holding the Terms of the County Court and Court of Sessions in and for the County of Stanislaus;

Also Assembly Bill, No. 519, An Act concerning the Infant Heirs of William M. Stockton, Deceased;

Also, Assembly Bill, No. 550, An Act to authorize the taking of Depositions in Foreign Countries;

Also adopted Assembly Concurrent Resolution, No. 64, Relative to Printing the Land Laws of the State of California;

Also, on yesterday, passed Senate Bill, No. 416, An Act to provide for the Appointment of an Assayer of Ores and Metals for the County of Mono;

Also, this day, passed Assembly Bill, No. 390, An Act concerning Jurors in the City and County of San Francisco;

Also, this day, passed Senate Bill, No. —, An Act concerning the Offices of Coroner and Harbormaster of the City and County of Sacramento;

Also, Assembly Bill, No. 362, An Act amendatory of An Act concerning Lawful Fences;

Also, Assembly Bill, No. 479, An Act for the relief of James C. Pen-
nie.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill, No. 146, above reported—was read first and second times, and placed on file.

Senate Bill, No. 392½, above reported—was read first and second times.

Mr Adams moved to indefinitely postpone the bill.

Upon which, Messrs. Powell, Haun, and Chandler, demanded the ayes and noes, and the motion prevailed by the following vote:—Ayes, 30—noes, 23:

AYES—Messrs. Adams, Amyx, Avery, Bradley, Chandler, Cherry, Clarke, Conness, Councilman, Eastman, Flanders, Ford, Hagans, Harri-
man, Harris, Horrell, Kungle, Lalor, Magruder, Miller, Montgomery, Mor-
gan, Piercy, Porter, Scott, Spence, Tittel, Willey, Wood of Plumas, and
Mr Speaker—30.

NOES—Messrs. Banks, Childs, Durst, Fargo, Foster, Green, Gregory,
Harrison, Haun, Henderson, Hunter, Johnson, Laspeyre, Lippincott, Mor-
rison, Munday, O'Brien, Patrick, Powell, Ross, Showalter, Sorrel, and
White—23.

Mr. Blair offered the following resolution:

Resolved, That the Post-Office Page of the Assembly be, and he is here-
by, allowed six days after the adjournment of the Assembly to receive all

papers and letters, and forward the same to the address of each member, and that the Controller of State be, and he is hereby, authorized to draw his warrant in favor of said Post-Office Page for said six days per diem, payable out of the Contingent Fund of the Assembly.

Adopted.

Mr. Laspeyre, by leave, introduced a bill for An Act to provide for the revival, re-enactment, and amendment, of An Act to provide for the laying out and construction of certain Public Roads in the County of San Joaquin, and to compensate the Owners of Land taken for that purpose, approved April twenty-eighth, eighteen hundred and sixty.

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

The vote by which the House, on yesterday, indefinitely postponed, Senate substitute for Assembly Bill, No 187, An Act amendatory of, and supplementary to, an Act entitled An Act concerning Forceible Entries and Unlawful Detainers, passed April twenty-second, eighteen hundred and fifty—was reconsidered

The bill was then read a third time and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
May 14, 1861. }

Mr. SPEAKER:—The Senate, this day, passed Assembly Bill, No 547, An Act making Appropriations for the support of the Government of this State, with amendments ;

Also, refused to concur in Assembly substitute for Senate Bill, No. 401, An Act concerning an Act entitled An Act to change the Venue in the case of *The People v Horace Smith* ;

Also, this day, passed Senate Bill, No 388½, An Act to amend an Act entitled An Act concerning Notaries Public.

D. J. WILLIAMSON,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The House refused to concur in Senate amendments to Assembly Bill, No. 547, above reported—and appointed Messrs. Conness, Magruder, and Miller, a Committee of Free Conference.

The House receded from its amendments to Senate Bill, No. 401, above reported.

Mr. Harrison offered the following resolution :

Resolved, That Jas. H. Sullivan and E. C. Cromwell, the present Copying Clerks of the Assembly be, and they are hereby, authorized and directed to finish all copying for the State Printer, and prepare the Appendix to the Assembly Journal for the Twelfth Session of the Legislature, at the price per folio now provided by law; and the Secretary of State is hereby authorized and required to audit and allow for all necessary copying done after the adjournment of this Legislature; *provided*, the same does not exceed the amount remaining in the Copying Fund. And the Controller is hereby authorized to draw his warrants for all sums so audited and allowed, payable out of the Copying Fund of the Assembly.

Laid on the table.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 17, 1861. }

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No. 111, An Act to amend an Act entitled An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou, approved February twenty-second, eighteen hundred and sixty ;

Also, Assembly Bill, No 324, An Act concerning Roads and Highways in the County of Mendocino ;

Also, Assembly Bill, No. 34, An Act to grant the right to construct a Bridge across the Albion River, near its mouth, to certain parties therein named ;

Also, Assembly Bill, No. 32, An Act to grant the right to construct a Bridge across the Noyo River, near its mouth, to certain parties therein named ;

Also, Assembly Bill, No. 458, An Act to amend an Act entitled An Act concerning the Officers of Calaveras County, and the collection of Poll Taxes, License Taxes, and Foreign Miners License Taxes, in said County, approved February twenty-sixth, eighteen hundred and fifty-nine ;

Also, Assembly Bill, No 283, An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain Judgment ;

Also, Assembly Bill, No. 366, An Act authorizing Rachael Bonds, Administratrix of the Estate of George M Bonds, deceased, to sell the Real Estate of the late George M Bonds at public, or private, sale ;

Also, Assembly Bill, No. 344, An Act providing for the better support of Common Schools in the County of Contra Costa ;

Also, Assembly Bill, No. 456, An Act concerning Fees in certain Counties ;

Also, Assembly Bill, No. 208, An Act to authorize the Guardian of Jonathan P. Williams, and Isaac B. Williams, minor heirs of James Williams, deceased, to sell Real Estate of said Minors ;

Also, Assembly Bill, No. 529, An Act to amend Section Two of An Act concerning the Office of Public Administrator, passed April fifteenth, eighteen hundred and fifty-one ;

Also, Assembly Bill, No. 354, An Act to provide for the payment of the Claim of W. W Upton for certain services therein mentioned ;

Also, Assembly Bill, No 210, An Act to authorize the Guardian of George Horton and Marshall Horton, to sell certain of their Real Estate at private sale ;

Also, Assembly Bill, No. 250, An Act supplementary to an Act approved April twenty-seventh, eighteen hundred and sixty, entitled An Act supplementary to an Act entitled An Act to confer further powers upon the Board of Supervisors, Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned, approved April twenty-third, eighteen hundred and fifty-eight ;

Also, Assembly Bill, No. 232, An Act amendatory of An Act to provide for the construction of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for a Right of Way for the same ;

Also, Assembly Bill, No. 307, An Act to amend an Act entitled An Act

to authorize the President of the Board of Supervisors, the Auditor, and the Treasurer, of the City and County of San Francisco, to provide for the actual and prospective Deficiency in the Corporation Debt Fund of said City and County, for the Fiscal Years eighteen hundred and fifty-nine and eighteen hundred and sixty, approved April sixth, eighteen hundred and sixty;

Also, Assembly Bill, No 289, An Act defining the mode of serving Civil Process in the County of San Bernardino;

Also, Assembly Bill, No 509, An Act supplementary to An Act to prevent the Trespassing of Animals upon Private Property, approved March thirty-first, eighteen hundred and fifty five;

Also, Assembly Bill, No 548, An Act amendatory of, and supplementary to, An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 423, An Act supplementary to 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, passed April twenty-first, eighteen hundred and fifty-six;

Also, Assembly Bill, No 401, An Act to authorize David D Reese, John B. Lemon, and James M. Lemon, to build a Wharf at Suisun City, in Solano County;

Also, Assembly Bill, No. 537, An Act declaring certain Creeks in Marin County, Navigable;

Also, Assembly Bill, No 535, An Act amendatory of, and supplemental to, an Act entitled An Act in relation to the Militia of the State, approved May ninth, eighteen hundred and sixty-one;

Also, Assembly Bill, No 495, An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe One Hundred Thousand Dollars for the construction of a Railroad in said County, and to provide for the Payment of the same, and other matters relating thereto;

Also, Assembly Bill, No. 517, An Act in relation to the County Officers of the County of Sierra;

Also, Assembly Bill, No. 416, An Act to legalize and provide for the collection of Delinquent Taxes in the Counties of this State;

Also, Assembly Bill, No. 351, An Act to amend 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 third, eighteen hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty;

Also, Assembly Bill, No 528, An Act to authorize the construction and maintenance of a Wharf in Contra Costa County;

Also, Assembly Bill, No. 428, An Act to provide Revenue for the support of the Government of this State;

Also, Assembly Bill, No. 496, An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe Fifty Thousand Dollars to the Capital Stock of a Railroad Company in the County of Los Angeles, and to provide for the Payment of the same, and other matters relating thereto;

Also, Assembly Bill, No. 383, An Act to amend An Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty;

Also, Assembly Bill, No. 160, An Act amendatory of an Act to amend

An Act concerning the Office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four, passed March twenty-sixth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No. 284, An Act to authorize J. C. Cissna to build a Wharf in the Bay of San Luis Obispo, and to construct a Road leading thereto;

Also, Assembly Bill, No. 515, An Act relative to certain School Monies in Solano County;

Also, Assembly Bill, No. 436, An Act to authorize the Board of Supervisors of the County of Monterey to make Appropriations payable out of the Current Expense Fund of said County, for purposes therein named;

Also, Assembly Bill, No. 552, An Act supplementary to an Act entitled An Act to provide for the collection of Delinquent Taxes in the County of San Bernardino, approved March twenty-seventh, eighteen hundred and sixty-one;

Also, Assembly Bill, No. 326, An Act to authorize the Board of Supervisors of the City and County of San Francisco to regulate and license Intelligence Offices, in said City and County;

Also, Assembly Bill, No. 527, An Act submitting to the qualified Electors of Tulare County, the question of permitting Hogs to run at large in certain portions of said County.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 18th, 1861.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly Bill, No. 492, An Act conferring additional powers on the Board of Supervisors of the City and County of Sacramento, and supplemental to an Act entitled An Act conferring further powers on the Board of Supervisors of the City and County of Sacramento, approved May second, eighteen hundred and sixty-one;

Also, Assembly Bill, No. 165, An Act to protect Sheep and Lambs in this State;

Also, Assembly Bill, No. 410, An Act to Incorporate the City of Santa Barbara;

Also, Assembly Bill, No. 194, An Act to allow the Claim of Daniel McLaren.

JOHN G. DOWNEY,
Governor.

Messrs. Piercy and Howell had leave to withdraw papers connected with the claims of Waite and Killam.

At fifty minutes past three o'clock, P. M. the House took a recess until half past seven o'clock this evening.

EVENING SESSION.

The House reassembled at half past seven o'clock.

The Speaker in the Chair.

Mr. Blair, by leave, introduced a bill for An Act to repeal an Act entitled An Act to Fund the Debt of Solano County, and to provide for the payment of the same, passed April twenty-fourth, eighteen hundred and fifty-five.

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

Mr. Tilton made the following report :

MR. SPEAKER:—The Committee on Enrollment, have examined and found correctly enrolled, Assembly Bill, No. 519, An Act concerning the Infant Heirs of William M. Stockton, deceased ;

Also, Assembly Bill, No. 268, An Act to authorize the formation of Corporations, to provide the Members thereof with Homesteads, or Lots of Land, suitable for Homesteads ;

Also, Assembly Bill, No. 51, An Act to prevent the Amalgamation of different Races of Men in this State ;

Also, Assembly Bill, No. 390, An Act concerning Jurors in the City and County of San Francisco ;

Also, Assembly Bill, No. 375, An Act to amend An Act to regulate Fees in Office, passed April tenth, eighteen hundred and fifty-five ;

Also, Assembly Bill, No. 514, An Act fixing the times of holding the Terms of the County Court and Court of Sessions, in and for the County of Stanislaus ;

Also, Assembly Bill, No. 301, An Act exempting Lots in Cemeteries, and Pews in Churches, from Levy and forced Sale.

S. S. TILTON,
Chairman.

Senate Bill, No. 416, An Act to provide for the appointment of an Assayer of Metals for the County of Mono—was read a third time.

On its passage, Messrs Kungle, Chandler, and Lalor, demanded the ayes and noes, and the bill was postponed by the following vote : Ayes, 30—noes, 20 :

AYES—Messrs. Baechtel, Banks, Blair, Bradley, Buell, Campbell, Cherry, Clarke, Dougherty, Fargo, Flanders, Ford, Green, Hagans, Harriman, Harrison, Henderson, Holman, Horrell, Hunter, Lalor, Laspeyre, Munday, O'Brien, Patrick, Porter, Spence, Tilton, Wright, and Mr. Speaker—30.

NOES—Messrs. Avery, Chandler, Childs, Durst, Eastman, Foster, Gordon, Gregory, Hanson, Hill, Johnson, Kungle, Piercy, Showalter, Smith of Tulare, Smith of Placer, Sorrel, White, Willey, and Wood of Plumas—20.

Mr Flanders moved to reconsider the vote by which the bill passed.

Upon which, Messrs. Lippincott, Chandler, and Childs, demanded the ayes and noes, and the House refused by the following vote : Ayes, 18—noes, 34 :

AYES—Messrs. Avery, Chandler, Clarke, Eastman, Gordon, Hanson, Johnson, Kungle, Magruder, Montgomery, Piercy, Porter, Showalter, Smith of Placer, Sorrel, Willey, Wood of Plumas, and Mr. Speaker—18.

NOES—Messrs. Baechtel, Banks, Blair, Bradley, Briggs, Buell, Campbell, Cherry, Childs, Dougherty, Fargo, Flanders, Ford, Green, Gregory, Hagans, Harriman, Harrison, Henderson, Hill, Holman, Horrell, Lalor, Laspeyre, Lippincott, Morgan, Munday, O'Brien, Patrick, Powell, Ross, Smith of Tulare, Spence, and Wright—34.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER }
May, 18, 1861. }

Mr. SPEAKER:—The Senate this day refused to concur in Assembly amendments to the proposed amendments to the Constitution;

Also refused to recede from their amendment to Assembly Bill, No. — An Act making Appropriations for the Civil Government of this State;

Also, passed Assembly Bill, No. 556, An Act to provide for the re enactment and amendment of An Act to provide for the laying out and construction of a Road in San Joaquin County.

D. J. WILLIAMSON,
Assistant Secretary.

The House refused to recede from its amendments to proposed amendments to the Constitution, and appointed Messrs. Campbell, Wright, and Lippincott, a Committee of Free Conference.

SENATE CHAMBER, }
May 18th, 1861. }

Mr. SPEAKER:—The Senate this day passed Senate Bill, No. 411, An Act to grant to certain persons the right of way over certain Lands in San Mateo County.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No 411, above reported—was read first and second times, rules suspended, read a third time, and passed.

Senate Bill, No 339, An Act to provide for the Payment of certain Claims—referred to Committee on Public Expenditures and Accounts.

Mr. Conness made the following report:

Mr. SPEAKER:—The Committee on Free Conference, to whom was referred Senate amendment to Assembly Bill, No. 547, have had the same under consideration, and find that they cannot agree; they therefore beg leave to report the same back.

CLARK,
J. LOGAN,
H. P. WATKINS,
Of Senate.

CONNESS,
MILLER,
MAGRUDER,
Of Assembly.

Adopted.

Messrs Conness, Magruder, and Miller, were appointed a Committee of Free Conference on the disagreement of the two Houses

The House reconsidered the vote by which Senate Bill, No. 399 $\frac{1}{2}$, was this day indefinitely postponed—bill read a third time and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER, }
May 18th, 1861. }

Mr. SPEAKER:—The Senate this day adopted the report of the Committee on Free Conference on Assembly Bill, No. 547, An Act making an Appropriation for the support of the Government of this State, and dis-

charged said committee, and Messrs. Leet, Eagan, and Williamson, were appointed a new committee to act with a similar committee from the Assembly;

Also, have appointed Messrs. Chase, Shafter, and De Long, a Committee of Free Conference on the part of the Senate on the proposed amendments to the Constitution of this State;

Also, have refused to concur in Assembly amendments to Senate Bill, No. 385, An Act to appropriate Money for the purchase of Property for the use of the State Insane Asylum.

D. J. WILLIAMSON,
Assistant Secretary.

The House receded from its amendments to Senate Bill, No. 385, above reported.

SENATE CHAMBER,
May 18th, 1861. }

Mr. SPEAKER :—The Senate this day passed Assembly Bill, No. 557, An Act to repeal an Act entitled An Act to Fund the Debt of Solano County;

Also, Assembly Bill, No. 549, An Act authorizing the Issuance of certain Bonds to Clark, Dodge & Co.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER,
May 18th, 1861 }

Mr. SPEAKER :—The Senate this day passed Senate Bill, No. 378½. An Act to define the time when an Act entitled An Act concerning Notaries Public, shall take effect.

D. J. WILLIAMSON,
Assistant Secretary.

The bill above reported, read first and second times, rules suspended, read a third time, and passed.

Mr. Conness, by leave, introduced a bill for An Act supplementary to, and amendatory of, an Act entitled An Act relating to the War Debt of this State, approved May sixth, eighteen hundred and sixty-one

Read first and second times, and made special order for May twentieth, at half past ten o'clock, A. M.

Mr. Campbell made the following report:

Mr. SPEAKER :—The Joint Committee of Conference, appointed upon the part of the Senate and Assembly, upon the constitutional amendments, have considered the disagreement, and recommend that the Senate recede from their disagreement

SHAFTER,
For Senate Committee.
CAMPBELL,
For Assembly Committee.

Assembly Bill, No. 541, An Act to audit and allow the Claim of Terrence Foley, deceased—was indefinitely postponed.

Mr. Fargo had leave to withdraw the papers upon which the claim is founded.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 18th, 1861.

To the Honorable the Assembly of California :

I have to inform your Honorable Body that I have approved Assembly Bill, No 308, An Act to amend an Act entitled An Act for the Funding and Payment of the Outstanding Unfunded Claims against the City of San Francisco, as they existed prior to the first day of July, eighteen hundred and fifty-six, approved April twentieth, eighteen hundred and fifty-eight;

Also, Assembly Bill, No. 504, An Act concerning certain Trade-Marks;

Also, Assembly Bill, No. 415, An Act to amend An Act to separate the Offices of County Recorder, 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, Assembly Bill, No 438, 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 twenty-ninth, eighteen hundred and fifty-one;

Also, Assembly Bill, No. 202, An Act to restrict the Herding of Sheep;

Also, Assembly Bill, No 544, An Act to authorize Caroline Butterfield, Widow of David Butterfield, late of Siskiyou County, deceased, to convey certain Property therein stated;

Also, Assembly Bill, No 545, An Act to appropriate Money to pay the Claim of J C Pelton;

Also, Assembly Bill, No. 376, An Act for the relief of Thomas R. Eldridge, Assignee of Miguel Smith;

Also, Assembly Bill, No. 472, An Act to give effect to An Act therein named;

Also, Assembly Bill. No. 432, An Act appropriating Money for the payment of John B. Brady, for Services rendered as Assistant Engrossing Clerk of the Assembly during the Eleventh Session of the Legislature;

Also, Assembly Bill. No. 530, An Act to repeal an Act entitled An Act to confer further powers upon the Board of Education and the Treasurer of the City and County of San Francisco, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly Bill, No 408, An Act to authorize the Administrator of the Estate of Joseph K. Irving, deceased, to sell the Real Estate of said deceased at public, or private, sale;

Also, Assembly Bill, No 546, An Act to authorize the Board of Supervisors of San Bernardino County to grant to John J. Warner, J G Tomlinson, and Frank Miller, the right to construct a Wagon Road from the City of San Bernardino, in the County aforesaid to Holcomb and Bear Valley, in said County;

Also, Assembly Bill, No. 196, An Act concerning Roads and Highways in the County of Sacramento;

Also, Assembly Bill, No 534, An Act in relation to Public Roads in the County of El Dorado, and to the Road Fund of said County;

Also, Assembly Bill, No 479, An Act for the relief of James C. Pennie;

Also, Assembly Bill, No. 384, An Act relating to the Sureties on the Official Bond of Thomas J. Miner, late County Treasurer of Plumas County;

Also, Assembly Bill, No 342, An Act to authorize the Administratrix of the Estate of Julius Lyons deceased, to sell the Real and Personal Property belonging to said Estate either at public, or private, sale;

Also, Assembly Bill, No. 467, An Act to authorize John F. Pope to sell certain Real Estate;

Also, Assembly Bill, No. 362, An Act amendatory of An Act concerning Lawful Fences, approved April twenty-seventh, eighteen hundred and fifty-five;

Also, Assembly Bill, No. 554, An Act to repeal an Act entitled An Act to authorize the incorporation of the City of San Bernardino, passed April thirteenth, eighteen hundred and fifty-four;

Also, Assembly Bill, No. 493, An Act to audit the Claim of P. de la Torre;

Also, Assembly Bill, No. 246, An Act to amend An Act supplementary to An Act concerning the Courts of Justice of this State, and Judicial Officers, passed May nineteenth, eighteen hundred and fifty-three;

Also, Assembly Bill, No. 389, An Act respecting the Rights and Duties of Landlords and Tenants.

JOHN G. DOWNEY,
Governor.

Mr. Kungle introduced a Concurrent Resolution, Relative to the Independence of the Confederate States of America.

Mr. Conness moved to refer the resolution to Mr. Kungle.

Mr. Gregory moved the previous question.

Sustained.

The Chair decided the motion to refer not in order.

Mr. Conness appealed

The decision of the Chair was not sustained.

On the reference of the resolution, Messrs. Laspeyre, Gillette, and Munday, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 36—noes, 20:

AYES—Messrs Avery, Baechtel, Banks, Blair, Briggs, Buell, Campbell, Chandler, Coltrin, Conness, Dougherty, Eastman, Fargo, Flanders, Ford, Foster, Green, Hagans, Harriman, Henderson, Hill, Horrell, Hunter, Lippincott, Miller, Morgan, O'Brien, Porter, Powell, Smith of Tulare, Spence, Tilton, Tittel, White, Willey, and Wright—36.

NOES—Messrs Bradley, Childs, Gillette, Gregory, Hanson, Harris, Holman, Kungle, Lalor, Laspeyre, Magruder, Montgomery, Munday, Patrick, Pierce, Ross, Scott, Showalter, Sorrel, and Wood of Plumas—20.

Mr. Miller, from the Committee of Free Conference on Assembly Bill, No. 547, An Act making Appropriations for the support of the Government of this State for the Thirteenth Fiscal Year—was adopted

Mr. Campbell, by leave, introduced a bill for An Act supplemental to An Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco, passed May thirteenth, eighteen hundred and sixty-one.

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

Mr. Kungle made the following report:

MR. SPEAKER:—I have had the resolution referred to me under consideration, recognizing the Independence of the Confederate States of America, and report the same back, and recommend its passage

C. H. KUNGLE.

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

Upon which, Messrs. Laspeyre, Lippincott, and Harris, demanded the ayes and noes, and the motion prevailed by the following vote: Ayes, 45—noes, 11:

AYES—Messrs. Avery, Banks, Blair, Buell, Campbell, Chandler, Cherry, Childs, Clarke, Coltrin, Conness, Curtis, Dougherty, Eastman, Fargo, Ford, Foster, Green, Hagans, Harriman, Hunter, Johnson, Kurtz, Lap-pincott, Magruder, Miller, Morgan, Morrison, Munday, O'Brien, Patrick, Porter, Powell, Ross, Smith of Tulare, Spence, Tilton, Tittel, White, Wil-ley, Wood of Plumas, Wright, and Mr. Speaker—45.

NOES—Messrs. Gordon, Harris, Holman, Horrell, Kungle, Laspeyre, Montgomery, Piercy, Scott, Showalter, and Sorrel—11.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER, }
May 18th, 1861. }

MR. SPEAKER :—The Senate, this day, passed Assembly Bill, No. 550, An Act supplemental to An Act to fix and regulate the Fees and Salaries of Officers in San Francisco;

Also, adopted the report of the Committee on Free Conference on As-sembly Bill, No. —, An Act making Appropriations for the support of the Civil Government of this State.

D. J. WILLIAMSON,
Assistant Secretary.

SENATE CHAMBER, }
May 18, 1861. }

MR. SPEAKER :—The Senate, this day, passed Senate Bill, No. 387, An Act to authorize and provide for the erection of additional Buildings at the State Prison.

D. J. WILLIAMSON,
Assistant Secretary.

Senate Bill, No. 387, above reported—was read first and second times.

On motion of Mr. White, pending the consideration of the bill, at three-quarters past ten o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY, }
Monday, May 20th, 1861. }

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

MR. SMITH of Tulare offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that Joint Rule Num-ber Fifteen is hereby suspended for the remainder of the present session.

Adopted.

MR. ADAMS had leave to record his vote in the affirmative on laying the

resolution recognizing the Independence of the Confederate States on the table, on Saturday last.

Mr. Bradley had leave to record his vote in the negative on said motion.

Mr. O'Brien made the following report:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts, to whom was recommittd the account of Z L Garwood for rent of committee rooms from February twentieth, to May twentieth, eighteen hundred and sixty-one, said rooms being used by the Committee of Ways and Means and the Judiciary Committee of the Assembly—have had the same under consideration, and beg leave to report as follows:

Your committee, from information obtained at the office of Controller of State, find that warrants have been drawn in favor of said Garwood, on the Contingent Fund of the Assembly, at different times, to the amount of (one hundred and fifty dollars) three months' rent for both rooms, thus leaving but one month's rent (fifty dollars) due, as the rooms were used but for four months altogether.

When this account was under consideration before, it was the impression of some members of the committee that it had been passed upon, at least a portion of it, before, and with a view of ascertaining the fact, had examined the Assembly Journal, for the purpose of referring to former reports of the committee; but, as the Journal is voluminous and, as yet, no index attached to it, it was very difficult to find the reports. Two, or three, were found, however, and but one account of Garwood, for one month's rent (fifty dollars) for both rooms. Had, also, called at the Controller's Office, to ascertain if there were any of said Garwood's bills on file, for rent of Assembly committee rooms; the file was examined but no bills were found there. We did not think, at that time, of having the file of drawn warrants examined. Mr Garwood assured the committee most positively, that he had received but one month's rent. This assurance, in connection with our failure to ascertain anything to the contrary, induced the committee to report the account back to the House with a recommendation that it be allowed.

The committee report the accompanying resolution without recommendation, leaving it for the House to adopt, or reject, as it thinks proper.

Your committee also report back the following accounts, and recommend their payment out of the Contingent Fund of the Assembly, to-wit:

Account and Purpose.	Amount.
Messrs Conley & Patrick, for twenty copies of Daily San Joaquin Republican, from April second to May twentieth.....	\$70 00
One copy of Weekly, from April second to May twentieth.....	87½
A. S. Randall & Co. for eighteen copies of Marysville Democrat one week	9 00
Stanislaus Index, for one copy, for the session.....	3 00
Total	\$82 87½

All of which is respectfully submitted,

Adopted.

THOMAS O'BRIEN,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows :

By Mr. O'Brien :

Resolved, That Z L. Garwood be, and is, hereby allowed, out of the Contingent Fund of the Assembly, the sum of fifty dollars, being one month's rent, from April twentieth to May twentieth, inclusive, of rooms two and four Garwood's Buildings, said sum being all that is due said Garwood for balance of rent for said rooms.

Laid on the table.

By Mr. Ross :

Resolved, That the Controller of State be, and is hereby, directed to draw his warrant, in favor of the Sergeant-at Arms and his Clerk, each for five days' extra per diem, to enable them to collect and take proper care of the books and property of the State.

Adopted.

By Mr. Wood of Plumas :

Resolved, That the thanks of this House are due, and hereby tendered, to the Hon. R. Burnell, for the efficient, dignified, and courteous, manner in which he has discharged the duties of Speaker during the present session.

Adopted.

On motion of Mr. Conness, a similar resolution was unanimously adopted, substituting the Hon. Daniel Showalter, Speaker *pro tem*.

By Mr. Conness :

Resolved, That the Assembly of the Twelfth Session recommend that no transactions be hereafter entered into by the State of California with Z L. Garwood, as it is ascertained that said Garwood has endeavored, knowing the same to be fraudulent, to obtain moneys, for the rent of rooms for the use of the Legislature, a second time.

Adopted.

REPORTS.

Reports were made as follows :

By Mr. Conness :

MR. SPEAKER:—Your Committee, to whom was referred the petition of the people of Greenwood, El Dorado County, praying for the passage of an act tendering to the General Government the credit of the State for the purpose of aiding it in the suppression of rebellion, and asking that said act be submitted to the people of this State for their ratification at the next general election, would respectfully report, that they have had the same under consideration, that they indorse the loyalty to the government expressed in the prayer of the petition, but that inasmuch as the General Government is well supplied with both men and money with which to reduce to obedience the instigators and projectors of all present or threatened efforts at rebellion; and inasmuch as the Legislature has passed a concurrent resolution declaring and announcing to the world the devotion of the people of California to the Constitution and Government of the United States, and their readiness to maintain the rights and honor of the National Government at home and abroad, and at all times to respond to any requisition that may be made to defend the Republic against

foreign, or domestic, foes, your committee believe that in the action had the object of the petitioners has been accomplished, they therefore deem any further legislation unnecessary at the present time.

JOHN CONNESS,
A. W. BLAIR,
P. H. HARRIS,
N. GREENE CURTIS,
ALVIN FLANDERS.

Senate Bill, No. 387, An Act to authorize and provide for the erection of additional Buildings at the State Prison—was taken up, amendments adopted, and bill as amended read a third time.

On its passage, Messrs. Bradley, Haun, and Powell, demanded the ayes and noes, and the bill passed by the following vote : Ayes, 54—noes, 4 :

AYES—Messrs. Adams, Avery, Baechtel, Blair, Briggs, Buell, Cherry, Childs, Clarke, Coltrin, Conness, Councilman, Curtis, Dougherty, Durst, Eastman, Fargo, Ford, Foster, Green, Gregory, Hagans, Harriman, Harris, Harrison, Henderson, Hill, Horrell, Hunter, Johnson, Kungle, Kurtz, Laspevre, Magruder, Miller, Morgan, Morrison, Munday, O'Brien, Patrick, Piercy, Porter, Powell, Ross, Shawalter, Smith of Tulare, Smith of Placer, Sorrel, Spence, Tittel, White, Willey, Wood of Plumas, and Mr. Speaker—54.

NOES—Messrs. Bradley, Gordon, Haun, and Holman—4.

Title of bill amended.

Senate Bill, No. 54, An Act to amend an Act entitled An Act to exempt Homesteads and other Property from Forced Sale in certain cases—was indefinitely postponed.

By Mr. Tilton :

MR. SPEAKER:—The Committee on Enrollment have examined and found correctly enrolled Assembly Bill, No. 549, An Act authorizing the issuance of certain Bonds to Clark, Dodge & Co ;

Also, Assembly Bill, No. 557, An Act to repeal an Act entitled An Act to fund the Debt of Solano County and to provide for the Payment of the same, passed April twenty-fourth, eighteen hundred and fifty-four ;

Also, Assembly Concurrent Resolution, No. 64, Relative to Printing Land laws of this State ;

Also, Assembly Bill, No. 550, An Act to authorize the taking of Depositions in Foreign Countries ;

Also, Assembly Bill, No. 556, An Act to provide for the revival, re-enactment, and amendment, of An Act to provide for the laying out and construction of certain Public Roads in the County of San Joaquin, and to compensate the Owners of Land taken for that purpose, approved April twenty-eighth, eighteen hundred and sixty ;

Also, Assembly Bill, No. 558, An Act supplemental to An Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco, passed May thirteenth, eighteen hundred and sixty-one ;

Also, Assembly Bill, No. 547, An Act making Appropriations for the support of the Civil Government of this State for the Thirteenth Fiscal Year, commencing on the first day of July, eighteen hundred and sixty-one, and ending on the thirtieth day of June, eighteen hundred and sixty-two, inclusive ;

Also, Assembly Bill, No. 321, An Act for the observance of the Sabbath.

TILTON,
Chairman.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr Tilton:

Resolved, That the Enrolling Clerk be allowed to draw and disburse, under the direction of the Chairman of the Enrolling Committee, fifty-two days *per diem*, for extra Clerks employed in his office, payable out of the fund for the pay of Officers and Clerks of Assembly.

Adopted.

By Mr Durst:

Resolved, That H. C. Kibbe, Enrolling Clerk, be allowed twenty dollars for traveling expenses to San Francisco, February second, eighteen hundred and sixty-one, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr Harris:

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 members had obtained leave of absence in the usual way, and the Clerk immediately inform the Controller of the passage of this resolution.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 20th, 1861 }

Mr Speaker:—The Senate, on Saturday, passed Assembly Bill, No 321, An Act for the observance of the Sabbath.

D. J. WILLIAMSON,
Assistant Secretary.

Mr. Smith of Tulare made the following report:

MR. SPEAKER:—The Select Committee on Appropriations beg leave to report the following as the amount of Appropriations made since our last report.

Abstract of Appropriations since date of last Report, April, A. D eighteen hundred and sixty-one.

Date.	Purpose.	Amount.
May 2...	Appropriation to State Agricultural Society.....	\$15,000 00
May 2..	Appropriation to L. B. Richardson.....	269 62
May 2...	Appropriation to State Reform School.....	25,000 00
May 2...	To audit and allow the claim of C T Botts..	644 29
May 6...	Appropriation to Commissioners of War Debt.....	9,000 00
May 8...	Appropriation to Wells, Fargo & Co.....	95 00
May 8...	Appropriation to E. L. Green.....	335 93
May 8...	Appropriation to Greenhood & Newbauer.....	136 00
May 8...	Appropriation to pay certain claims.....	74 10

Date.	Purpose.	Amount.
May 9..	Appropriation for carrying out provisions of stamp act.....	\$5,000 00
May 13.	Appropriation for deficiencies	4,163 49
May 13.	Appropriation for Joseph Bridger and others.....	300 00
May 13.	Appropriation for Barney Clark.....	2,980 75
May 13.	Appropriation for reclamation of swamp land.....	200,000 00
May 14..	Appropriation for Clerk of Superintendent of Public Instruction	1,300 00
May 14..	Appropriation to audit and allow claim of G. D Bliss & Co.....	3,203 09
May 14..	Appropriation for B. F. Hastings & Co	378 12
May 16.	Appropriation for Treasurer of San Bernardino Co (unascertained)	
May 16.	Appropriation to District and County Agricultural Societies	9,600 00
May 17.	Appropriation for W. W. Upton	500 00
May 17..	Appropriation to audit and allow claim of J. F. McCauley	19,375 81
May 18..	Appropriation to pay troops in 1856.....	18,377 82
May 18..	Appropriation for Daniel McLaren..	427 00
May 18..	Appropriation for printing reports of State Agricultural Society..	3,400 00
May 18..	Appropriation to audit and allow the claims of E Connor and others	2,596 00
May 18..	Appropriation to pay Sacramento Gas Company.....	95 30
May 18..	Appropriation for John Center.....	12,000 00
May 18..	Appropriation for John Madden.	750 00
May 18..	Appropriation for Controller's warrants	1,000 00
May 18..	Appropriation for James C. Pennie	2,500 00
May 18..	Appropriation for A. M. Winn	1,080 00
May 18..	Appropriation for P. de la Torre.....	66 00
May 18..	Appropriation for John B. Brady.....	152 00
May 18..	Appropriation for J. R. Eldridge	130 50
May 18..	Appropriation for J. C. Pelton.....	1,200 00
	Total	\$341,070 82
	Amount of Appropriations to May 2.....	103,673 88
	Amount of Appropriations to May 18.....	\$444,744 70

SMITH of Tulare,
Chairman.

Mr Magruder introduced a concurrent resolution relative to appointing a committee to inform the Governor that the Legislature had no further business before them, and were ready to adjourn *sine die*.

Adopted

Messrs Magruder, Powell, and Cherry, were appointed said committee.

MESSAGE FROM THE GOVERNOR

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
Sacramento, May 20th, 1861.

To the Honorable the Assembly of California :

I have to inform your honorable body that I have approved Assembly Bill, No 443, An Act to define the Senatorial and Assembly Districts of this State, and to apportion the Representation thereof;

Also, Assembly Bill, No 313, An Act to define the Boundaries and provide for the Organization of Lake County;

Also, Assembly Bill, No. 295, An Act to create certain Road Districts in the City and County of San Francisco, and to provide for the repair and improvement of Roads therein;

Also, Assembly Bill, No. 301, An Act exempting Lots in Cemeteries and Pews in Churches from levy and forced sale;

Also, Assembly Bill, No 514, An Act fixing the time for holding the Terms of the County Court and Court of Sessions in the County of Stanislaus;

Also, Assembly Bill, No. 519, An Act concerning the Infant Heirs of William M. Stockton, deceased;

Also, Assembly Bill, No 268, An Act to authorize the formation of Corporations to provide the Members thereof with Homesteads, or Lots of Land suitable for Homesteads;

Also, Assembly Bill, No 390, An Act concerning Jurors in the City and County of San Francisco;

Also, Assembly Bill, No 439, An Act to amend an Act entitled An Act supplementary to an Act entitled An Act granting the Right of Way over certain Lands of this State in the Counties of San Francisco and San Mateo, approved April twenty-sixth, eighteen hundred and fifty-eight, approved March first, eighteen hundred and sixty;

Also, Assembly Bill, No 12, An Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco;

Also, Assembly Bill, No 270, An Act amendatory of 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, approved April nineteenth, eighteen hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved April eighteenth, eighteen hundred and fifty-seven, and of an Act amendatory thereof, approved March eighteenth, eighteen hundred and fifty-nine, and supplementary to said Acts;

Also, Assembly Bill, No 550, An Act to authorize the taking of Depositions in Foreign Countries;

Also, Assembly Bill, No 558, An Act supplementary to An Act to fix and regulate the Fees and Salaries of Officers in the City and County of San Francisco, passed May thirteenth, eighteen hundred and sixty-one;

Also, Assembly Bill, No 556, An Act to provide for the revival, re-enactment, and amendment, of An Act to provide for the laying out and construction of certain Public Roads in the County of San Joaquin, and to compensate the Owners of Land taken for that purpose, approved April twenty-eighth, eighteen hundred and sixty;

Also, Assembly Bill, No 547, An Act making Appropriations for the support of the Civil Government of this State, commencing on the first day of July, eighteen hundred and sixty-one, and ending on the thirtieth day of June, eighteen hundred and sixty-two, inclusive;

Also, Assembly Bill, No. 502, An Act amendatory of, and supplementary to, an Act entitled An Act to repeal the Act passed March twenty-

sixth, eighteen hundred and fifty-one, entitled An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight ;

Also, Assembly Bill, No. 549, An Act authorizing the issuance of certain Bonds to Clark, Dodge & Co ;

Also, Assembly Bill, No. 555, An Act granting to certain persons the right to construct and maintain a Railroad through certain Streets in the City of Oakland ;

Also, Assembly Bill, No. 321, An Act for the Observance of the Sabbath.

JOHN G. DOWNEY,
Governor.

Mr. O'Brien offered the following resolution :

Resolved, That the thanks of this body be, and the same are hereby, tendered, to the Chief Clerk, J. M. Anderson ; to his Assistants, Messrs. Scobey, Wood, and Weston ; and to the Sergeant at-Arms, Mike Gray, his Assistant, H. A. Leese, and his Clerk, J. H. Finnigan ; also, to the Porters, Pages, and other attaches of the Assembly, for the faithful performance of their respective duties.

Adopted.

By Mr. Conness :

Resolved, That R. K. Weston be, and he is hereby, allowed, six dollars per day for ten days' services, in assisting at the Clerk's desk during the illness of the Chief Clerk, payable out of the Fund for the Pay of Officers and Clerk of the Assembly, and the Controller is hereby authorized to draw his warrant in favor of said Weston for said sum.

Adopted.

At twelve, M the hour fixed for the adjournment *sine die*, the Speaker delivered the following address :

GENTLEMEN OF THE ASSEMBLY :—The time having arrived, specified for the adjournment of the House, I avail myself of this opportunity to return you my sincere and cordial thanks for the courtesy and attention which you have extended to me while I have had the honor to preside over your deliberations. The friendships which I have formed here will be the pride and pleasure of coming years. I acknowledge myself your debtor, in the aid and assistance which you have rendered me in observing order and conducting the business of the House. In pursuance of the resolution of adjournment, I now declare this Assembly adjourned *sine die*.